

The following transcript is provided for your convenience, but does not represent the official record of this meeting. The transcript is provided by the firm that provides closed captioning services to the City. Because this service is created in real-time as the meeting progresses, it may contain errors and gaps, but is nevertheless very helpful in determining the gist of what occurred during this meeting.

>> Councilmember Nguyen: Good evening. And welcome to the special meeting of the Public Safety, finance and strategic support committee. My name is Madison Nguyen and I'm the chair of this committee. I am joined tonight by my fellow council committee members, Councilmember Kansen Chu on my left, next to him is councilmember Pierluigi Oliverio and on the far right is councilmember Pete Constant. Also here tonight is City Manager Debra Figone, who is sitting to my left, police chief Rob Davis, as well as assistant police chief Dan Katz, acting independent police auditor Shivaun Nurre and member of their staff. I think it is important that we have councilmembers and key city administrators here tonight to listen to you, the community. That is the purpose of this meeting, to hear your views and to elicit your feedback on the city's efforts to improve police services and policing in San José. Over the past 18 months, the city has initiated a number of efforts in response to concerns we have heard from the community. In a few moments the City Manager will review a few of those efforts. After that we would like to hear from you. What reactions do you have to those efforts, are we, the city council, doing the right things? What else, if anything, should we be doing? To help structure your public comments, we have developed some questions that will help inform city council's policies decisions. We have also set aside time for open forum nor you to tell us whatever is on your mind. It is clear to those of us on the city council that many community members have strong feelings about public safety and policing in San José. I want to assure you that the Public Safety, finance and strategic support Committee, and the rest of the City Council, take these concerns very seriously. As elected officials, it is critical that we understand the nature of the community's concerns so we can develop effective responses and policies. It is also important for you to know that the city council has been listening, and that we have taken steps to begin addressing some of the key issues. Your comments tonight will provide us with valuable feedback so that we can continue to set good policy direction for the city. Your comments will also help us to understand whether the efforts we have initiated address your questions and whether additional efforts are needed. I am now going to turn to Dr. Sean Spano, professor at San José State University and consultant with the city to help us get organized for tonight's meetings. Dr. Spano.

>> Sean Spano: Thank you Councilman Nguyen. You have at the top up there, and there's also packets down here, the agenda packet. You'll see the agenda packet at the top, I'll walk through the format for this evening's meeting, and then also with that packet you have the PowerPoint slides that will be shown up here, and there is also the city council public meeting code of conduct. So as the chairperson just said, the purpose of tonight's meeting is to hear from you, the community, the council wants to receive your input on police services in San José. There will be three questions that are posed to you tonight, and if we could get those questions up on the screen. And they're in obviously English, Spanish and Vietnamese. So the first question is, what reactions do you have to the city efforts to date? The City Manager will walk through and review those efforts, interested in your feedback. What ideas do you have for addressing policing issues? We want to have your ideas on these issues and then what questions do you have, what do you want to know about police services? And then there'll be time on open forum for for to you comment on any issues on policing in San José that you want to. You'll have a green speaker card. You'll notice on the front of the card you'll see where there's a box next to each of the three questions, and then also a box next to open forum. Please check the question that you would like to speak to or whether you would like to speak to open forum. You can check more than one box here. We will organize these cards and after we work through the City's efforts, the chairperson will be calling speakers and we'll start with question 1, move to question 2 and question 3 and move to open forum. We'll have time at the end of the meeting for the council committee to offer discussion and comments and questions. I should also note that there's a place on the card for you to note not only your name but the gist of your comments and then there's a box please check here to provide your name and phone number for the CPLE. The CPLE is the Consortium for Police Leadership in Equity. And if you want to be contacted by them and want to talk to them please check that box, as well. Want to make one more announcement here in terms of logistics. April the top, agenda packets am you'll also find information from the IPA, the independent police auditor, and the IA, the internal affairs division of the police department. And then the final thing I'll say is the code of conduct for public meetings here with the city, and you have that code of conduct in your agenda packet. I just want to emphasize that the code is intended to promote open meetings that welcome debate and discussion in an atmosphere of fairness, courtesy, and respect for differing points of view. Thank you, and I'll turn it back to the chairman to walk through the time line.

>> Councilmember Nguyen: Thank you, Dr. Spano. At this time I'd like to go over a little bit about the background context and the city's efforts to address public safety and policing in San José. And just to go through the time line, tonight is not the first time the city has invited public comment on policing and public safety. This is actually part of a larger process going back to 2006 and 2007. Tonight's meeting is one of the two community meetings jointly sponsored by the independent police auditor's office and the human rights commission as a starting point. These meetings were followed by a special council meeting in June of 2007. At that time we issued 21 policy referrals to the City Manager to improve policing in San José. In fall of 2008, one year ago, policing issues in San José received a great deal of public attention from the Mercury News articles on the number of public intoxication arrests and the racial composition of those arrested. Shortly after the city council held a public meeting in this room. Many community members attended, and many expressed strong opinions about the police. At that meeting, council directed the City Manager to create a task force, which became the public intoxication task force. As you'll see, the city is taking steps this year to begin implementing recommendations and policies that council approved. We are also undertaking new efforts to address issues and improve policing in San José. Now I will turn to City Manager Debra Figone to highlight some those efforts.

