

February 2007

Nicandro, Patricia

From: Daniel Smith [actionalert@aclunc.org]
Sent: Monday, February 05, 2007 12:21 PM
To: sunshine_reform_task_force@sanjoseca.gov
Subject: Please Support Open Records at SJPD!

Follow Up Flag: Follow up
Flag Status: Yellow

Feb 5, 2007

Sunshine Reform Task Force
200 East Santa Clara Street
San Jose, CA 95113

Dear Sunshine Reform Task Force,

Thank you for your hard work on behalf of our community. I deeply appreciate the time you are devoting to make our government more transparent to the public.

I am writing to urge you to recommend a strong policy of openness with regard to San Jose Police Department records. As you draft your recommendations to the San Jose City Council, please include strong rules guaranteeing public access to local law enforcement records.

Currently, the San Jose Police Department routinely denies public access to its incident and use-of-force reports. These records document how San Jose police officers interact with the public and respond to requests for assistance.

The San Jose Police Department currently uses broad loopholes in the California Public Records Act to justify keeping these documents secret. The department isn't required by law to classify these documents -- it chooses to do so.

Other police departments aren't nearly as secretive as ours. The San Francisco and Oakland police departments are both examples of law enforcement agencies that are much more open with the public.

Law-enforcement agencies depend on public trust to do an effective job of ensuring public safety. Unfortunately, current SJPD secrecy needlessly undermines that very trust. I urge the Sunshine Reform Task Force to recommend policies that promote openness and transparency in all of our city's departments -- including SJPD.

Sincerely,

Daniel Smith
1522 Huddersfield Ct
San Jose, CA 95126-3922

February 15, 2007

Sunshine Reform Task Force
City of San Jose

Dear Chair and Members of the Task Force,

On behalf of Californians Aware (CalAware), I ask you to consider adopting a policy that guarantees the residents of San Jose and other members of the public the maximum ready access to information about crimes, arrests, and other centers of attention or response by the San Jose Police Department (SJPD).

CalAware is a nonprofit organization established to help journalists, public officials and employees, and other civic-minded citizens keep Californians aware of what they need to know in the interest of informed self-government. Its mission is to support and defend open government, an enquiring press, and a citizenry free to exchange facts and opinions on public issues.

When our representative visited SPJD last December 4 as part of a statewide public information access audit of more than 200 police, sheriffs' and California Highway Patrol stations, her experience was slightly below the statewide average of F plus. In particular, as you can read in the auditor's detailed report on our website at http://www.calaware.org/audits/details_police.php?id=145&return_url=http%3A%2F%2Fwww.calaware.org%2Faudits%2Fsearch.php%3Fin_order_key%3D%26in_order_direction%3D%26in_dept%3DSan%2BJose%2BPolice%2BDepartment%26in_recperpage%3D10%26in_city%3D%26in_county%3D%26in_auditor%3D%26in_media%3D%26in_grade%3D%26search%3DSearch, the request barriers alone at SJPD headquarters were so extensive that the question of exactly what crime information was accessible there did not come up.

Nor is the department's website much help. The public records request form found there indicates that it need not be used to make a request. But instead of listing what information is available to the public it inquires what "documents" are being requested—as if the public had any ready notion of what documents the department has.

"Tell us what you want and we'll tell you what you can have" is precisely the reverse of an approach geared to maximum public access to information presumed to be public. I am enclosing a model public information policy designed by CalAware, as a result of our audit findings, to be used:

- as a public declaration, signed and promulgated by the highest commander in a department—the police chief or sheriff—of the department's policy and rationale concerning disclosure of information to the public;
- as a self-contained policy statement to be handed to requesters and even posted at public contact points, anticipating and answering most of the basic questions they might have; and
- as a training document apprising all officers and other personnel of the disclosure standards they will be expected to read and heed in their dealings with the public—with oversight from the very top.

This document explains but does not expand on the governing state law as to what must be disclosed from crime, arrest or incident reports. A department has full discretion to go beyond the minimum requirements of state law. The San Francisco Sunshine Ordinance, whose first provisions I drafted about 15 years ago, allows the sheriff and district attorney to disclose information or not consistent with their constitutional independence and the California Public Records Act. But as to records of the San Francisco Police

Department itself, subdivision (d) of section 67.23 of the ordinances of the City and County of San Francisco provides:

Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

- (1) The names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual interviewed);
- (2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;
- (3) The identity of a confidential source;
- (4) Secret investigative techniques or procedures;
- (5) Information whose disclosure would endanger law enforcement personnel; or
- (6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This approach is not new or radical. It is modeled on the law enforcement investigative file exemption in the federal Freedom of Information Act, which governs, for example, the FBI, DEA and ATF. The basic notion is that when and if the prospect of further investigation has effectively ended as a matter of decision or the passage of time, and with certain protections for unique law enforcement interests, the public has at least as much right and interest in scrutinizing the performance of a police department as it does in scrutinizing how other departments perform their functions.

