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>> Mayor Reed: Everybody here. Call the rules and open government committee to order for April 22nd, 2009. Any changes to the agenda order? Vice Mayor Chirco will not be here. She's not feeling well today. Any changes to the agenda order from what we've got? I'd like to move up the discussion of the Sunshine Reform Task Force discussion on the police statistical reports, Mr. Gough and a couple of others are here on that, do that earlier rather than later with the committee. Anything else? All right. First item then is the April 28th meeting agenda. Anything on page 1? Page 2 or 3? Item 1.3 is going to be dropped, is what I heard. Was a commendation. Anything else on 2 or 3? 4 or 5?

>> On page 4 I do like to note that on items 3.3, 6 and 7 will be cross referenced on this agenda.

>> Mayor Reed: That is the workers compensation audit and report on six months with the auditor. Okay. Anything else, 4.5? 4.6? 7, I guess. I have some requests for additions. I have another memorandum from other councilmembers, sort of on the same subject, what I'd recommend is that we take up that issue at the Rules Committee next week, that we not set it for 28th, and we consider putting it on the agenda for -- putting both on the agenda for the 5th. That way we got a little more sunshine on that, the memorandum I just got from other councilmembers is late, and it's got multiple signatures. So ordinarily we would talk about it next week, and so I would recommend that we pull off the item that I've got that I wanted to do next week. And that we drop the agenda item on the appointment of the independent police auditor. And then discuss what to get on the agenda at next week's Rules Committee meeting. Does that straighten it out City Attorney?

>> City Attorney Doyle: Yes, Mr. Mayor I want to call your attention, you also had a memo dated April 20th which talks about procedures and protocols dealing with potential conflicts which was submitted. It was over on the table.

>> Mayor Reed: Yes.

>> City Attorney Doyle: You may want that included as part of the discussion.

>> Mayor Reed: I would push that off into next week's Rules Committee discussion so we could deal with all that at once. On presumably May 5th. We had a memorandum of understanding through the City of San José and step up Silicon Valley, the consider for housing --

>> On this we will be adding to the May 5th agenda rather than the 28th.

>> Mayor Reed: All right, another add just got for the 28th. The 2009 recovery act, J.A.C. grant. I think it's the J.A.G. grant. Justice, whatever it is, burn jag is what I've always heard, justice assistance grant. That's to authorize the manager to get in there and ask for the money and accept the money if we get it.

>> Councilmember Constant: Note for the record, that's one of our standard exceptions for grants.

>> Mayor Reed: Yeah, we're on short time frames for most of these grants, got to get them in. Let me go and look at the agenda on the 28th, question. Any issues on time certain for agenda items? It looks like a short agenda.

>> City Attorney Doyle: Open forum, I don't know if -- are we going to go until 3:30?

>> Mayor Reed: What does the agency agenda look like?

>> Mr. Mayor, the agency has no item for the 28th and we would ask to cancel the redevelopment committee for that date.

>> Mayor Reed: I think the not before 3:30 matter should come off for this time. Maybe we'll get lucky and get done. Anything else? Motion is to approve as amended. All in favor? Opposed? None opposed. Okay. Wait a minute.

>> I'm sorry.

>> Yes, sorry.

>> Mayor Reed: We're still working on last night.

>> I'm sorry.

>> Mayor Reed: Not yet morning. Okay, the May 5th draft agenda. Anything on page 1? Page 2 or 3? Page 4 or 5?

>> On page 5, item 3.2, 6.1A, the plastic bags, single use carryout bags, this was an item that was previously deferred by the council, we are requesting that the item be cross referenced on the May 5th agenda so we can get the supplemental report out.

>> Mayor Reed: There were several things we wanted the staff to do on that so May 5th, okay. Add that to the meeting of the 5th for cross-reference. Anything on 6 or 7? 8 or 9? 10 or 11? Better get my date straight. We have the CPLE item on. This is the two weeks.

>> All we did was carry forward the same recommendation on yesterday's agenda.

>> Mayor Reed: Okay, anything on 12? Boy, the land use agenda is getting pretty skinny. Somebody better start some projects! Additions, requests, excused absence of Vice Mayor Chirco, constant, constant, we got those three adds, any other adds? Okay, no adds. Motion to approve as amended.

>> Would this be appropriate for the administration to see if, for the 11 for the council meeting --

>> Councilmember Constant: Would not argue.

>> Check with Joe to see if that would be acceptable from the developer's perspective.

>> Mayor Reed: Good thinking. Probably five minutes' worth of hearing on there, altogether.

>> We will look into that.

>> Mayor Reed: Anything else? We had a motion to approve as amended. All in favor? Opposed, none opposed. Agency for the 28th, none recommended, cancel?

