



Memorandum

**TO: RULES & OPEN GOVERNMENT
COMMITTEE**

FROM: Vilcia Rodriguez

SUBJECT: SEE BELOW

DATE: 8/20/09

Approved

Date

8/20/09

SUBJECT: PSFSS COMMITTEE COMMUNITY EVENING MEETINGS

RECOMMENDATION

Accept the proposed Public Safety, Finance and Strategic Support Committee's (PSFSS) preliminary framework for holding two biannual community outreach session on public safety, on October 14 and April 14, including an outreach plan and a process to allow for public input in agenda development.

BACKGROUND

On August 20, 2009, the PSFSS Committee referred the attached report for placement on the next available Rules & Open Government Committee meeting for consideration. Please refer to the attached report for more details.

VILCIA RODRIGUEZ
Sr. Exec. Analyst

Attachment





Memorandum

**TO: PUBLIC SAFETY, FINANCE &
STRATEGIC SUPPORT
COMMITTEE**

**FROM: Deanna J. Santana
Robert L. Davis**

**SUBJECT: PSFSS COMTE. COMMUNITY
EVENING MEETINGS**

DATE: August 13, 2009

Approved

Date

8/13/09

RECOMMENDATION

- (a) Accept the proposed Public Safety, Finance and Strategic Support Committee's (PSFSS Committee) preliminary framework for holding two biannual community outreach sessions on public safety, on October 14 and April 14, including an outreach plan and a process to allow for public input in agenda development.
- (b) Refer this proposal to the next available Rules & Open Government Committee meeting, with the goal of this proposal being considered by the City Council by September 2009.

OUTCOME

This report provides a framework for holding two community evening meetings annually for the Rules & Open Government Committee to consider. Approval of this recommendation would initiate the planning process for the two evening meetings on October 14 and April 14, 2010.

BACKGROUND

At the May 5 City Council meeting, the Consortium for Police Leadership in Equity (CPLE) effort was approved and Council issued the following referral to the PSFSS Committee:

Approval of process as detailed below for continued community dialogue on public safety concerns and long-term issues:

- (1) Recommendations for additional work on Council approved referrals coming from the Public Intoxication Task Force, the Consortium for Police Leadership in Equity (CPLE), the City Manager's Downtown Advisory Committee, and the La Raza Roundtable Summit will be referred to the Public Safety, Finance, and Strategic Support Committee (PSFSS).

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- (2) Status updates and reports pertaining to public safety will first be heard at PSFSS and then forwarded to the full Council to provide for additional community input.
- (3) PSFSS will add to their work plan biannual community outreach sessions on public safety issues. These are meetings to be held in addition to their regular PSFSS meetings and to take place in the evening to allow for full Council and community participation. A full report of these sessions will be heard at both PSFSS and Council. To ensure that these meetings promote effective community dialogue with participation from all key stakeholders, the PSFSS Committee is to bring to the Rules Committee an outreach plan and a process to allow for public input in agenda development.

This report specifically responds to the City Council direction to hold two biannual community outreach sessions on public safety issues. However, before discussion on framework for these two sessions, it is important to note that over the past months the City Council has heard testimony from some members of the public about concerns with policing in San Jose. A high level summary of some of the concerns are as follows:

- Fairness, trust and respect
- Racial equality
- Transparency and openness
- Community input: ensure voices are heard
- Disproportionate arrests in some Penal Code categories
- Police Reports lack objective evidence.

There are a number of ongoing efforts to address community concerns related to policing in San Jose. Listed below is a summary of existing efforts and key issues of focus that generally address the issues raised by some members of the community:

Table 1: Existing Efforts and Focus Areas

Effort	Focus
Public Intoxication Task Force <i>(Work completed in June 2009)</i>	(1) Non Criminal sanctions and alternatives to arrests under Penal Code 647(f), Public Intoxication (2) Develop procedures that an officer should satisfy to obtain and document objective evidence to support findings to arrest under PC Section 647(f)
Consortium for Police Leadership in Equity (CPLE)	(1) Help the City better understand the complex issues related to arrest data (2) Bias based policing (3) Training/Performance/Procedure Improvements
Downtown Advisory Group	(1) Address night club/business issues (2) Address community/patron issues in the Downtown Entertainment Zone
Police Department Workplan	(1) PITF Workplan Implementation (2) Training/Performance/Procedure Improvements (3) Sunshine/Open Government Initiatives Implementation (4) Community Relations
Other City Programs	(1) Human Relations Commission (2) Neighborhood Commission (3) Mayor's Gang Prevention Task Force (4) IPA Advisory Committee (5) Neighborhood Action Coalitions