A sunshine ordinance worthy of the name is not simply a reformulation of the minimal standards of state law. It is a response to the Legislature's invitation, in subdivision (e) of section 6253 of the Government Code, stating, "Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter."

Given the quantity of other information SFPD has placed on its website, adding the basic crime, incident and arrest facts presumed public in Government Code Section 6254, subdivision (f), paragraphs (1) and (2) would be a decided and appropriate way of providing "faster, more efficient, and greater access to records" than the spoon feeding, all but grudging procedure now in place. Adding a provision permitting access to dead case files would be a real ray of sunshine catching the spirit of the new constitutional amendment added by Proposition 59 of 2004: "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."

Sincerely,

Terry Francke
General Counsel
Californians Aware

Nicandro, Patricia

From: Gretchen Heinrich [actionalert@aclunc.org]
Sent: Thursday, February 22, 2007 2:23 AM
To: sunshine_reform_task_force@sanjoseca.gov
Subject: Access to Public Records / SJPD

Feb 22, 2007

Sunshine Reform Task Force
200 East Santa Clara Street
San Jose, CA 95113

Dear Sunshine Reform Task Force,

Thank you for your hard work on behalf of our community. I deeply appreciate the time you are devoting to make our government more transparent to the public.

I am writing to urge you to recommend a strong policy of openness with regard to San Jose Police Department records. As you draft your recommendations to the San Jose City Council, please include strong rules guaranteeing public access to local law enforcement records.

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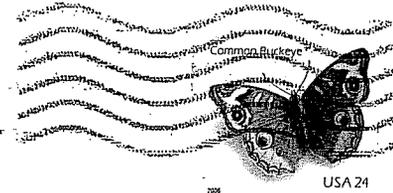
Law-enforcement agencies depend on public trust to do an effective job of ensuring public safety. Unfortunately, current SJPD secrecy needlessly undermines that very trust. I urge the Sunshine Reform Task Force to recommend policies that promote openness and transparency in all of our city's departments -- including SJPD.

Sincerely,

Gretchen Heinrich
907 Calle De Verde
San Jose, CA 95136-2606

SAN JOSE CA 951

28 FEB 2007 PM 3 L



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

25



Dear Sunshine Reform Task Force,

Thank you for working with the San Jose City Council to make our government more open and transparent. I urge you to propose a strong policy of openness when it comes to San Jose Police Department records and reports.

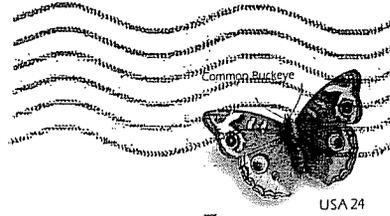
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While some sensitive information may be kept confidential, SJPD has taken this too far. Government secrecy should be the exception -- not the rule. Without access to these records, community members have no way of knowing if SJPD is acting in a way that is fair or responsive to the public.

Sincerely,

Name (print): *Danny Ahn*
Signature: *[Handwritten Signature]*
Street address: *10554 Orange Tree Lane*
City / State / Zip: *Cupertino CA, 95014*

SAN JOSE CA 951
28 FEB 2007 PM 1 L



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

04
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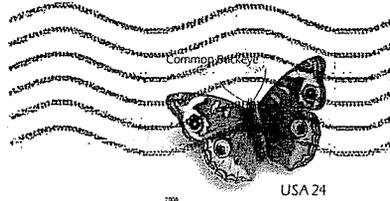
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Sincerely,

Name (print): *Armando Ayala*
Signature: *[Handwritten Signature]*
Street address: *5612 Comanche C.T.*
City / State / Zip: *San Jose CA. 95123*

SAN JOSE CA 951
28 FEB 2007 PM 6 T



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

205



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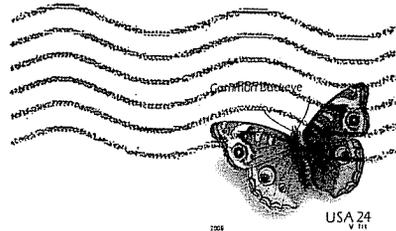
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Sincerely,

Name (print): *Donovan Bayuga*
Signature: *Donovan Bayuga*
Street address: *30 F. Julian St. #104*
City / State / Zip: *SJ CA 95112*

SAN JOSE CA 951
28 FEB 2007 PM 1 T



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

305



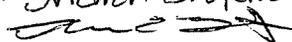
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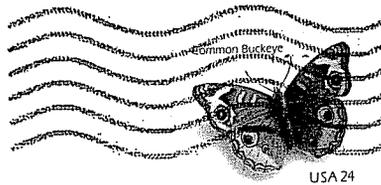
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Sincerely,

