



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Barbara Attard, IPA
Lawrence Boesch, Chair, HRC

SUBJECT: Summary Report of Forums
Regarding the Police in San José

DATE: April 20, 2007

Enclosed are copies of the Executive Summary and Summary Report regarding two recent community forums co-sponsored by the San José Human Rights Commission (HRC), the Independent Police Auditor (IPA) and the IPA Advisory Committee (IPAAC). The purpose of the forums was to gather public testimony regarding community experiences with the San José Police Department (SJPD). Approximately 450 persons attended the forums and over 90 individuals offered live or written testimony. The majority of the testimony was specific to members of the SJPD, although a small number of comments described incidents that did not involve San José police officers.

The issues raised with the greatest frequency were as follows: community members not being treated with respect, the need for improved officer communication skills, the ineffectiveness of the existing complaint process, and the existence and perception of racial profiling. These issues have been raised in the past and mirror concerns discussed in the 2005-2006 Santa Clara County Civil Grand Jury report "Racial Profiling by San José Police Department – Perception vs. Reality" and by other groups.

While the testimony made by forum participants has been summarized as presented, and has not been verified, the public testimony indicates that issues advanced in the past by the Grand Jury and various community groups persist. Thus, the HRC, IPA, and IPAAC urge the City Council and SJPD to give serious consideration to the views expressed at these forums and to work collaboratively to create solutions that are responsive.

The HRC, IPA and IPAAC respectfully submit the following recommendations to address these issues:

- A. That the City Council request the City Manger to direct the SJPD to do the following:**
 - 1. Prioritize and implement officer training to (a) reinforce existing San José Police Department policies regarding respectful treatment of the public; (b) improve communication between police officers and the public; and (c) increase racial, ethnic and cultural sensitivity among police officers.**
 - 2. Report to the Council on a semi-annual basis for a two year period starting in September of 2007 on the status of the above recommendation.**

HONORABLE MAYOR AND CITY COUNCIL

04-20-2007

Subject: Summary Report of Forums Regarding the Police in San José

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- B. Request that Council review and consider community concerns about police accountability raised during the community forums, in IPA reports, and in the 2005-2006 Santa Clara County Grand Jury Report; take measures to strengthen the City's police oversight process; and, consider the call for increased civilian oversight in San José.**

The HRC represents that its supplemental recommendations regarding the following topics will be presented to the council by June 2007: profiling; TASERS; Citizen Review Board; Cinco de Mayo; Downtown San José (Entertainment Zone); and Alviso.

Respectfully submitted,



LAWRENCE BOESCH
Chair, Human Rights Commission



BARBARA J. ATTARD
Independent Police Auditor

Summary Report
“The Police in San José: What’s working, what isn’t and what can be improved?”
Two Community Forums

Co-Sponsored by the
San José Human Rights Commission and the Independent Police Auditor

November 30, 2006, San José City College
January 18, 2007, Eastside Union High School District

EXECUTIVE SUMMARY

I. INTRODUCTION & BACKGROUND

This report summarizes testimony offered at two community forums co-sponsored by the City of San José Human Rights Commission (HRC), the Independent Police Auditor (IPA), Barbara Attard, and the IPA Advisory Committee (IPAAC). The first forum occurred on November 30, 2006 and the second on January 18, 2007. Approximately 450 persons attended the forums and over 90 individuals offered testimony.

II. NOVEMBER 30, 2006 & JANUARY 18, 2007 FORUMS

A. Event Descriptions

The November forum was held at San José City College in conjunction with the Community Arts and Lectures Program. There were approximately 250 attendees, many of them students of the college. Forty-five oral and three written statements were received. The January forum was held at the East Side Union High School District Administrative Offices. There were approximately 200 people in attendance. Forty-two oral and 13 written statements were received. This second forum attracted more local community members, many of them Latino. Overall, the issues raised with the greatest frequency at both forums were as follows: community members not being treated with respect, the need for improved officer communication skills, the existence of racial profiling, and the ineffectiveness of the existing complaint process. General issues areas are discussed below; specific comments are summarized in the full report.

B. Issues

1. Communication, Respect and Dignity

Communication, respect, and dignity were by far the most frequently raised concerns at the two forums. Forty-five total comments were received regarding these topics. Speakers testified about officers behaving in a rude and arrogant manner and called for training in the areas of crisis and anger management. Many speakers described officers as disrespectful toward the public and stressed that officers must treat the public as they themselves wish to be treated.

2. Racial Profiling

Racial profiling was the second most frequently discussed issue area at the two forums. Twenty-six people provided testimony regarding racial profiling, 12 in November and 14 in January. Many speakers testified about being stopped while driving and treated as criminals. One person requested that police at the "ground level" stop profiling Latinos, Blacks and Muslims; another asked why profiling only happens on the East Side of San José

3. Issues with the Complaint Process and Calls for a Police Review Board

The issue area that received the third largest amount of discussion, 25 speakers, was one that involved the police oversight. Testimony regarding the IPA, HRC, and Internal Affairs (IA) unit of the SJPD was largely critical of the existing complaint process with allegations being investigated internally by police officers. Individuals commented on the lack of investigative authority of the IPA. The need for officer accountability and the importance of citizen involvement in monitoring police behavior was emphasized.

4. TASERs

Another issue discussed at the two forums was that of TASER usage. Testimony was offered by nine speakers at the two forums, many of whom called for a moratorium or banning of TASER use due to safety concerns.