>> Mr. Mayor, that's correct, unless there's something on the joint agenda or the closed session. But the individual agenda would be recommended for cancellation.

>> Mayor Reed: No complaints? All in favor, opposed, that's approved, the May 5th agency agenda. Anything on page 1, 2 or 3, 4 or 5, 8.2 is the authorization for collection of facts and circumstances of the Diridon area, SNI project area, I presume that is an implementation step that the council has previously taken?

>> That's correct. That is the first public hearing.

>> Mayor Reed: Anything else?

>> There are no other adds or changes. I would note that 8.2, the Diridon item will be posted electronically today.

>> Mayor Reed: Motion is to approve. All in favor? Opposed? None opposed, that's approved. Before I take up the Sunshine Reform Task Force recommendations, we did not notice this not before 2:30, did we? It's just noticed on the agenda so I don't have to stall for 20 minutes?

>> City Attorney Doyle: No, Fitts on notice on the agenda you can freely take it up.

>> Mayor Reed: Then we can take it up. So we'd like to do that now. This is on the agenda as item 12.2. Sunshine Reform Task Force recommendations on police statistical reports. We've dealt with this before, and I think it was the last time we dealt with it. I suggested that we ought to defer considering what to do or deciding what to do until the chief had had a chance to talk to the people from CPLE, because we thought maybe they might have an opinion on the usefulness of these reports or something that we can do. And so we postponed it, and here we are and Dr. Gough is with us as well. Chief, you want to take it.

>> Rob Davis: Yes, Mr. Mayor, Rob Davis Chief of Police San José. Where we left off we were weighing in on whether or not there was advantages of productivity, use of reports on vehicle stop demographic study, how often we would be doing that or how frequently we would be doing them. Clearly, as a quick background, what we had been doing since the late '90s in terms of these reports and what we have learned from CPLE since the last meeting. What we've done is gone to New York and met with CPLE. You as council had the opportunity to meet with Dr. Gough yesterday, and Howe we can move forward with what CPLE can give us. The question we have in our minds is what value we will get out of them in their current form. Clearly we believe we need to continue to collect the data. Whether we're crunching our own reports or whether or not CPLE can come in and take a look at that data, we think there's value in you doing that. We can't stop doing that. Our concerns of course has always been how much time is it taking us to do these reports, what is it costing us to do those reports? What are we continuing to learn from them or away have we learned from them and we see diminishing value in the effort now. That's the question we're coming at from an administrative standpoint yet at the same time we recognize that the overlying question if you well, is, is there something we're doing in how we're using force or is there something we're doing in terms of the stops we're making that indicates we have bias based policing practices, that is really the question at hand. We are willing to do anything the council suggests in terms of these issues. We hear those issues and share those concerns. We are prepared to do whatever we need to do to come to terms with whatever we are doing. Our preference would be to say let's take a look at what it is CPLE has to offer us, in other words the format of the way we're doing the reports, is there value in the way we're doing it. Might they be able to look at the data and make recommendations on how to improve on the reports we're doing? We also don't want to operate at cross purposes with what the CPLE is doing if they actually come in and take a look at that data themselves. Those are our concerns, we want to make sure we're addressing the concerns of the community, in temps bias based policing, but step back and say, are we doing those reports in the most appropriate way and what can CPLE do to help inform us without stepping on their toes. We're prepared

to do whatever people feel we should be doing to be able to address those in the short term or long term. That's basically the discussions we've held with CPLE since then. Again we've stated what our preferences would be, but we'd like to hear your preference as well. Dr. Gough, if he could make some comments, obviously we spoke about this in New York but he could offer some information and input from where he's standing.

>> So, councilmembers, Mr. Mayor, it's good to to see you for a third day in the ina row. I've been asked to offer up my position as a scientist, as well as my opinion as a previous consultant for other police departments and other city managements with regards to the records collection issue. As a scientist and as an organization, I believe I've seen to many of you, that CPLE is protransparency, proresearch. Right? So from that perspective, nor data collection, more data available to everyone is a good idea and CPLE is in favor of this. As far as bias based policing this is not the steps we would be taking as CPLE, nor given if data that I've taken a look at in the last couple of days would it be my recommendation with regards to best practices moving forward. Here's why. The uniform crime report and the publicly available Department of Justice statistics, that is the data that's just available to absolutely everyone before me going in and actually looking at particular data that the PD collects, that suggests some stuff that is troubling to me in the way that data has been collected previously and reported. That being that there's been an emphasis on requests for data, about officer discretionary power. As opposed to requests for a broader swath of data that would give a better indication of the way this city is policed generally. So there has been disparities in the past with regard to vehicle stops, with regards to public intoxication and the matters you all are familiar with this happen. Those look very similar with regard to property crime and other crimes that are not officer discretionary power, that is, with regards to the race of the victim. It's disturbing to me that there's a public conversation that's going on and again I've just had a chance to review these records really last night and today, but with regards to the public discourse if you have people who are focusing on officer discretionary power to the exclusion of a broader picture, then what you have is a biased picture from as you tensibly objective statistics, right? So when asked my opinion what is the best practices with regard to reporting, it is not my opinion that the fastest and most direct route, the forms of reports that have been issued so far. Do I think that reporting is good and recording and transparency is good? Absolutely. Do I think this is the best route, absolutely not and if this is the most direct route, absolutely not. Purely from an objective standard and with regards to public intervention strategies.