>> City Manager Figone: Thank you, Madam Chair and members of the committee, members of the public. It's really my pleasure to walk you through the four implementation areas where I believe the city has made substantial progress. Let me just begin by saying, I wanted to make this presentation to you tonight, to demonstrate the total commitment of the city administration, on these efforts, clearly our police department is the lead. They're doing a great job from my perspective. And they will be available to answer questions that the committee might have this evening. But my making this presentation I think is my way to show you my commitment in this effort. So the four implementation areas that I'm going to touch on are community relations, training, police accountability and innovations. And I will briefly highlight some of the key efforts in each of these categories. So the first will be community relations. Under community relations, the city's taking a number of significant efforts. First, we have enlisted the services of the CPLE, the Consortium for Police Leadership in Equity, which Sean has already referred to. This is a group of accomplished social scientists who specialize in research on bias-based policing. CPLE is an independent group funded by grants from private foundations. Among other things they will be reporting on arrest statistics and race based data in order to provide us with an in depth understanding of these issues as they pertain to San José. The CPLE is now starting their work and will provide quarterly updates and results beginning next month. The City's also supporting the La Raza Round Able who are partnering with the Harvard Negotiation and Mediation program to explore Latino issues in the justice system. The police department is conducting citizens police academies. In 2007, the human rights commission was invited to attend that academy, and tonight, the department is launching its first Spanish speaking academy for residents. And let me say Chief Rob Davis is actually kick off that academy as we speak and will be joining us a little bit later for our meeting. A downtown advisory committee has also been formed. The committee includes a diverse group of stakeholders, who will provide policy input, designed to help promote a safe and welcoming downtown experience for residents, business owners and our visitors. The chief has also started an informal advisory group to provide input on issues of community concern that he should hear about. And then the council, of course, will hold future hearings for members of the public on policing and public safety issues, either through this committee, or with the full council. The next category is ongoing police training efforts. The efforts listed here describe how the police department is enhancing and strengthening its existing training in a few key areas. It is important to recognize that the police department provides extensive training during an officer's initial orientation in its police academy. Training continues throughout an officer's career in order to refresh skills and to respond to policy changes and new police practices over time. With over 900 patrol officers in the city, ongoing training as you can imagine is an extensive undertaking. It takes time and resources. Nevertheless, the city and the department is truly committed to providing quality training and will continue to support it within the resources that we have available. As you can see on the slide, one area of training is out in the field, in the neighborhoods and the downtown area. Officer training is being strengthened in the use of the field sobriety exercise and preliminary alcohol screening. Police department is also expanding its training and curriculum. In particular, kinds of arrests, such as resisting arrests, disturbing the peace, and public intoxication. The second area is in report writing. Training will continue to focus here on ensuring more uniform documentation, especially in describing why an arrest was made. A new supervisory review and signoff process has already been implemented along with more random audits of the reports to verify information. And finally, the police department will be issuing

ongoing training bulletins, to ensure that these and other issues are addressed on a more frequent basis. The next category is police accountability. The items in this category describe efforts that are currently underway and efforts that are planned to improve police oversight and accountability. First is the revised citizen complaint process. Last year, the independent police auditor and the internal affairs division of the police department developed a more streamlined citizen complaint process. They're currently in the process of evaluating its effectiveness. The police department is now requiring supervisory review and approval for all in-custody arrests. Next is implementation of the public intoxication task force recommendations. The task force generated a number of recommendations including strengthening the requirements for objective evidence when an arrest is made using the 647 (f) section of the penal code that is the arrest for public intoxication. And the last item in this category is the police department's early intervention system work plan. The work plan will strengthen the early intervention system to identify officers who might be having problems on the job by providing them with counseling or training. And then the last category is innovations. The city and the police department are moving forward on some exciting innovations that will improve policing and increase community trust. One very promising effort is the partnership with TASER International to test a mobile camera system called AXON. The cameras will be outfitted directly on officers to provide an audio and visual record of arrests made in the field, San José San José will be the first law enforcement agency in the country to test this camera system. The public intoxication arrest item is another task force recommendation. It stipulates that people in San José will not be prosecuted for public intoxication arrests until they are cited six times in a one-year period. This is a significant change because there will be no public intoxication arrests on a person's record for the first five citations. As part of the new downtown entertainment zone policy, alcohol servers will now undergo a special training funded by a grant from the alcohol beverage control board, the ABC. Two trainings have already been conducted. And finally, the city is exploring integrated I.D. card scanning machines for night clubs to ensure that residents and visitors who visit our night clubs are of the legal drinking age and that their I.D.s are valid. The scanning machines might also allow night clubs to share information to inhibit miles an hour from going from one club to the next to gain access. So as you can see members of the committee and hopefully members of the public that the city is undertaking several efforts to improve police services in San José. Now, we would like to hear from you, and I would like to turn to the next portion of the meeting over to our chair. Thank you, Chair Nguyen.

>> Councilmember Nguyen: Thank you, City Manager. As was mentioned, we will start with community members who want to speak to the three questions. We will also have time for members of the public to address this committee on items that are not on the agenda this evening. In the interest of making sure we hear from every member of the public I would like to reserve all comments or questions until the conclusion of each question. Because we have three questions on each card, and many of you have actually checked a couple of questions here, you might be asked to come back up after the first question. So the first person I have for question number 1, the first speaker is Kathleen Flynn. We will allocate two minutes per speaker. Welcome, Kathleen.

>> Thank you. Are you going to ask me any questions or --

>> Councilmember Nguyen: Oh, I'm sorry.

>> I'm planning in advance. My brain's gone. Can you help me out.

>> Councilmember Nguyen: The question should be posted on there. But it's what reactions do you have to the city's efforts to date?