5. Excessive Force

Excessive force was raised by six individuals at the two forums, three of whom testified that they were victims of excessive force. Additional comments regarding force used at the 2006 Cinco de Mayo festivities are discussed below in section 6.

6. Cinco de Mayo

Four speakers at the November forum testified regarding events that occurred during the Cinco de Mayo celebrations of 2006. They described high levels of violence by police officers against members of the public.

7. Downtown San José

Four speakers at the November forum testified regarding police practices in downtown San José. They complained about the large late-night police presence and alleged harassment of pedestrians.

8. Positive Comments about the Police

Although the majority of testimony offered at the forums contained comments critical of the SJPD, four individuals provided positive comments. For instance, a woman who grew up in East San José stated that everyone is doing their best, "Even the Chief and SJPD."

9. Lack of Service for Alviso

Three persons at the November forum testified regarding a lack of police service for Alviso and expressed much frustration regarding the situation.

10. Other

A number of other important issues raised at the forums that did not fit into the above categories are summarized in the full report in section "10. Other."

III. RECOMMENDATIONS

Critical concerns regarding the police in San José were revealed through testimony at the forums. There is no quick or simple solution to effectively address the numerous and highly complicated issues presented by the testimony. Nevertheless, the HRC, IPA, and IPAAC urge the City Council and SJPD to take seriously the subjects summarized within this report. The HRC, IPA and IPAAC respectfully submit the following recommendations in order to address these issues:

A. That the City Council request the City Manger to direct the SJPD to do the following:

1. Prioritize and implement officer training to (a) reinforce existing San José Police Department policies regarding respectful treatment of the public; (b) improve communication between police officers and the public; and (c) increase racial, ethnic and cultural sensitivity among police officers.

2. Report to the Council on a semi-annual basis for a two year period starting in September of 2007 on the status of the above recommendation.

B. Request that Council review and consider community concerns about police accountability raised during the community forums, in IPA reports, and in the 2005-2006 Santa Clara County Grand Jury Report; take measures to strengthen the City's police oversight process; and, consider the call for increased civilian oversight in San José.

IV. CONCLUSION

The HRC, IPA, and IPAAC are grateful for the impressive participation of community members at two forums. The testimony obtained provided a valuable sample of community concerns about the SJPD. It was clear that respect, communication, racial profiling, and the existing complaint process were at the forefront of people's minds. We urge the Mayor and City Council to adopt the recommendations contained in this report and to give serious consideration to the other important issues raised by the public at the two forums.

Summary Report
“The Police in San José: What’s working, what isn’t and what can be improved?”
Two Community Forums

Co-Sponsored by the
**SAN JOSÉ HUMAN RIGHTS COMMISSION AND
THE INDEPENDENT POLICE AUDITOR**

November 30, 2006, San José City College
January 18, 2007, Eastside Union High School District

I. INTRODUCTION & BACKGROUND

This report contains a summary of the oral and written testimony received at two community forums co-sponsored by the City of San José Human Rights Commission (HRC), the Independent Police Auditor (IPA), Barbara Attard, and the IPA Advisory Committee (IPAAC).¹ The purpose of the forums was to gather public testimony regarding community experiences with the San José Police Department (SJPD).² The first forum occurred on November 30, 2006 at San José City College and the second on January 18, 2007, at the East Side Union High School District administrative offices.

Approximately 450 persons attended the forums and over 90 individuals offered live or written testimony.³ While a small number of comments described incidents that did not involve San José police officers, it was clear that the majority of the testimony was specific to members of the SJPD. The HRC, IPA, and IPAAC would like to acknowledge that the testimony offered at these forums is not reflective of the many officers who provide quality service to the San José community.

Issues and concerns that were raised with the greatest frequency were as follows: community members not being treated with respect, the need for improved officer communication skills, the ineffectiveness of the existing complaint process, and the existence and perception of racial profiling. Recommendations addressing these issue areas are presented in Section V of this report.

In 2006, both the HRC and the IPA received complaints regarding racial profiling and excessive force used by SJPD officers during Cinco de Mayo celebrations. In addition, the Santa Clara County Grand Jury raised similar issues in their 2005-2006 report entitled “Racial Profiling by San José Police Department – Perception vs. Reality.” In response, the IPA and

¹ The HRC was established to implement the San José Human Rights Policy and to develop programs promoting the fulfillment of human rights in the City. The HRC studies, reviews, evaluates and makes recommendations to the City Council relative to all matters affecting human rights. The IPA was established by the City Council in 1993 to provide oversight of the citizen complaint process, analyze patterns and trends regarding police conduct and make recommendations for improvements in policies, procedures and training to the San José Police Department.

² Statements made by individual attendees at the forums are the opinions of the individual speakers and not necessarily representative of the IPA or the HRC.

³ The number of subjects raised in comments is greater than the number of speakers because several speakers addressed more than one issue in their testimony.

IPAAC planned to hold a community forum, and simultaneously the HRC decided to organize a town hall meeting. In August of 2006, the HRC invited the IPA to co-sponsor a community event and it was agreed that two forums, in different areas of San José, would be organized. A small planning committee, including members of the HRC, the IPA office staff, and the IPAAC, was formed.

The forums were structured to encourage members of the community to offer testimony regarding their experiences with the SJPD. In order to maximize the time allotted for public comment, the format did not include a question and answer session between panel members and the audience. Chief of Police Rob Davis was invited to join the Chair of the HRC, Bob Bailey in November and Lawrence Boesch in January, and IPA Barbara Attard on stage to receive community comments.