>> Mayor Reed: Okay. A couple of comments and questions. First is, I think there's some value in these reports of reminding us that we still have a problem. And whether we need that reminder once a quarter, once a year, once every two years is another question. But there's reminder value in terms of its an issue, we get the reports, looks like well, you haven't -- nothing's changed, nothing's changed, nothing's changed because the reports tend to be pretty much the same thing over and over again. I think there's some value there. I just don't know how much I ought to be willing to spend in time and energy to get that. But the other question I have for you as a researcher is, if we were trying to lay down a baseline to judge what progress we've made from today, until two years from now, or three years from now, when your work is done and we've implemented, what kind of statistical information would be useful for us to be able to say, we made a change, and we can demonstrate it in the statistics? And we might be collecting the wrong stuff. Because I really am interested in having a baseline, so we can evaluate our progress, and you know, the result of whatever we do over the next three years. And maybe you won't get all the credit for it, because we're going to do some other things. But I'd like to be able to demonstrate progress. What I don't know now is, what kind of data, what kind of statistics should we be collecting, what kind of reports should we be generating so we can say okay, on this date we were X and this date we were X plus 10. We've got a delta of 10 and something happened. Any thoughts of if you could design a report that would establish a baseline that we could judge against, what would it be?

>> That's a fantastic question. It's a question that is part of a national debate and if I can reframe it for you or in my own words, the question is how do we know that we're doing a good job with regards to policing equity? Right? And the answer is, unfortunately that we don't know how to come to know. In any kind of unified way. What we're establishing right now are reliable metrics that can create universal agreement around how we know, okay? What we did in Denver, what we're setting up in several of the other cities is a set of metrics that will look at the relationship between the racial bias of officers and stopped behaviors. Okay? That's a relationship between two variables, right? A correlation holding other things constant so it's a partial correlation or a regression, okay? I'm going to stop trying to get into hierarchical linear modeling. What I can say is it is very unlikely it will be a base rate. You asked for a base rate and

what we mean in statistics is, what is the number to which it is compared, two means or two counts of things. It is not likely to be the population if we're looking at Latinos, and the city is not likely to be the population of the Latinos in the city, or within a demographic region. That's going to be the wrong metric, okay? What's going to be the right metric I'm not 100% sure. I know what the right metric is appearing to be in Denver but because I haven't run the research here, that's why the research is crucial, that's why we've spent so much time trying to get the right measure. What I can say, in my initial conversations with the San José police department, one of the initial things they have said is, we want to be able to get you out of here. That's not because they don't like me. We want to be able to keep track of this ourselves as soon as is humanly possible. Essentially what you're asking me to give you now, which I'm saying I can't exactly, I know that's one of the first charges I understand I have, when and if I can do that. That is a long winded way of saying, I don't know what the right metric is because I'm not in San José yet. All I can tell you so far is the wrong metric is what the data is collected so far, especially when it focuses on police discretionary power, to the exclusion of aggravated assault, violent crimes, property crimes which seem to have the same sort of statistics but you would be less willing to say that's a part of police bias. Assaults and rapes show the same sort of statistics as racial arrest for public intoxication, that's not just at the PD level, we're less likely to say that at the very least, right? It must be a much more complicated story. Looking only at those statistics as if it's a complete picture, is actually biasing you in terms of conversations that are relatively contentious and unpleasant. I have no good news.

>> Mayor Reed: How long do you think it will be before you can say, this is the kind of metric to use in San José? Is that at the end of your process? I'm concerned that we're not collecting the right kind of statistics. We're losing that kind of metric before rather than after.

>> For our efforts there should be no cessation of data collection. So it is not the case that anyone would be losing the opportunity to see the data. My understanding of the issue is, the reporting structure and how much time on the part of the police department will be spent formulating a report which is a nontrivial amount of time. That's what we've seen when other police departments have formulated these reports as well. It's a significant issue of time.