>> I'm really proud of all of you. As a mediator, I think it's really important that you look at all sides of the issue. I do have to say I'm disappointed that you've missed a very important component of this issue, and that is people who support the police and victims' rights advocates. So that's really what I think I would like to see you incorporate more of, especially since I work with them, and I know how badly they're ignored. Question to you?

>> Councilmember Nguyen: Actually, we're just taking question 1 now.

>> Okay.

>> Councilmember Nguyen: We'll call you back up.

>> I'll be getting skinny tonight.

>> Councilmember Nguyen: Next speaker is Scott Knies. And I'm going to call on the next couple of speakers, so you can line right in the middle of the alley here, just make the meeting go by faster. Rick beat. And Kathy Brandhorst. Datev Parker. Welcome Scott.

>> Good evening, Madam Chair, members of the committee, Scott Knies, executive director of San José downtown association. It is night and day compared to where we were in 2008. The changes that have gone on in 2009 have been very, very positive. And it is a different vibe in Downtown San Jose today. Because of the leadership of the city and the cooperation of everybody here. I think we know what peaked in 2008, there was a lot of the heavy badge issues, the attitude arrests, you know, resulting in lawsuits, and just a continual PR black eye for the downtown. And because of the leadership, beginning in really January, it just has turned around dramatically. And there's a lot of credit to go around. Beginning with Sean Webbe and his reporting at the Merc and also the City Manager, and thank you for being here tonight. She did a number of things, got the public intoxication task force going immediately, consolidated a number of downtown operations functions in her office, including bringing a coordinator in which has really helped with the communication. And Chief Davis deserves a ton of credit too. He moved on some of the task force recommendations even before the full council embraced them all. He incorporated some of the training. We had one of our members who owns a bar and night club involved with the entertainment zone training back at the -- and four classes with the officers at the end of June and July. But most important, the business owners, and the guys on the street. The sergeants and the command staff, are communicating, they're communicating regularly, and constantly. And that is the biggest difference. We're nipping the problems before they become large ones. I see the red light on. I'll be back for the next question.

>> Councilmember Nguyen: Thank you. Thank you Scott. Our next speaker is Rick beat.

>> Madam chairman, my comment on question 1 really probably is more appropriately wrapped around my other comments on the open forum. If you would like to hold me back on that I can do it then or if you would like me to do it now.

>> Councilmember Nguyen: You can do it now.

>> All right, thank you for your time. I want to introduce Yolanda and Lupe Gomez, the founders of cross ministry, Jessie Gule, pastor at the Jubilee Christian Center and Tony and Pam Garuli who are the vice presidents of the San José chapter of cross ministry, cross ministry is a motorcycle club but a ministry that's diversified in that we do a tremendous amount of outreach to the community in different areas. Street outreach as well as community outreach, through churches, through diverse relationships, with other churches, and with the community partnership in business. And through that, for the last 11 years, that Lupe and Yolanda founded cross ministries, we've had a tremendous amount of interaction with the San José police department on many different levels. For the obvious way we dress you would not know right off the bat that we're a ministry and you might assume that we might be something else. So of course the police take an interest of us when 30 of us ride by. The other way we have contact with them is through the community action we have which is oftentimes gang intervention. If pastor Sonny Lors at the top there with the Star of David Church and with firehouse that interacts with the police community quite a bit in working in gang relations, as do we. And through that and we as motorcyclists and Harley Davidson enthusiasts, sometimes we have a character that makes us go a little faster, so there are times when we're stopped by the police and there's times when we're partnering with the police to do things. In all of those interactions all of those occurrences have been nothing but positive with the San José police department. I truly think they have responded with total professionalism in all occurrences. Through 11 years and all the chapter members we have which is hundreds just locally here we have not had one of our members --

>> Councilmember Nguyen: Thank you but your time is up.

>>> -- come to me in complaint. Thank you so much for your time.

>> Councilmember Nguyen: Next speaker is Kathy Brandhorst.

>> My name is Kathy Brandhorst, Lisa Marie Presley, Jonbenet Ramsey, John Steele, and I'm also the U.S. president. You know, threats to leave the city, dismantlers, the U.S. military --

>> Councilmember Nguyen: Ms. Brandhorst, I'm going to ask that you to address question number 1, what reactions do you have to city's efforts to date.

>> Yes, this is the city efforts up to date. Today, threatening the store manager for apartment keys, so that you can move in. You're illegals, you cannot move into the apartment. No I.D., because you're illegals in this city. The rays are on a rampage because they are forced to stay out of my house. You do not own it. You need to stay off the property. You don't have to threaten the police. You don't have to threaten the sheriffs. You don't have to threaten the whole city, and murder, Scott Brandhorst. Also, Janet Diaz is on a rampage, because she needed a place to live. Yes, she does -- she's always homeless, no matter where

she goes. Also, you're defending yourself because you carry guns in this city. Also, I just wanted to let you know, the Orientals are now dressing up in the U.S. military uniforms.

>> Councilmember Nguyen: Thank you, Ms. Brandhorst but your time is up.

>> Okay, thank you.

>> Councilmember Nguyen: Our next speaker is David Parker.

>> Good evening committee members, I'm David Parker. I live in district 3. I appreciate the efforts the city has taken over the last few years for community outreach. I believe that all dialogue involving our police department should be proactive and not reactive. I think this is the biggest -- this was indicated best last year when the Merc broke the story about the alcohol related arrest. The police department and I think the council should have been aware of the community's concerns of the Merc reporting on this. So I think the city failed as far as addressing this sooner than later. Finally, I think mediums like this would be more productive if they were conducted throughout the community. I'm sure there are members of district 4, district 5, district 6, 1, that have input on policing within San José. It affects all residents, and I would hope that the committee would consider that recommendation. Thank you.