Extensive outreach was conducted to publicize the event.⁴ Flyers promoting the event advertised a community forum regarding "The Police in San José -- What's working, what isn't, & what can be improved? What are your concerns?" Both oral and written testimony was received. Translators were provided to assist those offering testimony in Spanish or Vietnamese.⁵

II. NOVEMBER 30, 2006 & JANUARY 18, 2007 FORUMS

A. Event Descriptions

The November forum occurred at San José City College (SJCC) in conjunction with the Community Arts and Lectures Program. There were approximately 250 attendees, many of whom were students of the college, some of whom received course credit. Oral testimony was presented by 45 individuals and three additional comments were submitted in writing.

The January forum was held at the East Side Union High School District (ESUHSD) Administrative Offices. There were approximately 200 people in attendance. Seven speakers were noted to have also testified at the prior forum in November. Oral testimony was presented by 42 individuals and 13 additional comments were submitted in writing. This forum provided greater accessibility to residents on the East Side, facilitating greater Latino participation.

At both forums, the issues discussed with the greatest frequency were as follows: community members not being treated with respect, the need for improved officer communication skills, the ineffectiveness of the existing complaint process, and the existence and perception of racial profiling. In addition, testimony was presented regarding TASERs, excessive force, Cinco de Mayo incidents, positive statements about the police, downtown San José issues, and lack of police service in Alviso. A number of other subjects mentioned at the forums fell outside of the main issue areas and are summarized below in section "10. Other."

⁴ The City Manager's office provided funds for outreach and advertising while the IPA office provided staff support. Over 50 local agencies, organizations, and community groups received flyers. Several organizations signed on as "event supporters" and helped promote the event among their associates. Media releases were sent to both mainstream and ethnic media sources. Radio interviews were conducted by KLIV, KZSF and KKUP. Students at SJCC and San José State University received email invitations. All City Council members, the Mayor, and the City Manager were invited to attend. Flyers were also personally distributed to several business establishments in downtown San José and on the East Side of the City.

⁵ Live-time translation was provided in Spanish at the November forum and in both Spanish and in Vietnamese at the January event.

B. Issues Raised

1. Communication, Respect and Dignity

Communication, respect and dignity were the issues most frequently mentioned at the two forums, with a total of 45 comments received.

Twenty individuals testified about the need for increased officer training, particularly regarding the improvement of communication skills. Speakers testified about officers behaving in a rude and arrogant manner and called for training in the areas of crisis intervention and anger management.

Closely related testimony was offered regarding disrespect toward the public. This issue was raised by 25 speakers at the two forums. Several individuals described police officers as disrespectful and lacking manners and stated that officers must treat the public as they themselves wish to be treated. The following comments are samples of the testimony that was offered:

- I am embarrassed about the SJP. They should be removed if they can't obey the law. Also, they should put every officer into an anger-management program, and have cameras on patrol cars to record everything.
- The police have lost respect from us and need to earn it back not by inflicting fear but by respecting us and doing their job.
- Being treated with respect is not a new issue. People are tired of "asking to be treated as a human being."
- "Cops jump to conclusions." Officers escalate situations because they don't know how to "govern themselves."
- An individual stated that after an auto accident on Monterey Road, she asked the police officer if she could use his phone to call for a ride and the officer told her to use the pay phone to call a tow truck. She was left by the police officer on Monterey Road and had to get a ride from a tow truck driver that she didn't know.
- Some officers suffer from burn-out and need counseling.
- Officers who cannot speak Spanish should not operate motor vehicle check points in predominantly Latino neighborhoods.
- Officers need training in crisis management and anger management.
- Officers who come to schools use excessive force and need to be trained in a different way to deal with students.
- Police officers need training to more appropriately assist victims of sexual assault.
- "They need training on how to treat people."
- There is a communication problem between the policies and actual actions of police officers, specifically where it concerns citizen protests.
- If police demand respect, then the people demand respect.
- A young man said, "I am a Sikh, I wear a turban. I wanted to be treated with respect and not profiled."
- A male testified that he was "talked down to and cursed" by a police officer. He filed a complaint with the Internal Affairs Unit and heard nothing.
- "Every person has the right to be treated equally."

- A man claimed that the officer on his corner is there to harass. Mutual respect is needed.
- One individual testified that he asked an officer who was ticketing him for his name. The officer replied, "It's on the ticket."
- The community needs to feel that they are valuable citizens, "worthy of the equal respect that officers demand."
- One youth testified he was accused of breaking into a neighbor's home. He was treated offensively, handcuffed, and asked, "Where's the dope?"
- A man testified that he was treated rudely when caught driving without a license and asked by police, "Why don't you go back where you came from?"
- A high school student handcuffed at school was told by an officer: "Do you know that I could have used a TASER on you?"
- Officers came to a man's house looking for his son. Among other things, they verbally abused and embarrassed his wife.