Name (print): Sharon Bymault
Signature: 
Street address: 2845 Ivy Estates Ct
City / State / Zip: San Jose CA 95135

SAN JOSE CA 951
28 FEB 2007 PM 6 T



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113



Dear Sunshine Reform Task Force,

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Sincerely,

Name (print): Sharon Fung (Hiu-Yan)

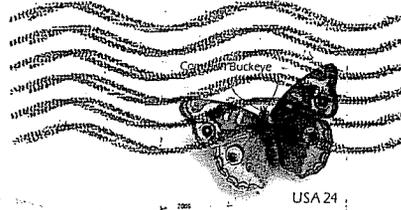
Signature: *Sharon Fung*

Street address: 340 Auburn Way # 10 San Jose, CA 95129

City / State / Zip:

SANJOSECA9511

Z88FEBB2007PPM33TL



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

CMD



Dear Sunshine Reform Task Force,

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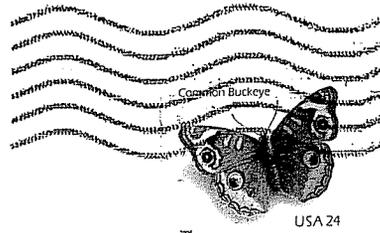
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Sincerely,

Name (print): Daan Giron
Signature: *Daan Giron*
Street address: 1605 Blossom Hill Rd. #70
City / State / Zip: San Jose, CA. 95125

SAN JOSE CA 951
28 FEB 2007 PM 4 L



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

1303



Dear Sunshine Reform Task Force,

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Sincerely,

Name (print):

Signature:

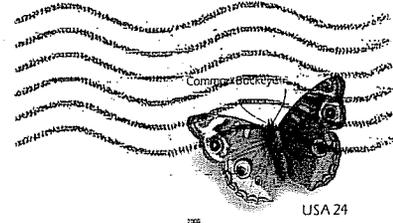
Street address:

City / State / Zip:

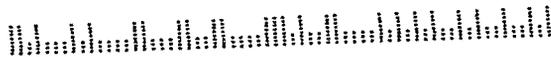
Josh Gomez
Josh Gomez
1830 N. Capital Ave.
San Jose 95132

SAN JOSE CA 951

28 FEB 2007 PM 4 L



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113



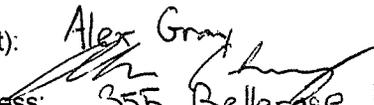
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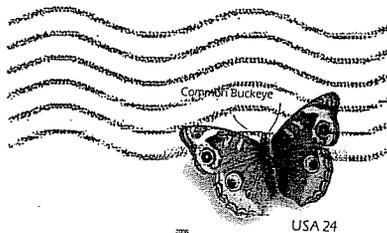
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Sincerely,

Name (print): Alex Gray
Signature: 
Street address: 355 Bellerose Dr. #4
City / State / Zip: San Jose, CA 95128

SAN JOSE CA 951
28 FEB 2007 PM 4 T



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

1905



Dear Sunshine Reform Task Force,

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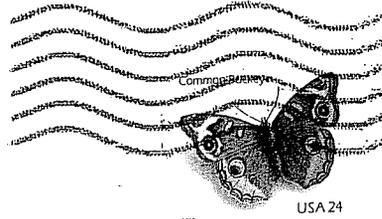
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Sincerely,

Name (print): *Thu Vinh Nguyen*
Signature: *Thu Vinh Nguyen*
Street address: *3028 Luedke Pl*
City / State / Zip: *San Jose, CA 95111*

SAN JOSE CA 951

28 FEB 2007 PM 4 L



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

35



Dear Sunshine Reform Task Force,

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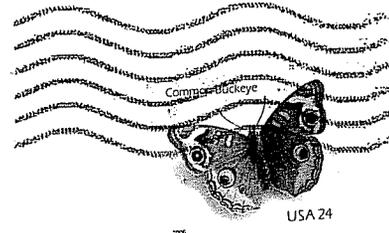

Name (print): Michael K Gonzalez

Signature:

Street address: 1287 Santa Penita Ave

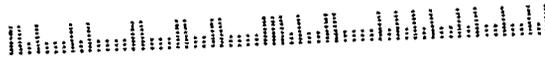
City / State / Zip: San Jose, CA ~~95108~~ 95110

SAN JOSE CA 951
28 FEB 2007 PM 4 L



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

1905



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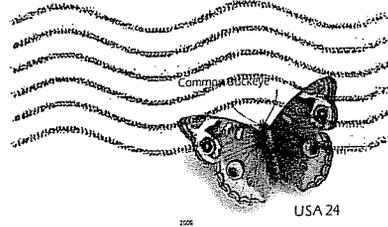
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Sincerely,