>> Mayor Reed: Both issues are relevant. How much time you spend on it depends on how much value there is in it.

>> Right. I think it's absolutely necessary to keep the data. Because without that, we don't have what I was talking about, relationships, hierarchical models, we need that data in order to match it, to marry, pair it with officer levels of bias. The data collection would be continued as-is and perhaps be more aggressive. The question is what do you report on? If you report yourself on a smaller subset which lends itself to interpretation, what we social scientists call, assimilation. When you want to make a core group angry, you give a survey. How many extra marital affairs do you think your mother has had, five to ten, 11 to 15, 16 or higher. Anyone in the room already upset about the question? It biases you on behalf of what answer you may give. Only on this small subset of police stops, and use of force, it biases you to think well, what could possibly be causing this? In my view of the publicly available statistics, my understanding in conversation with local media, they're significantly more statistics available. Those statistics paint a more nuanced picture of San José. Focusing on use of force in stops to the exclusion of other data, I don't think that's in the best interest of collective understanding, more generally I understand is everybody's concern. So that's what I'm talking about. I'm not talking about not collecting the data. I'm not talking about -- and let me repeat as I said yesterday, and I'm sure I'll say a number of times, I'm not a political consultant. I'm here as a professional researcher and I'm telling you what the science says about how you disseminate information. If I ask you how many extra marital affairs does your mother have, between 5 and 10, and that's the lowest number you can check, we're not going to be able to have a calm conversation.

>> Mayor Reed: Let me go back to a data conversation. I'm assuming that the chief is going to continue to collect data. Will you have a chance early on to look at the data, so you're comfortable that we're collecting the data, so two years or three years from now we can get G.O. back and look, we've got the stuff we need to look at, in terms of report-writing. When you're collecting the data it's a lot easier to collect it at the time it happens than it is later to go back and go through the mountains of reports that the chief has over there. So will you early on look, you know, you're missing this key piece of data here just because you've got a gap in your data collection process?

>> Absolutely. One of the first things we do, in setting a research agenda, before we finish the designing of the research is we do what's called data integrity assessment. So for instance in some cities, they will ask an individual who's been stopped at a vehicle stop or pedestrian stop what do you consider yourself,

how do you designate yourself, how do you categorize yourself? They are particular to yield different number, Latino, rather than an ethnic designation, it's not readily apparent. In other cities that we've worked, because there is a desire for whatever kinds of other oversight, people have asked for updates on the data collection process without asking for reports. So can you give us confirmation that you have collected X, Y and Z data in a nononerous manner, in a manner that doesn't cost you the same kind of human being hours that causes you to write up a report in nice colors. To make sure that the data is being collected and to ensure that reports in whatever intervals can be made post Hoc even though the data is being gathered online, a political question that I'm not interested in answering one way or the other, from a scientific perspective because we can't have a scientific answer to a political question.

>> Mayor Reed: Okay, as far as your process and the reporting-out of what you find, if you're here a month and there's a big gap in some data collection that you see, how will you report that out?

>> Well, we have not talked about the specifics of the timing of data reports. What we have done in the past for data integrity assessments is when that has been an important part of the process with the PDC management community stakeholders, we'll say yes, we have the data assessment done by X amount of time, we'll set that up once we begin the process of investigation, and then we report on it. We say, here is the official report or we do lovely PowerPoint presentations, whatever is most conducive to the maximum amount of information dispersal.

>> Mayor Reed: I'm not concerned about the form of the report. I just want the reassurance if you find a gap, you report it out not just to the garment but to all people engaged in this, we find out about it and we fix whatever the gap may be.

>> And in other cities, there are city officials that come and check on that as well. So I mean if you have concerns about what CPLE would be doing, I mean there are any number of ways to ensure transparency without the formal offering of a report that sometimes have been sometimes what some cities have been the best use of their dollar.

>> Mayor Reed: Okay, any other questions for Dr. Gough? Councilmember Pyle.

>> Councilmember Pyle: The collection itself is a vital component of the whole process. So I wondered and maybe the chief or captain Kirby could help me out here, do we hire retired police officers to help with some of the assimilation of the records, and the -- to make sure the integrity of the whole process? I'm not quite sure who's going to be doing this and would it be possible to have more retired police officers? They understand the whole business, they understand the need for privacy, et cetera, et cetera.

>> Rob Davis: Currently who we're using is members of the research and development department, due to the size of the data, the quantity of the data that we're trying to crunch and how quickly we are trying to get it done. It could be anybody in the department that's currently being brought together. There are larger discussions of looking for increased opportunities to be able to drive down the cost of doing a lot of things and we are, indeed, looking at the ability to hire retirees to come in on a part time basis and help with a number of different things. This is something we could take a look at but those discussions are ongoing as we speak to try to reach efficiency.