2. Racial Profiling

Racial profiling was the second most frequently discussed issue at the two forums. Twenty-six people provided testimony regarding racial profiling, twelve in November and fourteen in January. Many speakers testified about being stopped while driving and treated as criminals. Some of the speakers stated that they were treated as criminals because of their race or skin color. One person requested that police at the "ground level" stop profiling Latinos, blacks and Muslims; another asked why profiling only happens on the East Side of San José. The following comments are samples of the testimony that was offered:

- One speaker said that he was "pulled over because he is brown" in a predominately white area of San José. He felt demeaned in front of his family. He felt intimidated.
- An African American woman said that she was lost in a white area. She was pulled over by an officer and not given a chance to explain.
- The Chief is attuned to ethnicities, but that awareness has not sifted down to beat officers
- One woman shared that she heard at a recent forum that African American students have been pulled out of elementary school and high school classes and interrogated by 2 or 3 police officers without being able to have a parent, guardian, or attorney with them. She supports the African American community in their protest of this practice.
- A Caucasian woman, driving with three Hispanic male friends, was pulled over. Her passengers were harassed because they were wearing red shirts. The police accused the three of being "gang members" but did not harass her at all.
- A young female Caucasian student was pulled over in her own neighborhood. Her passenger, an African American male, was pulled from the car.
- A Sikh man said that Sikhs don't want to be profiled like blacks and Mexicans.
- One mother said that her sons were racially profiled because of their clothes, race and the type of car they drive.

- Another speaker testified that his family has been profiled for three generations in San José.
- A male said that he was pulled over and searched because of a “dim tail light” yet he was not given a ticket. In contrast, his “Hispanic friends are harassed—they were pulled over while drinking soda and the drink was checked to see if it contained alcohol.”
- A woman questioned why motor vehicle checkpoints are conducted on the East Side and not in other parts of the City such as Willow Glen.
- An incident at De Anza College involving a demonstration at a presentation by Colin Powell was described by two individuals as an example of profiling and violence against “Muslims and blacks.” (It should be noted, however, that the SJPD did not participate in that event.⁶)
- An African American student, a male, commented, “I didn’t know that white people have trouble with the police.”
- They assumed I had been in prison and a gang member because of tattoos.

3. Issues with the Complaint Process and Calls for a Police Review Board

The issue area that received the third largest amount of discussion, with 25 speakers, was one that involved the police oversight. Testimony about the IPA, the HRC, and the Internal Affairs (IA) unit of the SJPD was largely critical of the existing complaint process with allegations being investigated internally by police officers. Individuals commented on the lack of investigative authority of the IPA. The need for officer accountability and the importance of citizen involvement in monitoring police behavior was emphasized, with speakers calling for a police review board. The following comments are samples of the testimony that was offered:

- The existing complaint process is absurd—the IPA sends the information to Internal Affairs and then police officers investigate their friends.
- “The fox is guarding the henhouse.”
- The HRC has no power. We don’t want the HRC to just rubber stamp everything.
- The IPA is a parrot of the SJPD. The IPA didn’t listen when we went to her long ago with our statistics about the situation of lack of police protection in Alviso.
- The IPA won’t work unless it has more power. The IPA’s recommendations for accountability of the department and the Chief have been pushed aside because the office has no power to enforce.
- The IPA is not independent—we need the IPA to get more resources so it can be independent.
- Get Internal Affairs and the Chief out of the business of investigating police crimes—let the IPA do it!
- One person stated that he has attended other forums about police accountability and “It’s the same story—the Chief comes and then nothing happens.”
- A member of the Sikh or Muslim community said there is no accountability for the SJPD. We are harassed or beaten up by police officers. We’ve shared this story over

⁶ DeAnza College is located in Cupertino which is not the jurisdiction of the SJPD.

and over again. It has affected San José's reputation. There is supposedly a system we can fall back on, but nothing happens when a complaint is filed.

4. TASERs

The use of TASERs was mentioned by nine speakers at the two forums, many of whom called for a moratorium or banning of their use due to safety concerns.⁷ The following comments are samples of the testimony that was offered:

- TASER usage is a contributing cause of death and a safety risk.
- A ban is needed. "We don't know enough about the effects."
- The result of using the TASER is an acceleration of force, not a reduction of force.
- The argument that TASERs saves lives is a "big lie."
- The District Attorney should prosecute officers who use TASERs on unarmed individuals.
- Beginning in April of 2007, anyone will be able to use a TASER and that is dangerous.

5. Excessive Force

Excessive force was raised by six individuals, three of whom testified that they were personally beaten by officers. Additional comments were made regarding force used during the Cinco de Mayo festivities in 2006 and are discussed below in section "6. Cinco de Mayo." The following comments are samples of the testimony that was offered:

- An elderly Latino man gave a detailed account of his arrest, alleging excessive force. He stated that police officers attacked him from behind as he was walking away from an incident involving one of his family members.
- Another man said he sees the same violent behavior by police here as he saw in Mexico.
- An African American minister whose church hosts a center for people with mental health needs shared that in his ministry, the concern for the client's relationship with the police has risen to the top of the list because interactions with the police have resulted in injuries and issues raised about force used.
- Another individual described being pepper sprayed by officer in a clinic.

6. Cinco de Mayo

At the November forum four speakers testified regarding events that occurred during the Cinco de Mayo celebrations of 2006. They described high levels of violence by police officers against members of the public and stated that officers interfered with recording of the incident by civilian witnesses. The following comments are samples of the testimony that was offered:

- Police shone flashlights into the video cameras to prevent filming of the incident.
- "Cops had a line and were beating people."

⁷ Two of the nine speakers provided duplicate testimony at both forums.

- “We get beat every year.” Police come in riot gear and that just immediately escalates the situation. They have no respect for East-siders.
- “On Cinco de Mayo they have what we in the Latino community call police riot days.”