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Community Processes	<ol style="list-style-type: none">(1) PSFSS Committee Evening Meetings(2) La Raza Roundtable-Harvard University Effort (As a separate and independent effort, La Raza Roundtable, and other organizations, developed a proposal which was recently accepted to begin work with Harvard University's Negotiation and Mediation Clinic Program. This effort will focus on Latino issues related to stakeholders, consensus-building processes, and concerns about working together around issues relative to the justice system.)
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ANALYSIS

The City Council has established a desire to hold two evening community meetings to receive additional input on police services. The various efforts recently initiated by the City Council, Administration, Police Department, and community demonstrate that San Jose is very committed to continuous improvement in police services and community relations. This section includes discussion on the proposed framework, proposed draft agendas for both meetings, preliminary outreach plan, and identifies other forums where police services are frequently addressed.

Proposed Framework

Facilitation and Meeting Framework

Facilitation: The meetings will be facilitated by Dr. Shawn Spano. Dr. Spano is a communication consultant and Professor in the Communication Studies Department at San Jose State University. Some areas of expertise include: public dialogue, conflict resolution, and designing and facilitating planning meetings, public forums, training workshops, and off-site retreats. Dr. Spano is also a founding member of the Public Dialogue Consortium, a non-profit organization devoted to improving the quality of public communication in local communities and public organizations. He has over 15 years of experience working with city government, higher education, and the non-profit sector, including multi-year projects with three different municipalities in Santa Clara County.

In addition, Dr. Phillip Goff, is tentatively scheduled to assist with the meetings. If he is unable to participate, Dr. Goff has committed to make every attempt to ensure that a representative from CPLE is at the meeting to represent CPLE. In addition to being the co-founder of the CPLE, Dr. Goff is an Assistant Professor of Social Psychology at the University of California, Los Angeles and also serves as the diversity consultant. Dr. Goff is an expert in contemporary forms of racial bias and discrimination as well as the intersections of race and gender. Dr. Goff has been recognized as a national leader in race and gender discrimination by legal practitioners.

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Meeting Framework: It is proposed that the input obtained from the first meeting would be used to assess whether there are any additional issues that have not been surfaced through the City's other efforts noted earlier in this report that would need to be explored to improve and/or enhance police services: in some cases, perhaps, the opportunity for the Police Department to clarify or elaborate on its service delivery approach. Additional issues, trends, or themes that surface during the first meeting may be referred to the Police Department's existing work plan or to the CPLE for possible research. It should be noted that adding to the Police Department's work plan would be weighed against competing priorities and, additionally, CPLE would maintain final determination of its research.

After the first meeting, staff would work with the PSFSS Committee to develop next steps for reporting on the outcome of the evening meeting to the City Council. It is important to note early on in this endeavor that not all issues that surface during the evening meetings would be pursued, given the desire to manage priorities and workload. Additionally, a PSFSS Committee report on the outcome/summary of the evening meeting in November 2009 would align to the next CPLE status report, also scheduled for November. On April 14, 2010, the second community meeting would be held to report out on the status of the work plan and to obtain any additional community input. As the City Council is aware, given the City's unprecedented fiscal condition, efforts to advance work plan items would be weighed against the need to successfully address critical budget issues for FY 2009-2010 and FY 2010-2011, while sustaining current police services.