>> Councilmember Pyle: This seems like micromanagement but I don't mean that to be the case. Storage, how much storage would be necessary and/or what technology would help in that storage?

>> Rob Davis: Technology would definitely be an advantage. For instance the use of force reports are currently being collected by hand so you're talking about a massive amount of data that needs to be collected and collated by hand, reviewed for quality and accuracy and then redone. Clearly the records management system that we talked about for years we need to get in place is something that would be very, very helpful so we would be able to automate that information immediately. The information that is automated reporting --

>> Councilmember Pyle: What would that look like, the minute the officer wrote the report up --

>> Rob Davis: How often they use, why they needed to use, et cetera, that is all put on a piece of paper that has to be taken by somebody and hand-entered into a computer database. In the future they would simply fill out one of the electronic forms, the data would be captured immediately and not had to go back. The data entering the system correlates --

>> Councilmember Pyle: Approximates a paperless operation?

>> Rob Davis: It would drive down a lot of the time to do this.

>> Mayor Reed: We'll get a burn jag grant to do that?

>> Rob Davis: The PD is pulling every dollar we can for that potential records management issue.

>> Councilmember Pyle: The fewer times have you to touch that paper, the better, right?

>> Rob Davis: That is absolutely correct.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: I think a lot of the questions you asked touched on areas that I had questions about. I think that just kind of from a comments perspective, the records management system that means for this and a whole lot of other things in the department, would make it easier for everyone from the officer on the street taking the report all the way through, and I think we just need to keep pushing on that. I know it's something the city's been working on since 1990, or '91 I think it was, so it's been a long, long time coming. So we just need to keep pushing through the grants and all the other fiscal arguments that we have, keep pushing and driving that forward. I think on the specific topic of the statistical reports and what we're doing with the data, I think that we should continue to collect everything that we're currently collecting, once and if CPLE finds a gap in what we're currently collecting, even if it takes two or three weeks to get to whatever forum it's going to go to, once it's identified and it's verbally given, we should just start collecting it so we don't lose any time. And that as far as the generation of reports, I think it's -- it would be a waste of people-power to be creating reports right now, without knowing how we're going to apply them and how we're going to compare them. And the other -- how we're even going to use them if we find out six months later that CPLE says we're looking at the wrong thing in this format. I think it's just easier to collect and have it available, and if there is a need that someone in the community last for the data, we'll have the data that we can provide but I don't necessarily think we should manufacture a report just for the fact of manufacturing a report in the meantime. And hopefully in the future we'll come to some conclusions with CPLE on how we should be reporting, what variables we should be comparing to what, and then establish a regimen of reporting.

>> Mayor Reed: Okay, something else chief you want to add?

>> Rob Davis: Just one more comment. I think it's important for us to state from the perspective of the police department, we are committed to collecting and reporting on any information that is going to help us as a police department learn how to do a better job. If there is something that we are doing that we can learn from these reports that are going to inform us about how we can improve upon our policies and procedures, to make sure we are not engaged in biased policing, we are committed to that. We have absolutely no problem with that. We do not fear the data. That's why we've asked CPLE to join with us. I think we need a dream team of researchers to inform us about what's happening with these statistics. We're not disinterested in doing these reports at all. We are actively, proactively encourage ourselves within the department to look at that data. We just want to make sure we're doing it appropriately in such a way that we can be informed to make those changes. We hear the concerns of the community. We understand why people can look at the statistics and feel there are disparities and try to focus on these things. We don't deny those at all. I just want to be clear, mayor, we do not in any way, shape or form want to dodge doing this. If we can do it we'll do it. Indeed if CPLE comes in and within the first four weeks, tells us, you can do something to match X, Y or Z, we have no problem to look at ourselves to look ought ourselves and see how we can improve upon it. I want to make it clear. We're not trying to dodge any report. We're trying to do these things for the right reasons.

>> Mayor Reed: Okay, I know there are some members of the task force here. What are you guys trying to accomplish with your recommendations? What are the issues we don't -- to say what you're trying to accomplish. Bob Brownstein.