>> Councilmember Nguyen: Thank you. Our next speaker is Ross Tardev.

>> Hello, good evening. As someone that was pretty heavily involved when this issue came to the forefront of city council, the issue of invalid arrests for drunk in public, I want to say months later and seasons later, that I want to applaud the San José police department and the city council and City Manager's office for taking these noticed steps. I think we're a much better city who went through some very tough times collectively, but I think we're on the better end of it. Any time we can reduce the arrest rate by the thousands compared to the prior year we have to pat ourselves on the back for that. With that said I do feel we have a little bit of ways still to go and I hope moving forward that we look at not necessarily what the resulting effect of the arrest is but what some of the underlying causes of some of the tensions between the police and the community could be. And I'm hoping while this is certainly helpful, that we can move in that direction towards building authentic communications and the word I keep hearing whether it be from police officers or community members is community policing. The last thing I'd say and I'm not an economics major but maybe since TASER international has this brand-new device around video and audio surveillance. The city could give up TASERs and then just employ those audio-video recorders and that way we could save some money help defuse some tensions and move forward. And last thing I'm hoping that this city looks into 415s and 148 arrests with the same sort of sincerity and authenticity as they look at the drunk in public issue. Thank you.

>> Councilmember Nguyen: Thank you. Our next speaker is Bob Sippel and Bob is the last speaker for question 1. So if anyone in the audience wish to speak on question 1 please fill out the green card and submit it to staff.

>> Good afternoon, Madam Chair and members. I'm here not to do any finger pointing at all because I've never been much of a finger-pointer. We had a problem in some people's eyes in the citizens of San José and I'm glad to see that the city took it seriously as well as the police. I personally think while there are some that are still pointing fingers regarding the task force on intoxication, that I'd like the people that are most complaining to look at this as a relationship. And what I mean by a relationship, that it's kind of like a marriage. Communication is the foundation and success to anything. And I think that one needs to look at any positive change and take it as that, instead of pointing fingers as to why it could have been done differently. So I hope that the city continues along the same path and I'm very proud of our police department. Their reaction and all their new policies. Thank you.

>> Councilmember Nguyen: Thank you, Bob. Actually, Bob if you can just remain put, because we're going to question 2 and you also filled out a card to speak on question 2.

>> I don't really feel the need to do that. What I wanted to do today was to come here and say that I was very comfortable with what the city had done, this committee had done, and what the police had done and that was my main point today.

>> Councilmember Nguyen: Thank you. So now we're on to question 2 and I have five speakers to this. Just like I previously conducted, I will call on three speakers and if you could line up in the middle of the aisle to make it more effective, I would appreciate it. Our first speaker is Kathleen Flynn, Scott Knies, following Scott we have Isa Ajuloni. If I mispronounce anyone's name I sincerely apologize.

>> Got notes this time. My suggestions are we definitely need to hire more police officers. Our officers are tired, overworked and understaffed and I think that's part of the problem. And really, and truly, that has to start being addressed. I honestly believe, too, because I've been downtown, that the businesses need to be -- start to be held more accountable for who they're drawing in there. I've been down there. I've been

harassed by drunks, and I'm not real happy with the changes you made to the D.U.I. laws. But you know, I'll trust your judgment on that. I'd also like to see the city start placing victims' rights advocates on every committee and every task force you have. Because they have gone missing from everything you've done. And finally, I really want more public disclosure by the city on who the IPA's office is collaborating with. Because they're collaborating with groups that I don't think are really neutral. So I would like to see that be more of an issue, that we get to know about as the public. Thank you.

>> Councilmember Nguyen: Thank you, Kathleen. Scott Knies.

>> I'll finish that point on communication. We were -- we were frustrated that the alignment of the tactics out on the street didn't match our goals. When we got together with the police, with the city, we always agreed on, we wanted community policing, we wanted this vibrant night life. And it was just a matter of how do we get there? And now, because we're talking, we're seeing those tactics come in closer alignment. And the recommendations that came out of the Public Intoxication Task Force are a great example of how you can go down into the weeds and have some specific recommendations. The downtown association representative, by the way, didn't walk out, stuck with that process all the way through, respected that we're all here as partners and we're working on some tough solutions. That was a beautiful example of when we are communicating, how we can get there. As far as going forward, it's going to be constant diligence. We always are having shift change, we're having command staff changes, also you have new bar and club owners coming into the downtown, new staff there that need training on both sides. And we have to keep at the table because we don't want to regress. We want to keep moving forward. The positive momentum that we had can be sustained and can accelerate as long as we're at the table and communicating. Thank you.

>> Councilmember Nguyen: Thank you. Isa Ajuloni.