Name (print): *Jarvy Pangilinan*
Signature: *Jarvy Pangilinan*
Street address: *365 Englerst Court*
City / State / Zip: *San Jose / CA 95133*

SAN JOSE CA 951
28 FEB 2007 PM 4 L



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113



Dear Sunshine Reform Task Force,

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Sincerely,

Name (print):

Jonathan Pham

Signature:

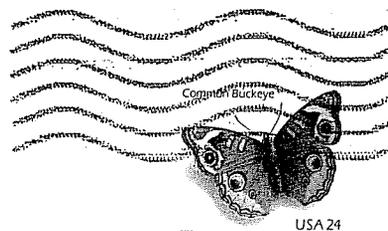
Street address:

726 - PULLER RD

City / State / Zip:

SAN JOSE CA 95113

SAN JOSE CA 951
28 FEB 2007 PM 4 T



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

38



Dear Sunshine Reform Task Force,

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Sincerely,

Name (print): *Andrea Ramirez*
Signature: *Andrea Ramirez*
Street address: *3267 Sycamore Lane*
City / State / Zip: *San Jose CA 95132*

March 2007

San Jose Coalition for Immigrants Rights

Sunshine Reform Task Force
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

March 2, 2007

Dear members of the Sunshine Reform Task Force:

On behalf of the San Jose Coalition for Immigrants Rights, we urge you to support a strong policy of open records for the San Jose Police Department. We understand that you are currently considering new policies for making the City of San Jose more open to the public.

The San Jose Coalition for Immigrants Rights was formed in 2006 to organize the large immigrant rights rallies of April 10th and May 1st last year. Our member organizations are advocates for fair and equal treatment of immigrants in our communities. We also call for comprehensive immigration reform at the federal level.

Interactions with law enforcement officers are among the many concerns shared by immigrant communities. Immigrant families want to be treated fairly by police officers, regardless of our ethnicity or country of origin.

Members of our community engage in direct dialogue with the San Jose Police Department. It is also important that we have the ability to independently review SJPD policies and records. It is very important that our local government be open with the community. This is especially true for the San Jose Police Department.

Unfortunately, the San Jose Police Department does not currently release copies of its police reports to the public. As a result, immigrant rights advocates cannot review SJPD reports to get independent answers to important questions. These questions include the following:

- Do SJPD officers ever treat people differently when they believe them to be immigrants?
- Are SJPD officers more likely to use force against Latinos than other members of the population?
- How often do SJPD officers work with federal Immigrations and Customs Enforcement officers (ICE)?
- How often do SJPD officers apprehend undocumented workers?

San Jose Coalition for Immigrants Rights

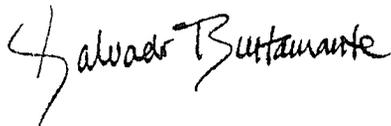
- Are SJPD officers involved in actions that lead to the deportation of undocumented workers? How often?

Other major police departments in Northern California already share their records with the community when asked. This is true for the San Francisco, Oakland, and Berkeley police departments. We believe that the same should be true for the city of San Jose.

Sincerely,

San Jose Coalition for Immigrants Rights (SJCIR)

On behalf of the SJCIR Steering Committee:



Salvador Bustamante
First Vice President, SEIU Local 1877

Martha Campos
Immigrant Rights Advocate

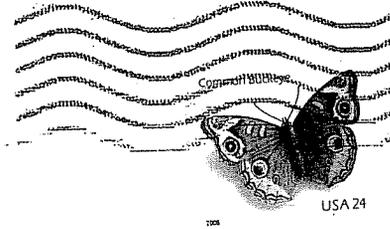
Father Jon Pedigo
St. Julie Billiard Parish

Teresa Castellanos
Community Activist

Cc: San Jose Mayor Chuck Reed
San Jose City Councilmembers
San Jose Sunshine Reform Task Force

April 2007

SAN JOSE CA 951
05 APR 2007 PM 1 L



Sunshine Reform Task Force
San Jose City Government
200 East Santa Clara Street
San Jose, CA 95113

303



Dear Sunshine Reform Task Force,

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Sincerely,

Name (print): *Marcus M. Kelly*
Signature: *Marcus M. Kelly*
Street address: *375 S. 9th Street*
City / State / Zip: *SAN JOSE, CA, 95112*

Apr 18, 2007

Sunshine Reform Task Force
200 East Santa Clara Street
San Jose, CA 95113

Dear Sunshine Reform Task Force,

Thank you for your hard work on behalf of our community. I deeply appreciate the time you are devoting to make our government more transparent to the public.