7. Downtown San José

At the November forum four speakers testified regarding police practices in downtown San José. They complained that the police have a shockingly large late night presence near downtown clubs at closing time and that officers sometimes “harass” pedestrians. The following comments are samples of the testimony that was offered:

- The police in the downtown area jump to conclusions.
- When they force people, some of whom are intoxicated, from downtown to get on the freeways and leave, the police are creating a dangerous situation.
- Why are so many officers at the Agenda Club?
- One man said he wouldn’t take his mother, wife, or family to downtown San José.
- A written comment stated that downtown nightlife is set up to fail and added that “the police are wrongly blamed for some things.”

8. Positive Comments about the Police

Although the majority of testimony offered at the forums contained comments critical of the SJP, four individuals provided positive comments. The following comments are samples of the testimony that was offered:

- One elderly woman reported that she had a good experience with officers who responded to her call about a “peeping Tom.”
- “I was pulled over in a car pool lane by mistake by a female officer. She apologized.”
- The Mounted Unit should be included in reports in order to better recognize the value of their work.
- A woman who grew up in East San José stated that everyone is doing their best, “Even the Chief and SJP.” She urged people to continue to explore other routes to resolving their issues.

9. Lack of Service for Alviso

At the November forum, three persons testified regarding a lack of police service to the Alviso community. They expressed much frustration and requested that action be taken to resolve the longstanding situation. The following comments are samples of the testimony that was offered:

- In 1968 the community was promised 24 hour coverage per day. It hasn’t happened. In fact, Alviso has the slowest response time in the City.
- There is a police “rest” station in Alviso, but when a call is made the citizen is told that “everyone is at lunch.” Officers assigned to Alviso are changed in and out every 6 months.

- Nothing came of their appeal to the former IPA. They want the City to listen to them and come to Alviso's aid.

10. Other

At the November and January forums, several important subjects fell outside of the above categories. The following comments are a sample of the testimony that was offered:

- Two individuals testified regarding problems obtaining police reports.
- A mother testified that she was home with her children and called the police for help but no one came. She said, "I felt fear."
- "An officer made me walk when he impounded by car. I make minimum wage. How can I pay the almost \$2,000 in fees for the impound?"
- "People are afraid to come here to speak."
- I was wrongly accused. It cost \$6,000 for a lawyer and my case was dismissed.
- It is a problem that officers use cell phones while driving.
- My son was stopped for a traffic violation and the police immediately started asking him what kind of drugs he was on. They said he was lying and went about vandalizing his car (ripped up the seats and tore out the speakers). They then had the car towed away. What happens to compensate people who make minimum wage?

III. RECOMMENDATIONS

Critical concerns regarding the police in San José were revealed by the forum testimony. There is no quick or simple solution to effectively address the numerous and highly complicated issues presented by the testimony. Nevertheless, the HRC, IPA, and IPAAC urge the City Council and SJPD to take seriously the subjects summarized within this report.

The SJPD Duty Manual (Manual) provides that SJPD is committed "to treating all people with dignity, fairness and respect ..."⁸ The Manual states, "Department members will be courteous to the public and tactful in the performance of duties."⁹ In a section regarding profile stops, the Manual states, "The San Jose Police Department prohibits biased and/or discriminatory-based enforcement actions."¹⁰ The public testimony at the two forums indicates that these policies are not being followed at all times by officers in the field and that updated, reinforcing training is needed. The HRC, IPA and IPAAC respectfully submit the following recommendations in order to address these issues:

A. That the City Council request the City Manger to direct the SJPD to do the following:

1. Prioritize and implement officer training to (a) reinforce existing San José Police Department policies regarding respectful treatment of the public; (b) improve communication between police officers and the public; and (c) increase racial, ethnic and cultural sensitivity among police officers.

⁸ SJPD Duty Manual, Administrative Structure, A 1100, General Elements – Vision.

⁹ SJPD Duty Manual, Professional Conduct and Ethics, C 1308, Courtesy.

¹⁰ SJPD Duty Manual, Professional Conduct and Ethics, C1306, Profile Stops.

2. Report to the Council on a semi-annual basis for a two year period starting in September of 2007 on the status of the above recommendation.

B. Request that Council review and consider community concerns about police accountability raised during the community forums, in IPA reports, and in the 2005-2006 Santa Clara County Grand Jury Report; take measures to strengthen the City's police oversight process; and, consider the call for increased civilian oversight in San José.

IV. CONCLUSION

The HRC, IPA, and IPAAC are grateful for the participation of community members at the November 30, 2006 and January 18, 2007 forums. The testimony that was obtained provided a valuable sample of community concerns about practices of the SJPD. The numerous complaints expressed by forum audience members underscore the need for a grievance process that is fair and responsive. Individuals who currently have specific misconduct issues are encouraged to bring them forward to the HRC, IPA, or Internal Affairs unit of the SJPD.

Many speakers made reference to similar issues. It was clear that respect, communication, racial profiling, and the existing complaint process were at the forefront of people's minds at the two forums.

The HRC, IPA, and IPAAC were impressed by the participation of so many individuals at the two forums. We hope to hold such events in the future to enable the public to continue expressing their concerns. The future format may differ from the one previously implemented.

The HRC, IPA and IPAAC would like to express their appreciation to Chief of Police Rob Davis for his participation in the forums. We would like to acknowledge the generosity of SJCC's Community Arts and Lectures Program and of the East Side Union High School District for providing facilities for the two events. We would also like to thank Celina Rodriguez and Roberta Gonzales for donating their time and serving as the masters of ceremony.

V. APPENDIX

The original formats of some items in the appendix have been altered to save space.