>> Good evening. I tried to -- I first want to say the drunk in public changes are great. It's too bad it had to go that public to be changed. I feel there needs to be some more change. I think there's plenty of room for the San José police to do changes. And I tried to do my part and get that done without making it public and I'm still trying to even though it's a little bit public now. But I had a problem with my son being -- his car being searched without permission. Went through up the ranks, you know went through the complaining and right up to having a meeting with Chief Davis. I have to say how disappointed was with the way he reacted to my concern and my suggestions. I suggested that a consent form be used any time someone's going to search a vehicle. That way if you find something, you got a form that you can use in court. It's a win-win. He goes oh, that's a good idea. Meanwhile, a month later I find out there's consent forms, but there's no push to use them. My strong suggestion is to be transparent, to be respectful and to use consent forms, to push that issue because people just want to be treated with respect. And right now I tell you for years I ride with the police, I'm a friend of the police. But in the last few years the things that happened, I'm real concerned about being stopped by the police officer because you just don't know. I actually was stopped by a police officer sitting in Starbucks and he started searching me without even -- you know it was just off the wall. I think there needs to be respect and I'd really appreciate if you push the San José police to understand that. And to do that, one of the positive things be is consent form when you're going to do a search. That's mostly what I have to say.

>> Councilmember Nguyen: Thank you. David Parker. And then Betsy Wolf-Graves.

>> Thank you, Madam Chair. My only idea for policing issues right now, I have friends in the Latino and APA communities and they come up to me and they express concern about going to the entertainment zone in Downtown San Jose. Because they feel the police department isn't representative of the community. I think that the policing issues can be solved very easily on the forefront by making sure that we have a department that's representative of the people of San José. In San Francisco, for example, at every major street fair, every festival, San Francisco police department and San Francisco sheriffs department has a booth set up at every one of these events for recruitment. And they have people fill out interest cards and gather interest for recruitment. Instead of sending our recruitment team from San José police department to New York City, 3,000 miles away, I think that money could be best used to pay officers to go to street fairs and festivals, throughout the Bay Area, and even California, to recruit qualified police officers that are truly representative of the Bay Area and specifically, San José. Thank you.

>> Councilmember Nguyen: Thank you. Betsy Wolf-Graves.

>> Good evening, public safety committee. Let me start with a personal story. Last spring, my husband was on his bike, on the Alameda, and was turning on to Singletery when he was hit by a car. I knew nothing about it until he dragged himself into the house. The reporting officer had obviously packed my husband and his bike into his car, and delivered them both. And my husband was too dazed to ask who

he was. So this generous act, by an unknown officer, is one we'll never forget. And other people have told me about their experiences, with the thoughtfulness and professionalism of the police. Now, this is an example of community policing. And I believe community policing increases public safety, especially in those neighborhoods where people have had direct experience with negative interactions with law enforcement. Is there room for improvement for our community policing in San José? I think so. I think that it needs to be more highlighted in this community. And some thoughts I have, I think longer rotations in the neighborhoods, for the officers so that the neighbors and the police have more face to face meetings, along with more training, complete training, in mental health issues and perhaps such tragedies as a fatal shooting of Bit Cao tran and Daniel Pham could have been eliminated. Community policing eliminate the perceived needs of home invasions by the police of suspects and their families. Should not former gang members be recognized for making changes in their lives, so why continue to harass them. The San José police limit access to public records more tightly than any other law enforcement agency.

>> Councilmember Nguyen: Thank you, Betsy, but --

>> This reflects an attitude towards the public that community policing could address.

>> Councilmember Nguyen: Thank you, Betsy, but your time is up.

>> I think --

>> Councilmember Nguyen: Thank you. Betsy was the last speaker for question 2. We will now move on to question 3. And I have three speakers. First speaker is Barbara Boone, followed by Kathy Flynn and then Scott Knies.

>> Good evening, chairman and members of the council, and members of this committee. I would like to commend the City of San José for addressing this issue head-on, and all the work that you've done so far, and the work that you have planned. My question 3 has to do with part of the report that City Manager Figone presented and it's under police accountability. And I don't know if you're able to share the information but this is my concern. Specifically, the last bullet, it says, early intervention systems work plan. How do you plan to identify the officers who need the intervention? And how often will this take place? That would be my concern. And so I hope that I'm able to get some information on this. And I am - I represent the Silicon Valley San José NAACP so thank you very much.

>> Councilmember Nguyen: Thank you, Barbara. The City Manager will have an opportunity to respond to your question after we finish question 3, when all the speakers are done speaking.

>> Thank you very much.

>> My question -- I just have two. What is being done to follow up on what Mr. Sippel said? What is being done to involve citizens in community policing? I think that's an incredibly important aspect that I don't think the city is doing a lot of. Neighborhood watch and crime prevention are excellent programs that I still think people don't know about. I know in my community, they don't. And one really important aspect to me, because I love youth, is what is happening to bring youth together with police officers, so that youth feel empowered to protect their own neighborhoods? There's nothing more beautiful and Councilmember Nguyen knows this, as peer counseling. And when I was growing up if my friends thought what I was doing was wrong, trust me, they shunned me, they didn't hang out with me. And that's something I really think we need more of. I'm an out-of-the-box kind of gal, and I love kids, and I think we underestimate how intelligent, resourceful, and creative they are. And I would like to know what are we doing to involve those children with those police officers. So please, please, gets some kids involved, thank you.

>> Councilmember Nguyen: Thank you, Kathleen. Scott Knies. Oh, he left. I believe that was the last speaker on question 3. So if I can just go back and have the City Manager respond to Ms. Boone's questions in regards to police accountability.

>> City Manager Figone: Yes, actually, Chair Nguyen, I'm going to turn it over to Deanna. I know she has taken the speaker's name. But Deanna can you comment on where we're at with the work plan?