I am writing to urge you to recommend a strong policy of openness with regard to San Jose Police Department records. As you draft your recommendations to the San Jose City Council, please include strong rules guaranteeing public access to local law enforcement records.

Currently, the San Jose Police Department routinely denies public access to its incident and use-of-force reports. These records document how San Jose police officers interact with the public and respond to requests for assistance.

The San Jose Police Department currently uses broad loopholes in the California Public Records Act to justify keeping these documents secret. The department isn't required by law to classify these documents -- it chooses to do so.

Other police departments aren't nearly as secretive as ours. The San Francisco and Oakland police departments are both examples of law enforcement agencies that are much more open with the public.

Law-enforcement agencies depend on public trust to do an effective job of ensuring public safety. Unfortunately, current SJPD secrecy needlessly undermines that very trust. I urge the Sunshine Reform Task Force to recommend policies that promote openness and transparency in all of our city's departments -- including SJPD.

Sincerely,

Mr. James E Vann
251 Wayne Ave
Oakland, CA 94606-1223

May 2007

Nicandro, Patricia

From: David Denton [actionalert@aclunc.org]
Sent: Tuesday, May 08, 2007 6:56 PM
To: sunshine_reform_task_force@sanjoseca.gov
Subject: In Favor of Open Records at SJPD

May 8, 2007

Sunshine Reform Task Force
200 East Santa Clara Street
San Jose, CA 95113

Dear Sunshine Reform Task Force,

I appreciate all the positive contributions of the San Jose Police Department to our community.

I am writing, though, to urge you to recommend a strong policy of openness with regard to SJPD records. As you draft your recommendations to the San Jose City Council, please include strong rules guaranteeing public access to local law enforcement records.

Currently, the SJPD routinely denies public access to its incident and use-of-force reports. These records document how San Jose police officers interact with the public and respond to requests for assistance.

Public trust is an important element of SJPD's effectiveness in ensuring public safety, but current SJPD secrecy needlessly undermines that very trust. I urge the Sunshine Reform Task Force to recommend policies that promote openness and transparency in all of our city's departments -- including SJPD.

Sincerely,

Mr. David Denton
1637 Fairorchard Ave
San Jose, CA 95125-4935

Nicandro, Patricia

From: Mukhdeep Arora [actionalert@aclunc.org]
Sent: Thursday, May 17, 2007 9:11 AM
To: sunshine_reform_task_force@sanjoseca.gov
Subject: We need an open Democracy, and and open SJPD - Open Records at SJPD!

May 17, 2007

Sunshine Reform Task Force
200 East Santa Clara Street
San Jose, CA 95113

Dear Sunshine Reform Task Force,

Thank you for your hard work on behalf of our community. I deeply appreciate the time you are devoting to make our government more transparent to the public.

I am writing to urge you to recommend a strong policy of openness with regard to San Jose Police Department records. As you draft your recommendations to the San Jose City Council, please include strong rules guaranteeing public access to local law enforcement records.

Currently, the San Jose Police Department routinely denies public access to its incident and use-of-force reports. These records document how San Jose police officers interact with the public and respond to requests for assistance.

The San Jose Police Department currently uses broad loopholes in the California Public Records Act to justify keeping these documents secret. The department isn't required by law to classify these documents -- it chooses to do so.

Other police departments aren't nearly as secretive as ours. The San Francisco and Oakland police departments are both examples of law enforcement agencies that are much more open with the public.

Law-enforcement agencies depend on public trust to do an effective job of ensuring public safety. Unfortunately, current SJPD secrecy needlessly undermines that very trust. I urge the Sunshine Reform Task Force to recommend policies that promote openness and transparency in all of our city's departments -- including SJPD.

Sincerely,

Mr. Mukhdeep Arora
1140 Starbird Cir Apt 1
San Jose, CA 95117-2853

June 2007

Ms Sheila Tucker
Sunshine Reform Task Force
c/o City Manager
200 E. Santa Clara Street
San Jose, CA 95113

Dear Ms Tucker,

As per our telephone conversation about two weeks ago,
I'm writing to give some balance to the ACLU's campaign for open records of
the San Jose Police Department.
While I have no objection to open records if the SJPD agrees to it, I feel
our police need community support, and so favor a policy that will not
hinder investigations nor leave conscientious officers vulnerable to
individuals and organizations with personal agendas.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Bobbi Lotman". The signature is written in dark ink and is positioned above the typed name and address.

Bobbi Lotman
6331 El Paseo Drive
San Jose, CA 95129
408 268-7448

Nicandro, Patricia

From: Fariha Naveed [actionalert@aclunc.org]
Sent: Monday, June 18, 2007 10:44 PM
To: sunshine_reform_task_force@sanjoseca.gov
Subject: Support Open Records at SJPD

Jun 19, 2007

Sunshine Reform Task Force
200 East Santa Clara Street
San Jose, CA 95113

Dear Sunshine Reform Task Force,

Thank you for your hard work on behalf of our community. I deeply appreciate the time you are devoting to make our government more transparent to the public.