- A. Sample Forum Flyer**
- B. Event Programs**
- C. Speaker Cards**
- D. Event Supporters**
- E. Sample News Release**
- F. Sample Newspaper Article**
- G. HRC members**
- H. IPAAC Members and IPA Staff**
- I. Planning Committee Members**

Appendix A

Sample Forum Flyer: All event flyers were translated into Spanish and Vietnamese

The Police in San José A Community Forum

Featuring Guest MC
Celina Rodríguez, La Kaliente, KZSF Radio

What's working, what isn't, & what can be improved? What are your concerns?
The City of San José Human Rights Commission & the Independent Police Auditor want to hear from you!

Thursday, Nov. 30, 2006, 6pm-8pm
San José City College
Community Arts & Lectures Program
2100 Moorpark Ave, San José
College Theater



Human Rights Commission

If a member of the public needs assistance with translation to make a public comment, Spanish & Vietnamese speaking translators will be available. For more information, please call: (408) 794-6226.

In accordance with the Americans with Disabilities Act, City of San José Materials can be made available upon request in alternative formats such as Braille, large print, audio tape or computer disk. Requests may be made by calling (408) 535-8100 (v) or (408) 294-9337 (TTY).

The Police in San José A Community Forum

Featuring Guest MC
Roberta Gonzales, CBS 5 Weather Anchor

What's working, what isn't, & what can be improved? What are your concerns?
The City of San José Human Rights Commission & the Independent Police Auditor want to hear from you!

Thursday, Jan. 18, 2007, 6:30 - 8:30 pm
East Side Union High School District
Administrative Offices
830 North Capital Avenue
cross street is Mabury Road, San José



Human Rights Commission

If a member of the public needs assistance with translation to make a public comment, Spanish & Vietnamese speaking translators will be available. For more information, please call: (408) 794-6226.

In accordance with the Americans with Disabilities Act, City of San José Materials can be made available upon request in alternative formats such as Braille, large print, audio tape or computer disk. Requests may be made by calling (408) 535-8100 (v) or (408) 294-9337 (TTY).

Appendix B
Event Programs

The City of San José
Office of the Independent Police Auditor and
Human Rights Commission Present:

A Community Forum on
Police Practices in San José
San Jose City College Theater
November 30, 2006

PROGRAM

Master of Ceremonies: Celina Rodriguez

Opening Remarks:

Merylee Shelton

Professor, SJCC, IPA Advisory Committee

Barbara Attard

San Jose Independent Police Auditor

Bob Bailey

Chair, San Jose Human Rights Commission

Chief Rob Davis

San Jose Police Department

Acknowledgement of Elected Officials

Public Testimony:

Members of the community are invited to speak regarding their experiences, concerns, and comments regarding the San Jose Police Dept. (2-3 minutes/speaker cards requested)

Closing Remarks

Production of:
San José City College
Community Arts and Lectures Program

HONORABLE MAYOR AND CITY COUNCIL

04-20-07

SUBJECT: Summary Report of Forums Regarding the Police in San José

The City of San José
Human Rights Commission & the Independent Police Auditor
Present:

The Police in San José - A Community Forum

January 18, 2007, 6:30-8:30PM, East Side Union High School District Office

Master of Ceremonies:

Roberta Gonzales, CBS 5 Weather Anchor



Human Rights Commission



PROGRAM

Welcome

Rev. Jeffrey Moore, ESUHSD & IPA Advisory Committee

Opening Remarks

Larry Boesch, Chair, San José Human Rights Commission

Chief Rob Davis, San Jose Police Department

Barbara Attard, San José Independent Police Auditor

Roberta Gonzales, CBS 6 Weather Anchor, Guest MC

Public Testimony

Members of the community are invited to speak regarding their experiences, concerns, and comments regarding the San Jose Police Department. (2 min. each)

Closing Remarks

The Police in San José – A Community Forum

Thank you for attending tonight's Community Forum regarding the police in San José. Speaker cards are available for persons interested in making a statement this evening. Speakers will be called to the front of the room by our Guest Master of Ceremonies Roberta Gonzales. Each person will have 2 minutes to make a statement. If you would prefer to make your comment in writing, paper is available.

Complaint forms are available here tonight if you would like to file a complaint about an incident involving a San José police officer, or you may call the IPA office at 408-794-6226 or Internal Affairs at 408-277-4094.

La policía en San José - un foro de la comunidad

La Comisión de Derechos Humanos y el Auditor Independiente de la Policía de San José les gustaría agradecerle a usted esta noche para asistir al foro de la comunidad con respecto a la policía en San José. Tarjetas son asequibles para las personas interesadas en hacer una declaración esta noche. Los hablantes serán llamados al delantero de la habitación por nuestro invitado maestro de ceremonias Roberta Gonzales. Cada persona tendrá 2 minutos para hacer una sentencia. Si usted preferiría hacer su comentario por escrito, papel será suministrado.

Los formularios de reclamos están disponibles aquí esta noche si le gustaría a usted presentar una queja sobre un incidente que involucra a un oficial de policía de San José, o usted puede llamar la oficina de IPA en 408-794-6226 o el departamento de Asuntos Internos de la policía en 408-277-4094.

Cảnh Sát tại San José – Diễn Đàn Công Chúng

Ủy Ban Nhân Quyền và Thanh Tra Cảnh Sát Độc Lập Thành Phố San José cảm ơn quý vị đã đến tham dự buổi Diễn Đàn Công Chúng về cảnh sát tại San José tối hôm nay. Các thẻ phát biểu đã có sẵn cho những quý vị nào muốn trình bày ý kiến chiều nay. Người phát biểu sẽ được gọi đến trước phòng của người hướng dẫn chương trình của chúng tôi Roberta Gonzales. Từng người sẽ có 2 phút để phát biểu. Nếu quý vị muốn trình bày ý kiến qua việc viết tay, giấy sẽ được cung cấp.