>> Bob Brownstein: Thank you, Mayor Reed. Clearly, the sunshine task force was trying to respond to a forcefully articulated concern on the part of the community that additional statistical data was needed to make sure that the department was not acting in a way that reflected bias against any specific constituencies. There was also a concern, not necessarily related to bias, that the use of force was being done in a way that was appropriate in terms of minimizing unnecessary injury to people, regardless of the constituencies, ethnic breakdowns of the people who are involved. From my own personal perspective, the data is a means to an end. If there is a way to generate better data, if there is a way to get a deeper understanding of how the department is operating and what the causal variables are in terms of variety of outcomes, I would want to see that done even if it takes locker. I do have a concern, however, that the world of social science is a broad world, with spectrum of disagreement than you see in the natural sciences. I don't think this approach that the city is taking, bringing in social science consultants on an issue like this is likely to be successful if the process is one in which the consultants meet with the department, perhaps they have a handful of interviews with community members at the outset, they do their analytical work and come back with their macro-reports for comments. I think if this is going to work, there is going to need to be a much more interactive process. Not just an interactive process between the

consultants and the police department which clearly would be useful but an interactive process again the consultants and the community. The consultant team is going to need to discuss its methodology with the community as well as the police department be able to answer questions and get buy-in at several stages before we get a final statement that says, here's the kind of reports that they recommend, here's the direction that we can go. At the end of all of this, data that's collected and methods used if they don't have credibility with the broader public haven't done the job. And one way to make sure that that credibility is there, is to earn it with a process that brings people in at multiple stages. So I think if we do that, this has the opportunity to generate a better product, and one that's probably worth waiting some period of time in order to get it. Thank you.

>> Mayor Reed: Anybody else? Bert Robinson. Dr. Gough, I'm going to ask you to respond after we get the comments.

>> Bert Robinson: When you talk about police statistical reports or any statistical reports in the public context, I think there are at least two different things that the reports are useful for. One of those things is analysis, and the second thing is accountability. They're related but they're not exactly the same. When I hear the chief talk about the utility, the reports for his department, what he talks about them, the way he talks about them is as an analytical tool. What can these reports show my officers, my department, about how we police, and where we can improve? The Sunshine Reform Task Force was looking at them in an entirely different way. The Sunshine Reform Task Force was looking at statistical reports as a means of accountability. As a mean that the police department on a regular basis would hold these numbers up to the community and say, this is what we're doing and this is how it shakes out. I have very little doubt that there are better ways to collect data, to report tasks, to put together use of force reports, than the ways that have been done. But I think we need to be careful about saying that because there are better ways, we ought to put this whole data reporting effort on hold as we seek out the better ways that there are. I also would urge everybody to be cautious. And I don't think that Dr. Gough or the chief meant this at all. But I'd be very cautious about making arguments that come across as if the reason we can't release this data to the public is because the public won't understand what it means. Numbers are numbers, and debate is debate. And usually a good, vigorous public debate actually ultimately gets a set of numbers, whatever the set of numbers is, actually gets you to a good answer. I think we should all welcome that kind of debate and not look for ways that we need a different set of numbers to give ourselves a different basis for the debate. The City's talking about the right things and trying to figure out what to do about them. I'm not sure that the format of the report, while it may get you to better answers analytically, is going to change fundamentally the public discussion. The Sunshine Reform Task Force has been urging and continues to urge the city, the police department to have a strong commitment to transparency. What I am concerned about personally, when I look at the report from the police department, when I look at phrases that talk about throwing the production of these reports into the budgetary processing and assessing it against other priorities, when I look at the notion that perhaps we will come up with some way to do these reports biennially -- what is that report?

>> Mayor Reed: Every two years?

>> Bert Robinson: Something like that. That is not the commitment to transparency that the Sunshine Reform Task Force was suggesting and not the commitment that the citizens of San José deserves. Thanks.

>> Mayor Reed: Anybody else from the task force? Task force members? Okay. Dr. Gough any comments or questions for the task force or anything you want to say here?

>> Sure. I welcome both of the comments that I just heard. And I apologize that I didn't catch either of your names but with regard to the first gentleman --

>> Mayor Reed: Bob Brownstein.

>> Bob Brownstein, Mr. Brownstein, I embrace the idea of continued community engagement. That is the model of the CPLE. As I said at council yesterday, and in my one on one meetings and as you will see on the Website and every other piece of materials that we have, our goal is first to secure the cooperation of police departments across the country and second, to secure the cooperation of the people that don't like the police departments across the country. We need to have the input of the community before we design anything. That's always the model, that's always the goal. And in the design essentially the question is, if we design this this way, would it address the concerns you have? When we get a yes answer, that's when we're comfortable with the results we have. That doesn't make everybody happy, you don't necessarily do that. We have limited funds like everybody else. We do prioritize the most scientific questions but that's always in consultation with multiple stakeholders. We're not independently funded. We're not funded by

the PD or taking money from the city. We set our own agenda and our agenda is one that is consistent with what we're able to hear from the community. The only impediment can be when community members choose not to participate with us. So immediately upon securing the police department's direction, we were disappointed that there were a number of people that chose not to participate and not to even speak with us because they were concerned about the way CPLE was brought in. So I'm heartened to hear that you are wanting to work with CPLE and to give community input. That's exactly what we strive for and you'll see us tireless in roared to that effort. With regard to the comments of the second.