>> Tomorrow at the regular public safety finance strategic support committee we will be hearing the one year evaluation on the citizens complaint process. As we underwent the evaluation during separate discussions between the City Manager's office and the police department, we identified that we need to strengthen the early intervention system. And the police department developed a work plan that outlines the key elements towards enhancing the current system. The report was released today. It is linked to the Website as attachment D to tomorrow's report. And what the report starts out with is just some philosophical issues about what an early intervention system should contain. Key elements for flagging employees that we should be tracking and providing support for. So that performance can be corrected. It does acknowledge the complexities of developing and enhancing the system and provides in time frame

for addressing the different elements that the city wants to begin evaluating. Over the next year, we are going to be researching best practices. We're going to be looking at other systems nationwide. The police department is -- has a lot of in-house experts as well as access to nationwide experts to inform the process. We want to work with the workforce to ensure that their input is integrated as well as gain community input and just ensure that the maximizing input into the revised process. The time frame is by September, early intervention system will be developed for October implementation. So it is under attachment D linked to the report, and I'm happy to grab any e-mail addresses and send the link out.

>> City Manager Figone: And Deanna if you could also expand, it's going to be very important that the officers know how the system works, and that their voice is heard most likely through their POA representatives, and I think that's really an important part of the work going forward as to ensure that everyone knows the expectations and that there is fairness in the system.

>> Absolutely. We're guided by the memorandum of agreement by the City's employment policies and procedures, by the department's duty manuals, the IA guidelines, any discipline processes as well as the police officers bill of rights. There's a lot to sort through to ensure that we enhance the system in the right direction. And address the workforce's concerns moving forward.

>> City Manager Figone: I would say just in closing that our goal is to ensure that our officers have successful interactions with the community and that's what we're going to work to achieve.

>> Councilmember Nguyen: Thank you. And just to follow up on that. The meeting that Deanna alluded to earlier is our monthly public safety, finance and strategic support meeting, that meeting will be held tomorrow at 1:30 in committee room 118 and 119. So I'd like to invite members of the public to attend that meeting if you have further questions. If I can have staff address Ms. Flynn's questions in regards to what is the city doing to involve both youth and citizens in regards to police practices and police accountability and all the issues that relate to public safety?

>> City Manager Figone: Perhaps assistant chief Katz can begin to address that question.

>> Yes, Madam Chair Dan Katz, assistant chief of police. If I understand the question correctly, it was youth and senior citizens or --

>> Councilmember Nguyen: No just youth and citizens or residents.

>> All right. Part of our community policing strategy throughout the city down at the lowest level, to the officer, sergeant level, beat officer, you know captain of the division, regularly meet with citizens and neighborhood groups all over the city. Officers are out in the schools. We have quite a bit of interaction on the neighborhood level to deal with problems in the neighborhoods, that's pretty much what our philosophy is, is to be community driven, not to get out in front of the community on issues in neighborhoods, but to take input from the community and develop solutions with them. So I'd say on a daily basis we're doing that really.

>> Councilmember Nguyen: Thank you.

>> City Manager Figone: And just to add to that, I think the assistant chief would agree, I think our officers are engaged in the community in ways that we don't even recognize as being a significant part of community policing. So as I've talked to the police and seen firsthand how our officers engage through the strong neighborhood initiative or National Night Out, I think it's absolutely critical that we begin defining more broadly what community policing is going on in this city, and ensure that we are communicating that effectively. As one of the speakers said you know, community policing enhances public safety and I think that a lot of what we're doing is actually being taken for granted in that regard.

>> Councilmember Nguyen: Thank you, Deb. At this time I'd like to move down to the open forum. And we have four speakers who wish to speak in the open forum. So again, I'm going to call those names and you can line up in the middle of the aisle there would be very helpful. We start with Christian Hemingway and Rick beat and David Parker and our last speaker is Kathy Brandhorst.

>> How y'all doing this evening? I wanted to echo what one of the speakers said about the IPA. I've been disappointed about the choices the IPA has made in the past about collaboration with groups that aren't necessarily neutral or not a broad spectrum of groups in order to get a balanced perspective. And I would like to see more sunshine, I guess if the term is, of which groups they're collaborating with and to make sure that we include all of them, even victims' rights advocates. So that's my comment. Thank you very much.

>> Councilmember Nguyen: Thank you. I believe Rick said that he already spoken, so we can move on to David Parker.

>> I'm David Parker, I'm vice chair of the human rights commission. I'm speaking only on my behalf to make the community aware members of the public who are here, the human rights commission are made

up of 13 community members that are appointed by the city council, and we are a representative of the city. At our meetings -- oh, and Councilmember Chu is liaison to the commission -- at our meetings we have a representative from the IPA and the chief's office to address concerns that the commission may have. And we also take all public comment and concern seriously. So if any members of the public have concerns regarding policing we also have an open door. I really want to thank the Chief of Police and the talented men and women of San José police department for conducting its citizens police academy in 2007. Almost half of the human rights commission and several community leaders and members of the community participated, and it was a very eye-opening experience. And we got to have a small taste of the intense training that our men and women of law enforcement go through. The only thing related to that is, I would hope that the committee and the council would consider increasing funding, so citizens academies can occur every year for members of the community. I know that there's one going on tonight for Spanish speakers but I think it's a great program for our city. Finally, the human rights commission, I think, is a bridge to the community. We can reach out in ways that maybe the city council can't. And I would hope that the council could consider funding the HRC so we can do conduct outreach at community events, and get feedback from members of the public, regarding several human rights issues, including policing. Thank you very much.

>> Councilmember Nguyen: Thank you, David and thank you for serving on the human rights commission. Kathy Brandhorst followed by Kathleen Flynn, followed by Isa Ajuloni and then Francisco Nanis.