Agenda Development and Dates

The first evening meeting is scheduled for October 14 and the second for April 14, 2010. The meetings will be held in the City Council Chambers. While the agenda is still being developed, the goal is to have a session flexibly developed to enable conversation that covers the range of issues related to police services that are initiated by the community/participants. Listed below are the proposed agendas that are geared toward the purpose:

Table 2: Proposed PSFSS Committee Evening Agendas

PSFSS Committee Meeting #1 October 14, 2009	PSFSS Committee Meeting #2 April 14, 2010
1. Welcome and Opening Comments	1. Welcome and Opening Comments
2. Report on efforts already underway; invite reactions, collect feedback	2. Update on work plan and CPLE; items completed and items still in process
3. Assess what the community would like to know about police services; issues that need to be examined and understood	3. Collect feedback on progress;
4. Elicit ideas for addressing issues related to police services; what does a successful outcome look like?	4. Elicit additional ideas to further address issues related to police services
5. Next Steps/Plan and Timeline for PSFSS Committee Meeting #2	5. Next Steps
6. Adjourn Meeting	6. Adjourn Meeting

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Other Efforts

As noted earlier in this report, there are other existing efforts that have a specific focus that directly relate to concerns previously noted, such as: Human Rights Commission, Neighborhood Action Coalitions (NACs), City Manager's Downtown Advisory Committee, Independent Police Auditor's Advisory Committee, and Mayor's Gang Prevention Task Force. Additionally, as noted, the City's participation in CPLE provides a unique opportunity to advance issues initiated by participants for professional research. As already noted, as a separate and independent effort, La Raza Roundtable, and other organizations, developed a proposal which was recently accepted to begin work with Harvard University's Negotiation and Mediation Clinic Program. Lastly, the Neighborhoods Commission is scheduled to begin its work in July and could play a role in increasing community participation in this process. Combined, there exists a range of forums that address issues concerning police services.

Outreach Plan

On August 21, 2007, the City Council approved a "Community Engagement Process" for significant policy actions (Attachment A). This Process serves as a guiding document toward developing the proposed Outreach Plan. The Community Engagement Process states that it must be undertaken at a point when public participation can be most meaningful:

- The evaluation to determine whether the Community Engagement Process should be initiated must occur when it has been reasonably established that there is need for a policy action to address an issue, but when the substance and form of that action are still under consideration.
- The Process must be completed prior to finalizing the policy recommendation that will be brought forward to the City Council.

The framework for the two sessions has been developed with the Community Engagement Process in mind. The goal would be to obtain input from the community meetings and if any new policy issues are proposed, there would be adherence to the Community Engagement Process.

Additionally, information related to the two meetings would be posted to the City's web site and emailed to the City's roster of community/neighborhoods/youth/faith-based groups. Notices would also be published in the City's public libraries and community centers and the web site link would be available to Council offices to circulate amongst mailing lists or constituent databases. Neighborhood/community/youth/faith-based groups that were forwarded to the CPLE would also be solicited for participation.

NEXT STEPS

This report begins the discussion for the PSFSS Committee to further develop, and recommend to the Rules & Open Government Committee an approach to hold two evening community

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meetings on police services. Upon approval by the Rules & Open Government Committee, the proposal would be advanced to the full City Council in September 2009. Approval by the full City Council would result in the advertisement/noticing of the PSFSS Committee evening meetings and staff would work to ensure community participation through appropriate outreach efforts.



Deanna J. Santarza
Deputy City Manager



Robert L. Davis
Police Chief

Attachment A: Community Engagement Process

Community Engagement Process for Significant City Policy Actions

PURPOSE

This policy establishes a Community Engagement Process to ensure that the public receives understandable information regarding potential service or policy changes that will have significant citywide effect and to promote meaningful public discussions at the times when they can influence the development of a proposed action.

Specifically, this policy is intended to:

- Assign responsibility for the initiation of the Community Engagement Process.
- Establish criteria to determine if the Community Engagement Process should be initiated.
- Provide guidance on the timing of Community Engagement Process activities.
- Identify specific means of outreach to the public regarding proposed policy actions.

AUTHORITY

The City Council approved the development and implementation of a Community Engagement Process on August 21, 2007, in response to a recommendation from the Sunshine Reform Task Force that a process similar to Policy 6-30 be created and implemented for non-development-related actions that have a significant citywide impact.¹

DEFINITIONS

The following definitions apply to this policy:

- Policy action. Any work conducted as a part of City business intended to lead to recommendations for City Council action.
- Community Engagement Process. Procedures to ensure that residents and stakeholders are aware of proposed policy actions and have the timely opportunity to ask questions, provide information, and express opinions regarding those actions.

