



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Barbara Attard
Independent Police Auditor

SUBJECT: Supplemental Report on
Summary Report of Forums

DATE: Monday, June 18, 2007

Approved

Date 06/18/07

REASON FOR ADDENDUM/SUPPLEMENTAL/REPLACEMENT (IF APPLICABLE)

Response to concerns raised by the City Manager in *Administration's Response to Various Police Related Reports – Report 2*, dated June 11, 2007.

RECOMMENDATION

That the Council consider the IPA/HRC recommendations proposed in the *Summary Report of Forums Regarding the Police in San Jose*, dated April 20, 2007.

BACKGROUND

The Administration's Response to the HRC/IPA Forums Report states on page 28 that, "Clarification from the IPA of the nature of the incidents would be very helpful toward accurately characterizing the nature of the testimony as it relates specifically to the SJPD . . ." and that such information is "still outstanding." In March, Mayor Reed requested further information regarding a small number of issues raised in the HRC/IPA Forums Report. To my knowledge, no further data from my office is outstanding.

Below is a brief summary of the information provided to Mayor Reed in March: (1) Regarding complaints related to the Cinco de Mayo celebrations in 2006, we received 4 police misconduct complaints, all arising from the downtown area. (2) Regarding citizen protests, one woman at the forum testified about action taken against animal rights protesters at Santana Row. One officer told her to move because she was on private property and another stated, "I know you have a right to be here." (3) Regarding demonstrations at DeAnza College, three references were made to SJPD actions against demonstrators at the college. According to Chief Davis, SJPD officers did not participate in crowd control during the campus demonstration. (At the April HRC meeting, Chief Davis stated that officers were stationed for back up on the periphery of the college, not on the campus proper.) (4) Regarding the testimony by a man who said he filed a complaint and never heard back from IPA/IA, his name was not found in the complaint database. The other comments about lack of response were more general. (5) Regarding the Sikh man who said nothing happens when a complaint is filed, no more specific information about this statement is available.

Supplemental Report on Forums, Page 2.

ANALYSIS

The IPA, members of the IPA Advisory Committee, HRC and Grand Jury have been told that members of the community, particularly immigrant groups and young people, fear police retaliation and are reluctant to file complaints. The forums offered an alternative avenue to make their concerns heard. The format of the forums was agreed upon in advance by the HRC, IPA, City Manager, and Chief of Police. After the first forum, there were no requests by any of the forum participating planners or involved parties to change the format or to request further information from those testifying. In hindsight, the suggestion to ask those testifying to indicate the date, location, and details of specific incidents described is a good one that should be implemented at future forums; however, it should not be used to summarily dismiss the testimony summarized in the HRC/IPA Report.

Members of the public who testified at the forums were not directed to provide the details of incidents mentioned in their testimony (date, location, officer badge numbers, witness names, etc.) That is the type of information normally and rightfully solicited when an individual is filing an actual complaint regarding a specific member of the SJPd for the purpose of seeking disciplinary action against the officer. The Community Forums were not intended to replace such intake; instead, they were intended to provide the public with an open opportunity to offer feedback regarding the police in San José. Indeed, the Administration's Response to the HRC/IPA Report acknowledges the importance of providing members of the community such opportunities to voice their concerns. While Chief Davis and I announced that audience members were welcome to contact either the IPA Office or IA to file individual complaints regarding specific incidents, we did not command them to do so nor advise them that their testimony would be dismissed if they failed to file formal complaints. While greater detail would have been helpful regarding a number of the statements made, the community concerns captured by the comments offered at the forums are worthy of consideration at this time.

Although the HRC/IPA Report summarizes testimony regarding a number of topics raised at the forums, the recommendations address only the issues raised with the greatest frequency by the public testimony. Where the City learns of community concerns regarding a City Department via public testimony, it is both reasonable and responsible for the City to consider general recommendations to address those concerns. A large number of community members share this sentiment; the testimony collected is valuable and should not be disregarded.

Although there were duplicate attendees at both forums, the majority of the audience at each event was different. Furthermore, there were only seven people, out of 95, who repeated their testimony at both forums.

OUTCOMES

This Supplemental Report to the Administration's Response is intended to provide clarification regarding some of the concerns raised by the City Manager.