>> Mayor Reed: Bert Robinson.

>> Reports as an analytical tool. I'm not here to talk about that in that capacity whatsoever, okay? But with regards to how you hold the person accountable and who can consume the statistic, my concern with the reports as they're being focused on by the media I've spoken to, the community leaders I've spoken to, city government I've spoken to and the records I've reviewed that are all public records, there is a focus on a small set of statistics that tells an impartial story. I'm glad you said it the way you did, I think the communities are much more secure and sophisticated than we give them credit for. It's not my position that numbers should be kept from people because they're not mature enough to handle them. Absolutely not. But biased numbers should not be fed to people, because that could be leading to more bias. My concern is they are incomplete. If there are reports made I would want them to have more information in them, right? That's me again from a scientific perspective. I'm not talking about accountant, I'm not talking about politics or the relative value of the budget. I would want to see as a responsible scientist is someone who earns the pay grade here in San José, not above my pay grade.

>> Mayor Reed: Okay. Chief? City Manager? Councilmembers? Any further questions for professor Dr. Gough? You're not a reverend too, are you?

>> Not this week.

>> Mayor Reed: Okay. Anything else on this? Let me just say that I'm reluctant to give up the reports because I think the reports have some value. And I'm also not 100% sure yet we're going to be able to do this dance with CPLE. Because we postponed the decision last night of moving forward for a couple of weeks to allow Dr. Gough to do some more work. So if we have CPLE and this program going on I feel differently than if we have nothing. If we have nothing and all we have are these reports and there are a lot more important. So I don't think I want to make a decision about what kind of reports we are going to continue and the frequency until I know that the CPLE is actually on the team and they're doing something and then I'd like to have however much time you need to look at what data we're collecting or not collecting and I'd like to know that and then make a decision on the reports and the frequency of the reports. I think these reports have value, and the analytical value is probably the same thing with each report. The accountability item is important, but you know we don't do this once every five years or once every ten years and have this conversation, that it does come more frequently than that. I think it does have value but at this point I'm not ready to decide how much resource we should put into them annually or generally. Any other thoughts from the committee? City Manager.

>> City Manager Figone: Put the chief on the spot here. To the issue of linking the analytical component of the report with at least the internal accountability. If either retrospectively or prospectively, you would use is at least what you collect currently to evaluate the internal accountability and change some practices if they're warranted?

>> Rob Davis: Certainly there would be value at getting spot-checks if nothing else. If the chief could weigh in every few weeks to see where the treads are, et cetera. It's not automated, in order to get that trend analysis I'm still going to have to have somebody sit down and do the data entry by hand. We're doing that, but catch as catch can. We are doing it six omonths, nine months period. There is not a consistent time when that is being entered in. It is difficult to give a routine trend analysis, up or down or anything. Again looking at it from the long term perspective since I started doing those reports in the late '90s and I'm very familiar with how they work. As we have done spot checks we have not seen a lot of distinction with that. Because we continue to have a problem is there something going wrong? That's why we need to be able to have somebody come in and really go through what the process is that he's going to do to inform us about that. Because at some point it's as if we are spinning our wheels. Again I hear what people are saying about accountability. I totally hear that. I hear what the mayor says about at least having something. We stand prepared to do whatever we need to be doing to ensure that accountability is there. We don't fear that. We're prepared to do that. But the balancing of the time and resources as well as the balancing of the accountability aspect of the community, to do as much as possible in as short a time as possible. We're trying to do that but it's not as easy as it can be.

>> Mayor Reed: Let me suggest we take this up in a month or six weeks or something like that after CPLE is rolling and after you've had a chance to look and consider where we're then rather than trying to decide whether it should be quarterly or annual or every two years at this point. And just not make a decision today.

>> Tom Manheim: We'll look to be bringing this back early, late June.

>> Mayor Reed: If we aren't able to make a call then, fine. If we're able to do a deal with CPLE, I'll have a very different attitude about the reports. Okay with the committee? Okay. Dr. Gough, thank you for spending a few days with us. Look forward to getting engaged and I hope that people will be talking to you and did you get Bob Brownstein's phone number?

>> I did not but that's my next stop. Thank you very much.

>> Mayor Reed: Anybody else want to speak on this item before we're done? Mr. Wall?