Các đơn khiếu nại có sẵn đây tối nay nếu như quý vị muốn khiếu nại về một sự việc liên hệ đến một cảnh sát viên San Jose, hoặc quý vị có thể gọi đến văn phòng Thanh Tra Cảnh Sát Độc Lập tại số 408-794-6226 hoặc tại Bộ Nội Vụ tại số 408-277-4094.

Co-Sponsors

Tonight's event is co-sponsored by the City of San José's Human Rights Commission (HRC), the Independent Police Auditor (IPA), and the Independent Police Auditor's Advisory Committee (IPAAC). The **Human Rights Commission** was established to implement the San José Human Rights Policy and to develop programs promoting the fulfillment of human rights in the City. The Commission studies, reviews, evaluates and makes recommendations to the City Council relative to all matters affecting human rights. For more information, please call (408)535-8110 or email HRC@sanjoseca.gov. The **Office of the San José Independent Police Auditor** was established by the City Council in 1993 to provide oversight of the citizen complaint process, analyze patterns and trends regarding police conduct and make recommendations for improvements in policies, procedures and training to the San José Police Department. Persons wishing to file individual complaints may reach the IPA office at (408) 794-6226 or email Ind_Pol_Aud@sanjoseca.gov.

Event Supporters

The HRC and the IPA would like to thank the following groups and organizations for their support: ACLU of Silicon Valley, Asian Americans for Community Involvement (AACI), Asian Law Alliance, Catholic Diocese of San José, Coalition for Justice & Accountability, Community Homeless Alliance Ministry (CHAM), Consulado General de Mexico, Council on American-Islamic Relations, Mental Health Clients Association of SJCC, NAACP of Silicon Valley, Next Door Solutions to Domestic Violence, Public Interest Law Foundation (PILF), San Jose Downtown Association, Services Immigrant Rights & Education Network (SIREN), and Silicon Valley De-Bug.

We would also like to thank Roberta Gonzales, Celina Rodriguez, Professor Merylee Shelton, Reverend Jeff Moore, the East Side Union High School District, San Jose City College, San Jose City Manager Les White, Vilcia Rodriguez, and the Community Forum Planning Committee for their work and generous support of these important community events.

Appendix C
Speaker Cards

November Forum

REQUEST TO SPEAK * PEDIDO PARA HABLAR * YÊU CẦU PHÁT BIỂU

First Name - Nombre Primero – Tên: _____

Last Name or Initial - Apellido o Inicial – Họ: _____

Completion of this card is voluntary. Please do not speak for more than 2-3 minutes. Llenar a esta tarjeta es voluntaria. Por favor no hable más de 2-3 minutos. Hoàn tất thiệp này là tự nguyện. Xin vui lòng đừng nói quá 2-3 phút.

January Forum:

REQUEST TO SPEAK - PEDIDO PARA HABLAR - YÊU CẦU PHÁT BIỂU

First Name - Nombre Primero – Tên: _____

Last Name or Initial - Apellido o Inicial – Họ: _____

Completion of this card is voluntary. Please do not speak for more than 2 minutes. Llenar a esta tarjeta es voluntaria. Por favor no hable más de 2 minutos. Hoàn tất thiệp này là tự nguyện. Xin vui lòng đừng nói quá 2 phút.

If you would prefer to submit your comment in writing, you may use the back of this form and deposit it in one of the blue boxes marked “written testimony” located in the back of this auditorium. Thank you.

Si usted preferiría presentar su comentario por escrito, usted puede usar la parte posterior de esta forma y depositarlo en una de las cajas azules caracterizada "El testimonio escrito" ubicadas en el fondo de este auditorio. Gracias.

Nếu quý vị muốn trình bày ý kiến của mình qua việc viết hơn là phát biểu, quý vị có thể sử dụng mặt sau của thiệp này và bỏ vào một trong những thùng màu xanh có đề chữ “Lời chứng” đặt ở đằng sau hậu trường này. Cám ơn quý vị.

HONORABLE MAYOR AND CITY COUNCIL

14-20-07

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Appendix D
Event Supporters

Event Supporters

American Civil Liberties Union (ACLU), Silicon Valley

Asian Americans for Community Involvement (AACI)

Asian Law Alliance (ALA)

Catholic Diocese of San José, Office of Pastoral Ministry

Council on American Islamic Relations (CAIR) San Francisco Bay Area

Coalition for Justice & Accountability

Community Homeless Alliance Ministry (CHAM)

Silicon Valley De-Bug

Mental Health Clients Association at San Jose City College

Consulado General de México, San Jose

National Association for the Advancement of Colored People (NAACP), Silicon Valley

Next Door Solutions to Domestic Violence

San José Downtown Association

Services, Immigrant Rights and Education Network (SIREN)

Public Interest Law Foundation (PILF)

Appendix E

Sample News Releases: News releases were translated into Spanish and Vietnamese.



Human Rights Commission

NEWS RELEASE



For Immediate Release:

January 16, 2007

Contact:

**Diane Doolan (408) 794-6226
Office of the Independent Police Auditor**

Community speaks out about police in San José.