I am writing to urge you to recommend a strong policy of openness with regard to San Jose Police Department records. As you draft your recommendations to the San Jose City Council, please include strong rules guaranteeing public access to local law enforcement records.

Currently, the San Jose Police Department routinely denies public access to its incident and use-of-force reports. These records document how San Jose police officers interact with the public and respond to requests for assistance.

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Other police departments aren't nearly as secretive as ours. The San Francisco and Oakland police departments are both examples of law enforcement agencies that are much more open with the public.

Law-enforcement agencies depend on public trust to do an effective job of ensuring public safety. Unfortunately, current SJPD secrecy needlessly undermines that very trust. I urge the Sunshine Reform Task Force to recommend policies that promote openness and transparency in all of our city's departments -- including SJPD.

Sincerely,

Ms. Fariha Naveed
6161 Via De Los Cerros
Pleasanton, CA 94566-8644

July 2007

Nicandro, Patricia

From: meghan dunn [cstell@aclunc.org]
Sent: Tuesday, July 24, 2007 1:20 PM
To: sunshine_reform_task_force@sanjoseca.gov
Subject: transparency please!

Jul 24, 2007

Sunshine Reform Task Force
200 East Santa Clara Street
San Jose, CA 95113

Dear Sunshine Reform Task Force,

Thank you for your hard work on behalf of our community. I deeply appreciate the time you are devoting to make our government more transparent to the public.

I am writing to urge you to recommend a strong policy of openness with regard to San Jose Police Department records. As you draft your recommendations to the San Jose City Council, please include strong rules guaranteeing public access to local law enforcement records.

Currently, the San Jose Police Department routinely denies public access to its incident and use-of-force reports. These records document how San Jose police officers interact with the public and respond to requests for assistance.

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Other police departments aren't nearly as secretive as ours. The San Francisco and Oakland police departments are both examples of law enforcement agencies that are much more open with the public.

Law-enforcement agencies depend on public trust to do an effective job of ensuring public safety. Unfortunately, current SJPD secrecy needlessly undermines that very trust. I urge the Sunshine Reform Task Force to recommend policies that promote openness and transparency in all of our city's departments -- including SJPD.

Sincerely,

Ms. meghan dunn
467 Spruce St
Half Moon Bay, CA 94019-1838

August 2007

Nicandro, Patricia

From: Albert Cobarrubias [action@aclunc.org]
Sent: Sunday, August 05, 2007 8:38 PM
To: sunshine_reform_task_force@sanjoseca.gov
Subject: Please Stop All the Secrecy!

Aug 5, 2007

Sunshine Reform Task Force
200 East Santa Clara Street
San Jose, CA 95113

Dear Sunshine Reform Task Force,

Thank you for your hard work on behalf of our community. I deeply appreciate the time you are devoting to make our government more transparent to the public.

I am writing to urge you to recommend a strong policy of openness with regard to San Jose Police Department records. As you draft your recommendations to the San Jose City Council, please include strong rules guaranteeing public access to local law enforcement records.

Currently, the San Jose Police Department routinely denies public access to its incident and use-of-force reports. These records documents show how San Jose police officers interact with the public and respond to requests for assistance.

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Other police departments aren't nearly as secretive as ours. The San Francisco and Oakland police departments are both examples of law enforcement agencies that are much more open with the public.

Law-enforcement agencies depend on public trust to do an effective job of ensuring public safety. Unfortunately, current SJPD secrecy needlessly undermines that very trust. I urge the Sunshine Reform Task Force to recommend policies that promote openness and transparency in all of our city's departments -- including SJPD.

Sincerely,

Mr. Albert Cobarrubias
2742 Chopin Ave
San Jose, CA 95122-1309

September 2007

-----Original Message-----

From: Betsy Wolf-Graves [mailto:betsy237@prodsyse.com]

Sent: Tuesday, September 04, 2007 3:50 PM

To: Terrazas, Eva

Subject: Input for the SUNSHINE REFORM TASK FORCE SUBCOMITTEE

Bert Robinson, Chair, Sunshine Reform Task Force Subcommittee
Copies: Bobbi Fischler, Karl Hoffower, Virginia Holtz, Brenda Otey, Don Pulcrano

Dear Subcommittee Members:

I may be somewhat late in getting my input before you.

However, if you have not as yet made final decisions regarding police-community information including, Use of Force, I would appreciate your considering my thoughts, particularly on the use of Tasers.