>> Good afternoon. As with any broadly defined term such as community, I have very distinct and disturbing concerns. How members of the community are chosen for different task forces. There are ten districts, council districts in this city. How you go about selecting members of the community that you draw upon, as representatives, as members of the community, is material. And should not be discounted how the drunk-in-public task force or any other task force is constituted. For obvious reasons. People of San José, or the citizens of San José are very distinct, they're very supportive of their police department and don't like political influences that say one thing that does not appear to be true. So be very watchful on who you pick, and the process at how open and transparent it has better be. Because this has profound aspects to everything that the police will be doing. Thank you.

>> Mayor Reed: Thank you. Anybody else want to speak on this item? Okay, we're done on this item. We move back to the regular agenda order. Which is the legislative update. Ms. Shotwell is here to speak.

>> Betsy Shotwell: Members of the committee, Betsy Shotwell director of Intergovernmental Relations. You have a report on SB 481, remove hazardous wildlife on or near airports.

>> Mayor Reed: This would allow us to do what federal government would like us to do.

>> Betsy Shotwell: Impact. One week turn around is requested.

>> Mayor Reed: Moved, second? Opposed? None. As long as you're here under the state report, couple of other things.

>> Councilmember Pyle: I just wanted to ask about the -- gosh, trying to remember the number of the gambling situation with Ellen Corbett.

>> Betsy Shotwell: This time of year there is only 2500 bills.

>> City Attorney Doyle: You had the right topic.

>> Mayor Reed: That's right.

>> City Attorney Doyle: It's been parked at this point and I don't know if you heard anything before.

>> Betsy Shotwell: No.

>> City Attorney Doyle: We did get a message from our Sacramento lobbyist, she had conversations with the staff, and that the bill has been parked for this, they call it parked for this session. We are continuing to have conversations and will follow up. We've made commitments to follow up with the card rooms.

>> Councilmember Pyle: Thank you.

>> Mayor Reed: Okay. On the airport issue, Jim Webb is here. Did have you anything you wanted to add to that?

>> No. If you're supportive, I'm happy.

>> Mayor Reed: Easy to please. Monday morning I believe I'm scheduled to go and testify on a bill being carried for us by senator Alquist, late afternoon, clean technology companies. It's an effort to broaden the eligibility under the California alternative energy and transportation financing authority to include clean tech companies beyond transportation. Tesla, governor was able to keep Tesla in California because of financing from this authority that helped them -- well, it helped them but it's limited to transportation companies and there are lots of other clean tech companies that are kind of frozen because of capital financing so senator Alquist is carrying that bill. And Roxann has arranged for us to go testify and there's some clean tech companies that are joining us. But that was a bill that came out of the annual clean tech summit, discussion of things that we might be able to do in Sacramento.

>> Betsy Shotwell: And for the record, that's senate bill 338.

>> Mayor Reed: Anything else on the state?

>> Betsy Shotwell: It's hot.

>> Councilmember Pyle: Yes, it is.

>> Mayor Reed: Nothing else on federal?

>> Betsy Shotwell: Not today.

>> Mayor Reed: Meeting schedules, nothing to talk about. Public record, anything on the public record that committee wants to pull and discuss? Motion to note and file. I had one question regarding item C. That's a letter from the Naglee park community association about terrace drive. They'd like to have the City Attorney respond to that. I read it, and there are a couple of misunderstandings of facts that I think we ought to clarify. Leave it up to the City Attorney to see if he agrees but respond if he thinks it's appropriate.

>> City Attorney Doyle: We'll determine whether it is necessary to respond back.

>> Mayor Reed: Public record, that's done. Nothing for boards and committees, get down for work plan for public safety, finance and strategic support, to add to June 18th committee agenda, the B.E.S.T. program for '09-'10.

>> Councilmember Constant: I'm on that committee so I'll move to approve.

>> Councilmember Pyle: Second.

>> Mayor Reed: June 18th committee, motion is to approve. All in favor, opposed, none opposed, that's approved. Sunshine reform we're done with. I think that takes us to the open forum. Mr. Wall.

>> Again, I request a ruling from the bench on the appropriateness of this. The gang task force. The second would be the independent police auditor.

>> Mayor Reed: Fire away. Fine.

>> One idea for the gangs, if you could find some sort of funding that would get them competing with fire prevention activities, I think that there is a need for that. Things are drying out real quick. Cash is always a good incentive, especially in some form of the large award for the most acreage or however you discern it to be cut down. The other issue is, for budgetary reduction strategy, eliminate the office of the independent police auditor in its entirety. It has never been needed. It has never been voted on by the public. It has done nothing for this city but create problems. Thank you very much.

>> Mayor Reed: Thank you. That concludes the open forum. We're adjourned.