San Jose, California – The City of San José’s Human Rights Commission and Barbara Attard, the City’s Independent Police Auditor, invite the public to a second community forum about the police in San José. The event is scheduled for January 18, 2007, from 6:30pm-8:30pm at the East Side Union High School District’s Administrative Offices, 830 North Capitol Avenue, San José. CBS 5 Weather Anchor Roberta Gonzales will be the guest MC. Over 250 people attended the first forum held last November at San José City College. For more information, members of the public may call (408) 794-6226.

The purpose of the forum is to offer members of the community the opportunity to provide testimony to the City’s Human Rights Commission and the Independent Police Auditor regarding issues and experiences involving the San José Police Department. Chief of Police Rob Davis, Santa Clara County District Attorney Dolores Carr, and other local officials will attend.

The Human Rights Commission was established to implement the San José Human Rights Policy and to develop programs promoting the fulfillment of human rights in the City. The Office of the San José Independent Police Auditor was established by the City Council in 1993 to provide oversight of the citizen complaint process, analyze patterns and trends regarding police conduct and make recommendations for improvements in policies, procedures and training to the San José Police Department.

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Appendix F
Sample Newspaper Articles

Posted on Fri, Jan. 19, 2007, **Forum alleges police abuse, S.J. RESIDENTS DETAIL BEATINGS AND PROFILING, By Sandra Gonzales, Mercury News**

With chilling complaints of beatings, verbal abuse and racial profiling by San Jose police officers, residents from the East Side on Thursday night lashed out at the department's practices and urged more accountability.

The emotionally charged community forum at the East Side Union High School District office drew about 200 people -- the second such meeting sponsored by the city's human rights commission and the city's independent police auditor in the past three months. The meetings -- attended by Police Chief Rob Davis -- were sparked by a Santa Clara County civil grand jury report last May that raised questions about the conduct of some officers.

For more than two hours, dozens of speakers -- many of whom have filed complaints -- painted a dismal portrait of racist, renegade officers who are quick to target Latinos, blacks and Muslims and stop them for little or no reason.

"Police officers are still the same, they go by color and mostly after blacks and Mexicans," said Rachel Perez. "All they look at is your color, what you're wearing and what you're driving. When are police going to be accountable? Some things have to change."

Speaking in Spanish, 15-year-old Armando Castro said he was charged with robbery at Independence High School by an officer who arrested him for sitting on a golf cart and then later verbally and physically assaulted him.

Neither Davis nor Barbara Attard, the city's independent police auditor, addressed Thursday's complaints, which will be presented to the city council and Mayor Chuck Reed.

But in an interview with the Mercury News after the meeting, Davis said he plans to share the information with his command staff and offer suggestions -- including increasing crisis intervention training and educating the public on police policies -- to help cut down on any problems.

"It's important to listen to this and hear the comments. It doesn't fall on deaf ears. We follow themes," Davis said. "There are 1,800 people in the San Jose Police Department and they are human beings. There are officers who have issues."

Davis said discipline cases have gone forward, but state law prevents the department from discussing any punishment that may have been meted out.

That was little solace to those like Concepcion Calderon, 65, who described a July beating he said he endured after he stopped to question officers who had stopped his nephew. Calderon, a longtime San Jose resident, recounted how officers slammed his head against a police car even after he retreated.

Others, like Carlos Padilla, urged the crowd to organize a citizen tribunal. Angel Luna, 22, also called for greater accountability.

"We don't need more cowboys. The police need to understand our community," Luna said.

Attachment G

San José Human Rights Commission

Commissioners

Tahir Anwar
Robert Bailey (Chair, 2006)
Raji Bains (2007)
Raj Bhanot
Lawrence Boesch (Chair, 2007)
Linda Young Colar
Karen Elaine Davis
Ignacio Enriquez (2006)
Dr. Kalvin Gill
Frances Lewis-Johnese

John Marienthal
David Parker
Jessica Rossman
Robert Sippel (Vice Chair, 2006 & 2007)

City Council Member Liaison

Councilmember Linda LeZotte (2006)
Councilmember Madison Nguyen (2007)

Staff

Vilcia Rodriguez, Office of the City Manager

IPA Staff and IPAAC Members

Staff

Barbara Attard, Independent Police Auditor
Vivian Do, Data Analyst
Diane Doolan, Public Relations/Education
Jessica Flores, Office Manager
Shivaun Nurre, Assistant Police Auditor
Susan Stauffer, Complaint Examiner

Nancy S. Freeman (2005-present)
Josué García (2004-present)
Victor Garza (1999-present)
Helen Hayashi (2006-2007)
Ashu Karla (2007-present)
Sundust Martinez (2004-present)
Socorro Reyes McCord (2007-present)
Sofía Mendoza (1999-present)
Jeff Moore (2005-present)
Aejaie Sellers (2006-present)
Merylee Shelton (1999-present)
Wiggys Sivertsen (1999-present)
Patrick J. Soricone (2004-present)
Jennifer Tait (2004-2006)
Alfredo Villaseñor (2001-present)

IPAAC Members

Tony Alexander (1999-present)
Robert Bailey (2002-2006)
Rick Callender (2001-present)
Linda Young Colar (2007-present)
Bob Dhillon (1999-present)
Jeff Dunn (2006-present)
Larry Estrada (2000-present)

Planning Committee Members

Diane Doolan, IPA Office
Nancy Freeman, IPAAC Member
Socorro Reyes-McCord, Community Activist
John Marienthal, HRC Member
Robert Sippel, HRC Member