I am sending you a document in plain text which reflects my concerns.. I hope you and the members of your subcommittee will read it and give it your consideration. Sincerely, Betsy Wolf-Graves

Betsy Wolf-Graves 751 Emerson Court San José, CA 95126
TEL: 408.294-5779
Betsy237@prodsyse.com

September 4, 2007

Sunshine Reform Task Force
Public Records Subcommittee
City Hall T 1753
San José, CA 95126

I am representing myself before the Task Force. However I am connected with a number of other groups for whom transparency in government is an important issue.

Items that Should be Available to the Public

Among the items that should be available to the public are:
police reports, arrest records, use of force reports, incident reports, 911 call tapes and transcripts, and CAD tapes and transcripts.

Number and type of complaint/s against any individual police officer should be released to the public, including description of each incident and disciplinary action, if any, against an officer. (This is now moot because of a CA Supreme Court Ruling in Copley vs Superior Court)

Tasers

Looking at the 2006 Use of Force Report by the San José Police Department, I see this as more of a statistical piece of information as opposed to the Use of Force reports filled out after each incident. For example, when discussing Taser use, the report claims Tasers were used 131 times between May 1, 2005 and December 31, 2005. Their use is then broken

down: (Attachment C, 4 and 5 of 7)

Probe Used	63
Stun	43
Both	19
Missed	5
Malfunctioned	1

Questions remaining from the above include (1) how many times was a Taser used in a single encounter? (2) How many targets of the Taser were armed? unarmed? (3) Location of target? In a car, etc. (4) Position of the target? Standing, takedown, running, etc. According to the report, Tasers were used 131 times against 131 people.

I find the report somewhat vague in this regard.. For example: If the Taser was indeed used 131 times against 131 individuals, does that mean the officer pressed the trigger once only for the prescribed 5 seconds or did the officer prolong the shock by holding down the trigger longer? Or did the officer use it more than once? The information does not provide these details.

Page 4 of 7 in Attachment C suggests some of this information to be available but it is not contained in the report for some reason.

In addition, I have seen reports from other cities giving more information regarding police encounter (names withhold) which fleshes out the information the department is attempting to share.

In summary I find the Use of Force report inconclusive as it gives aggregate but not specific information on what happened, how force was used and outcomes.

More specifically, on December 1, 2005, Chief of Police Davis issued Training Bulletin 004-05, "Taser Usage Update".

It would be helpful to the public if we could see how Tasers were used in the 6 months prior to the update compared with their use during the 6 months after the update. It would be of interest if we knew how many shocks were administered to individuals in Taser-involved deaths.

Concluding Remarks

SJPD incident reports, Use of Force reports and other documents should be explicitly classified as public records.

The SJPD should make public to any person, upon request any document routinely generated by police department personnel

The public should be able to appeal City decisions to the Sunshine Reform Task Force or a similar body.

In my dealings with SJPD administration I have found it to be patronizing, suggesting that I am not competent to evaluate the information I might receive from them.

In an Op Ed piece appearing in the San José Mercury News, August 31, 07, Chief Rob Davis mentions that, while receiving, investigating and

sustaining "complaints of excessive force against a very small number of officers, we did not find evidence of systemic problems of racial profiling...." Here, again, such complaints and their resolution are not spelled out. He then asks the community to come up with recommendations for solutions it seems reasonable to me that, if the community is not given adequate information, the community will be unable to present meaningful solutions.

Sincerely,

Betsy Wolf-Graves, LCSW

From: bearkats1@juno.com [mailto:bearkats1@juno.com]
Sent: Tuesday, September 18, 2007 12:00 AM
To: Lee.Price@sanjoseca.gov; mayoremail@sanjoseca.gov
Cc: Pete.Furman@sanjoseca.gov
Subject: Fw: RE: Increasing Police Transparency

Ms. Price,

Could you please forward this letter I wrote to the Mayor, and Council, to the Sunshine Task Force, in time for the September 20th, Thursday evening meeting? I do not have their email address, nor do I know how to contact them.

Thank you,

Kathleen

Please, spay/neuter your pets, it saves lives!

=^..^=

----- Forwarded Message -----

Honorable Mayor Reed, and Council Members,

I am writing to you as a private citizen, as a victim of a crime, and as a victim's advocate. I attended tonight's forum at the MLK Library. I am deeply concerned about the proposal of opening Police reports to the public and the media. As a former victim, the thought of having my name, address, phone number, and the details of what I went through, made a matter of public record is terrifying to me. As a mediator who has worked in Victim Offender Mediation, and as a person who sits on several committees and boards defending the civil rights rights of victims, I am terrified that the of kind transparency you are being asked to give members of the public, will not only keep victims from coming forward, but would allow a perpetrator the opportunity to come after their victims by gaining access to this presently confidential information.

