



COUNCIL AGENDA: 11/4/08  
ITEM: 3.2

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## RULES AND OPEN GOVERNMENT COMMITTEE

Special Meeting Report

October 14, 2008

PRESENT: Mayor Reed, Councilmembers Chirco and Constant.

ABSENT: Vice Mayor Cortese. (Excused)

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Chief of Police Robert L. Davis, Senior Deputy City Attorney Lisa Herrick, Communications Director Tom Manheim, Public Records Manager Tom Norris, Mayor Council Agenda Manager Alicia Bosco, and Legislative Secretary Ruth Krantz.

### I. Open Government Initiatives

#### 1. Sunshine Reform Task Force (SRTF)

**Review and discuss the Public Records section of SRTF Phase II Recommendations pertaining to Police Records.**

Documents Filed: (1) Phase II Report and Recommendations of the Sunshine Reform Task Force to the San José City Council dated August 13, 2008.  
(2) SRTF Phase II Recommendations in Brief: Law Enforcement Records.

##### a. SRTF Phase II Report and Recommendations.

City Manager Debra Figone and Communications Director Tom Manheim provided an introduction to the SRTF Phase II Recommendations for Law Enforcement Records. Senior Deputy City Attorney Lisa Herrick provided an overview of the California Public Records Act. SRTF Records Subcommittee Member Bert Robinson provided the Subcommittee's proposals and recommendations.

##### b. Staff's Response to Phase II Report and Recommendations of the SRTF.

Chief of Police Robert L. Davis summarized the San José Police Department's concerns about the SRTF Report and Recommendations. District Attorney Dolores Carr highlighted areas of concern for the District Attorney's office and responded to questions.

**c. Correspondence from the Public**

Documents Filed: Letter from Asian Pacific Islander Justice Coalition in support of the provisions of the proposed Sunshine Reform Task Force Ordinance providing greater access to law enforcement records.

**J. Public Comments**

Lance Bayer spoke in opposition to the Subcommittee's recommendations. Sandy Davis (YWCA Rape Crisis Center) expressed concerns over increased disclosure of victims' identities. Chief Bruce Cumming (Santa Clara County Police Chief's Association) expressed his opinion that the system currently in place is adequate to meet the needs of the public.

Speaking in support of the Subcommittee's recommendations were: James Chadwick (San José Mercury News), Kathleen Krenek (Next Door Solutions to Domestic Violence), Anne Im (Asian Americans for Community Involvement), Richard Konda (Asian Law Alliance), Kyra Kazantzis (Public Interest Law Firm), Jeff Moore (NAACP), Betsy Wolf-Graves (ACLU and De-Bug), Independent Police Auditor Barbara Attard, Skyler Borrás (ACLU of Northern California), Ed Rast and Bob Brownstein.

Lengthy Committee discussion followed. There was agreement to follow the California Public Records Act generally but asked Staff to come back with clarification on an overall approach that will ensure that the City complies with factual circumstances provisions of the CPRA, institutionalizes current practices, including outlining what the City is comfortable releasing, as well as what improvements have been made by the City in response to CPRA requests.

Mayor Reed noted he would like to hear back from other agencies who did not provide a response and added that more work is needed. In addition, Mayor Reed referenced the June, 2008 Mayor's Budget Message and direction to the Police Chief regarding streamlining reports and asked Chief Davis to provide a timeline for completing the referral.

The Police Chief agreed to meet with Mr. Robinson to learn more about what it is the Task Force would like to see in the report synopses from the Police Department.

Action: The Committee deferred this item for further discussion to the Rules and Open Government Committee Meeting of October 29, 2008. Staff agreed to return with a work plan and additional analysis.

**K. Adjournment**

The meeting was adjourned at 11:30 p.m.



Chuck Reed, Mayor  
Rules and Open Government Committee