CRITERIA

Every contemplated policy action must undergo an evaluation regarding its potential implications. If this evaluation determines that the potential policy action under consideration could have a significant impact upon the public, then the Community Engagement Process will be initiated. Evaluation will be based upon the following criteria:

1. **City Budget Process.** The City Budget Process always requires use of the Community Engagement Process.

¹ City Council Policy 6-30 defines public outreach procedures required for the land use development process, including a detailed community notification process.

2. **Action Has Significant Citywide Effect** - Policy actions that will have a significant citywide effect will require the initiation of the Community Engagement Process. Policy actions that affect only a portion of the City would be less likely to trigger a Community Engagement Process. An action that has potential for causing only an insignificant effect—even though that effect is Citywide—should not trigger the Community Engagement Process. Types of policy actions that may trigger the Process include:
 - a. **Action Affects Fundamental Services** – Policy actions that would eliminate or result in significant changes to basic City services may trigger the Community Engagement Process.
 - b. **Action Establishes or Revises Restrictions or Requirements** – The establishment of new restrictions or requirements that may significantly affect the activities and/or behavior of individuals, organizations, or businesses may trigger the Community Engagement Process.
3. **Action Has Implications for Community Sensitivity** - Proposals that are likely to result in broad or intense controversy even if their effect is not citywide may trigger the Community Engagement Process.

Policy actions most likely to require initiation of the Community Engagement Process are those that meet multiple criteria. In every case, the key to determining whether the Process should be begun is the **significance and/or degree** of the effect that the action will have. This will ultimately be a judgment call that takes into account quantitative (e.g., fiscal or population numbers) and qualitative factors (i.e., the severity of the effect).

Note: Determination that a Community Engagement Process is not required **does not mean that outreach is unnecessary**. In all cases, appropriate outreach activities should be utilized to ensure the public is appropriately engaged

RESPONSIBILITY

Responsibility for determining whether to initiate the process is as follows:

City Council - When the policy action is initiated by action of the City Council, the City Council shall determine whether the Community Engagement Process is warranted at the time that it is taking the action.

City Administration - When the policy action is initiated by City Administration, City staff will determine whether the Community Engagement Process is warranted at the time that it is taking the action. Decisions by departmental staff to initiate the process must be approved by a department head. In cases where it is unclear whether it is appropriate to initiate the Community Engagement Process, the City Manager's Office should be consulted.

TIMING

The Community Engagement Process must be undertaken at the point when public participation can be most meaningful.

- The evaluation to determine whether the Community Engagement Process should be initiated must occur when it has been reasonably established that there is need for a policy

action to address an issue, but when the substance and form of that action are still under consideration.

- The Process must be completed prior to finalizing the policy recommendation that will be brought forward to the City Council.

PROCESS

The Community Engagement Process includes early notification, at least two community meetings, and certain specific actions to publicize the meeting when the City Council will consider the proposed policy action. The notices will contain information regarding the nature of the proposed policy action, any schedule information available regarding community meetings and/or City Council meetings, and other opportunities for the public to learn or provide feedback about the policy action under consideration.

1. Early Notification.

- Information regarding the policy action will be posted on the City's web site.
- E-mail will be sent to anyone who has expressed interest in the topic or has subscribed for e-mail notice.
- Notices will also be distributed to the Mayor and Council for distribution to their mailing lists and databases.

2. Community Meetings.

- At least two community meetings will be held at meaningful points in the process during which recommendations for the proposed policy action are still under development.
- A final community meeting will take place after the development of final recommendations at which those recommendations will be presented to the public.
- All community meetings will be publicized via City website postings, e-mailings and Postal Service mailings to those individuals and organizations that have expressed interest or subscribed to receive notices, advertised in at least one general circulation or community English language newspaper publication, and promoted on the City television channel.
- Notices will also be posted in City public libraries and community centers.

3. City Council Action.

- During the City Council Action Notice Process, information regarding the proposed policy action and its scheduled consideration will be posted on the City's web site.
- This information will also be sent via e-mail and/or Postal Service mail to individuals and organizations that have expressed interest or subscribed to receive notices.
- Notices will be posted in City public libraries and community centers, advertised in at least one general circulation or community English language newspaper publication, and promoted on the City television channel.