>> My name is Kathy Brandhorst, Lisa Marie Presley, Jonbenet Ramsey, John Steele and I'm also the United States president. I have some concerns, you know, I'm homeless, and you still steal my body parts. And just so you could look more younger, a lot younger, actually. And you think you can get jobs here? But you're still stealing payroll checks and you're stealing jobs from the United States born. Also, you are still wearing uniforms, and they are the police uniforms, which is not permissible, when you're never hired. And I just wanted to let you know, the homeless are still sleeping out on the streets, and they're not even safe, either. Because they become victims, and you have to fill them up with bullet holes. Also, stakeholders are still, you know, in the area, where you have to -- squatters, I guess it is, on people's properties, because you never have a place to live. Embezzlement is a big word, because that's what you are all charged with, embezzlement. You cannot find nothing, unless you rob banks. The Fairmont Hotel is my hotel, and you still never paid no rent. Schools, machine guns, the children are frightened because of machine guns. And again, it's because you need to look younger. These are still people that are --

>> Councilmember Nguyen: Thank you, Ms. Brandhorst, your time is up.

>> Nina Grayson, Sharon Miller --

>> Councilmember Nguyen: Thank you. Kathleen Flynn followed by Isa Ajuloni, Francisco Nanis and Bobby Lopez.

>> I want to thank you, Ms. Figone, for hearing my need for more public communication on what you have going on out there, because I am very politically astute and I don't hear of anything in my neighborhood. So thank you. I just want to say that I really support our San José police officers. I am very, very grateful to them. They caught some of the murderers of my friend last year. And I believe, if I lived in any other city in this county, that wouldn't have happened. So I want you to know from my heart, that their support of me and my friends who lost their father and husband, has been incredibly remarkable. And because I work with victims, I could tell you a hundred stories of how these officers really care about us. And I feel deeply saddened at what I've seen for the last six years in the communities where our police are really, yeah, nobody's perfect. But I have not ever really heard the time taken to thank them for what they do every day. They support victims of violent crime when their families are murdered and they pay for funerals and they help people pay rent. And I think if you are going to have a forum it needs to be balanced. I really thank you councilmembers who came out to the vigil of victims of violent crime. I'm going to be doing that annually and next year is going to be awesome. We have so many women coming out for domestic violence, who want to give a cop a big hug because they're alive because of those police officers. I have kids who got off of gangs because an officer took his time to show that kid this is what is going to happen to you if you don't turn it around. So I really want to congratulate our police department. Ms. Figone you have done an awesome job in trying to involve the community. I really thank you. Pierre you are the bomb, you are the bomb, you come to council meetings that aren't even yours, district meetings, sorry.

>> Councilmember Nguyen: Thank you. Isa Ajuloni.

>> Yes, I want to also say that I support the San José police and that's why I took the time to drive from South San José to come here. And to support it is to help improve it. So I'm trying to give constructive criticism when I talk about consent form. I travel to a different city every week so I took the time to ask different people, police officers when I run into them about consent forms. It seems to be used quite a bit. I mentioned it in question 2. I saw there was some responses to some of the other questions. I'd like that consent form be addressed if it could tonight. Thank you.

>> Councilmember Nguyen: Thank you. Our next speaker is Francisco Nanis.

>> Thank you, Madam Chair, members of the council. I'm with New Harvest Christian fellowship. We're a local church there in district 4 with councilmember Chu. And I've been listening to a lot of the questions and a lot of the comments from our community members. One of the things that I didn't hear was one of the solutions that kind of help attack the problem at hand, to where we can help our members or community people that, you know, are involved in these type of thing to help become productive citizens in our community. And a lot of churches and a lot of nonprofit organizations do offer solutions for that. I know new harvest, we offer a 12-step recovery program free of charge once a week. And you know, we make that available to, you know, help those who are, you know, with drug and alcohol abuse and other dependencies. So you know, I just wanted to throw that out there. And also, mention that, you know, we are having a family outreach and community intervention service through our focus program. And a community resource event. And we do sponsor and help the community come together. And we are collaborating with a number of businesses in the area, green waste, American metal and iron, our local fire department, also other businesses in the area up to 45 to 50 other businesses in the area to where we're going to be having a community event. And also, we made an invitation for the San José police department with over I believe 45 days in advance. We were declined. I guess there wasn't enough financial support for that.

>> Councilmember Nguyen: Thank you, Francisco but your time is up.

>> Thank you.

>> Councilmember Nguyen: Bobby Lopez.

>> Bobby Lopez, president of the San José Police Officers Association. Thank you very much for this opportunity to talk to you. I think that the great component is missing in what a lot of these people are asking for, and that's the police officers. You're talking about the Chief of Police and the police department. That doesn't also include the police officers themselves. The POA is an important component. We've never been asked to be part of the human rights commission and I think that our inroads into the community recently on our own behalf have done tremendously two weeks ago as a part of forum by which I talked to 200 young youths and talk to them about their future and what can happen. Two significant people here, Raj and Schuyler, I had a meeting with them on their own. We had tremendous inroads on what can happen because we sat down quietly and we talked. We got to know each other and that's more important than what's been happening tonight. The POA is available so we can make those inroads. It's not just policies, it's not just city buildings or the cars or the uniforms, it is the men and women that fill those uniforms. The POA is available, and the POA has always been wanting to make inroads. And I think the city has missed out on including the POA in many of these things. I would be willing to go to the human rights commission. I know that also George Beatty would. I would be willing to continue to meet with members of the communities, they would get straight talk from the POA because I don't have to adhere to many of the policies and the correct languages many times spoken. I think it's an opportunity for us to get to know each other on both sides, and I do hold that out as a possibility. And so thank you for this forum.