As an advocate who works with immigrants in San Jose, I can tell you first hand that the media has represented the Police as brutal, racist, and violent so much so that, many of the victims I work with absolutely refuse to come forward and report things like rape, assault, robbery, and other felonies. My biggest fear is that opening Police reports and files to the extent I heard tonight, will further victimize innocent people, victims of crimes, and witnesses to crimes. Confidentiality is a huge bargaining tool that Police Officials, government departments, and other enforcement agencies, like Code Enforcement use, to ensure the safety and well being of those coming forward. My hope is that you will take this into serious consideration before you allow this kind of action.

I would also like to ask that you do not allow a Charter change to give the IPA any more power or discretion than she already has. While she may be educated enough to over see complaints, I do not feel she is trained in enforcement, use of force, and certainly has no

idea of what a Police Officer goes through when a gun is pulled on them, or they are fighting for their lives. That was very evident to me in tonight's meeting, and during the special Council Meeting during her IPA report.

Finally, I'd like to say that I have attended every public forum held on this issue, and regarding the Police. I have yet to see anyone or group present who speaks on behalf of victims of crime in San Jose. Every forum I've been to has been one sided, and does not include groups who oppose these kinds of requested changes. There is something very wrong about that.

When Police enforcement representatives, or DA personnel is present they are rarely given a fair opportunity to respond to allegations made, or remarks by panelists, or the public. That happened in tonight's forum, when District Attorney McCracken tried to respond to comments made to her by the panel sponsoring the forum. She was not given equal time, or an opportunity to refute incorrect statements, or information. If members of the public who do not support this were notified as widely as these special interest groups, that these changes are being requested, I'm pretty sure they'd call, write, and appear before you.

Please, vote no on this very dangerous, and well meaning proposal.

Respectfully,

Kathleen Flynn

Please, spay/neuter your pets, it saves lives!

=^..^=

From: christianhemingway@msn.com [mailto:christianhemingway@msn.com]
Sent: Tuesday, September 18, 2007 12:13 AM
To: Lee.Price@sanjoseca.gov
Cc: Chuck.Reed@sanjoseca.gov; Pete Furman
Subject: RE: Police Transparency

Lee -

Could you please forward the e-mail below on to the Sunshine Task Force in time for Thursday's meeting?

Thank you,

Christian Hemingway

Dear Honorable Mayor and Council,

I am writing to you today as a private citizen, and an advocate of victim's rights. I am asking you today for two things: 1) do not approve of the proposal to publish police reports, and 2) do not pass the proposal to give the Police Auditor any more responsibility or control than she already has. I attended the forum held by the ACLU tonight at the Martin Luther King Jr. Library, and have attended almost every forum held by the Independent Police Auditor (IPA), and I was surprised at the lack of representation by people and groups supporting Victim's Rights. As you know, to truly solve a problem, you need both sides of an issue to come to the table, and in this issue, we seem to only have one.

The ACLU, and groups that wish to publish police reports cite the need for sunshine as a tool to determine whether or not the police have done their job without violating the law, or engaging in brutality. These groups fail to mention how this proposal will affect those directly affected by crime, namely the victims. As mediator in the County's Victim Offender Mediation Program, I often find that Victims of crime, especially if that crime is of a violent nature, are often afraid to face the offender, afraid of their name being made public, and/or of being the target of retribution or revenge. By publishing police reports, you are re victimizing these victims. Often Police, the DA's office, and even Code Enforcement use confidentiality to get victims, witnesses, and others involved with the case as a tool to their cooperation in a case. Making their information public would cause people to not want to be involved for fear of their personal information being made public.

In tonight's meeting, the Independent Police Auditor lobbied the community by asking the crowd to attend the Council meeting, and the Sunshine Task Force meeting, and ask for a Charter Change to allow her to review Taser-related deaths. (If I understood correctly, I thought you already refused this request, during the special Council Meeting when the IPA presented her report.)

The IPA does not have the knowledge or experience to understand what it is like to be a police officer, and the pressures that that entails. Without that experience, it would be impossible to fairly understand, much less judge whether the use of force by Taser was right or wrong. I'd also like to see the IPA start working more effectively with the Chief of Police in obtaining information she wants, rather than using her position to lobby the community, and non profit groups to get what she wants. I am asking that you deny this request.

To truly do community outreach on this issue, you need to invite all stakeholders to the table. Not only should the ACLU and NAACP groups address victim's rights in this proposal, but they need to be more inclusive, by inviting members of the community who oppose this, and have a vested interest in this issue. Please vote no on this request, and direct the Sunshine Task Force to be more inclusive than these groups have been, when considering any change that could re-victimize victims.

Thank you,

Christian Hemingway

'After all, we see things as WE are, not as THEY are.' 🙄