>> Councilmember Nguyen: Thank you, and our last speaker is Paul Alvarado.

>> Hi. I also wanted to lend my support to this committee. I really like that you've changed things. You're working the city council and most of you are part of that in one way or another. So it's been the best city council as far as I'm concerned that we've had in a long time. Making changes, trying to find out what's going on and working on those thing. And that's the important thing. That's funny that I got right after the police person, but that's the other thing is that I think sometimes the police are kind of put on as -- that they have to change, but then they're not put into the situation where they're part of the change. And them being human beings, they have to be part of that too. So I kind of agree with the gentleman that just finished speaking. Because otherwise, I think a lot of times they think they're being pressured and they're pressured from both sides so they're squeezed in the middle and that kind of hurts. We had a police officer at one of our last meetings, coalition meeting and he seemed kind of afraid and a lot of people took that as him being not as receptive to them. It -- you know like they'd ask him a question and he said you

know that's what we're supposed to do and we have a system. And it was kind of short and they kind of felt like he was not being as friendly as he could have been. Hearing that comment I could see that feeling from him. So I thought I'd mention that too. But in all, I think you've done a great job and you're doing a great job because you're trying, you know. That's the biggest thing. This city council has tried a lot more to reach the people. I think and that's great. So thank you very much.

>> Councilmember Nguyen: Thank you, Paul. And thank you very much, actually, to the speakers who came out to speak tonight and thank you to the members of the public who are interested in this issue. And that's one of the reasons why we wanted to devote the majority of this time to the special meeting to the members of the public because we want to listen and want to hear some of the concerns that were raised by you. So at this time, I'd like to turn -- oh, sure, okay. If I can have the City Manager address the consent form question.

>> City Manager Figone: Thank you, Madam Chair. I can't really address it myself, but Chief Davis is here, I don't know if you heard the question. And assistant chief Katz, if he is still here, might have heard it. The question is consent forms are used in other communities is kind of the assumption before a search occurs. Does San José have such a form, and if it's used, please clarify that, and if it's not used, why not?

>> Rob Davis: Yes, under many circumstances, when there is a consent search, we do have a form, it's called the consent search that the officers can make available to the people so that they can read it and sign it. Given the circumstances there sometimes people choose not to do that. It doesn't mean that the officers may not have the legal requirement or the legal ability to be able to do that search. But those types of forms do exist. If there was a specific question that maybe there was a form that should have been used, that was not, we would be very interested in hearing from that member of the public.

>> Councilmember Nguyen: Thank you, Chief Davis. At this time I'd like to turn the discussion to committee members who wish to comment or ask questions to any of the staff members regards to any of the issues that was addressed or brought up by community members. I'm not sure if I know how to operate this light on this computer so if you can just raise your hand and I can just call on you. I think that's the best way to go. Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, chair Nguyen. I want to thank everyone for showing up. I appreciate the feedback. I believe growing up in this town, the police have been very good strong foundation for the city. There's always opportunity for communication. I want to let you know as you were speaking I actually took notes and wrote down nearly everything I heard so I appreciate the feedback and thank you chair.

>> Councilmember Nguyen: Thank you. Councilmember Constant.

>> Councilmember Constant: Just want to make a brief comment that I appreciate how calm and civil this meeting was. Because we have not always had such a rational discussion. And it's obvious we've heard from people with many different viewpoints tonight. But everyone did it calmly and respectfully. And I appreciate that. And I think it's a lot more productive. And as you see the city, the council, the city administration, the police department have been working quite a bit at this. And these type of meetings are what help us get to whatever that end may be. I don't think anyone knows what that end is going to be but I just wanted to say thank you, for the respectfulness of tonight.

>> Councilmember Nguyen: Councilmember Chu.

>> Councilmember Chu: Thank you, Madam Chair. I too wanted to thank the community member who came forward tonight, and spoke to us, especially appreciate some of the comments and suggestions made by Dave Parker, and like he stated earlier, that we're part of the human rights commission, and we meet to -- tomorrow, right, Thursday, every third Thursday, in the City Hall, and I want to let you extend my invitation to you to participate. Actually, we have five openings to fill human rights commissioners. So anybody interested, please talk to my office. Thank you very much for coming.

>> Councilmember Nguyen: Well, and we have a lot of time left, which is great. Before I conclude, I just wanted to acknowledge Councilmember Rose Herrera who is joining us. Obviously this particular issue is very, very important to the city council, as well as city administration. And we will continue to reach out, conduct extensive outreach to countless community groups and organizations to make sure that we hear from everyone in regards to public safety issues that are happening here in the City of San José. I also wanted to extend my gratitude to Dr. Sean Spano and also Deanna Santana, the acting independent police auditor's office for your participation and really your commitment and and dedication to addressing this issue. From just hearing the public comments tonight and the turnout at this meeting, I realize that I believe wholeheartedly that we are on the right track. We have not solved all the issues yet but I think

we're getting there. And if you give us the opportunity, allow us the opportunity to continue working with you I firmly believe that we will get there. This is one of the two community meetings that we will have. We will have another one sometime in the spring, and we will make sure to inform all community members, the date and the time of that community meeting. So until then, thank you again for coming. And I hope to see some of you at the public safety finance and strategic support committee meeting tomorrow at 1:30, thank you very much and good night.