



Memorandum

TO: PUBLIC INTOXICATION TASK FORCE (PITF)

FROM: Debra Figone

SUBJECT: APRIL 23 MEETING AND NEXT STEPS

DATE: April 9, 2009

As you know, there have been several schedule changes since we last met on February 26. I appreciate your patience and look forward to reconvening the Public Intoxication Task Force (PITF) on April 23 and completing our work in a timely fashion. As a reminder, here is the revised meeting schedule.

Date	Time	Purpose
April 23	6:00 – 9:00 p.m.	Phase 2: Identification and Analysis of Solutions
May 7	6:00 – 9:00 p.m.	Phase 3: Prioritization of Recommendations

I would like to use this memo to help us prepare for the April 23 meeting. I would also like to share my thoughts about the status of the Task Force, particularly as we look ahead to finishing our work and submitting a report to City Council in May. Finally, I want to respond to some of the concerns I have heard about the Consortium for Police Leadership in Equity (CPLE), and describe the reasoning behind the decision to enlist this team of researchers to better understand equity issues regarding the San Jose Police Department and the community.

Preparing for the April 23 Meeting

At our last meeting on February 26, we agreed to set aside time to hear from Task Force members who want to share the results of their examination of the 647(f) Incident Reports. It was suggested that the reviews include the approximately 80 reports previously released by the Santa Clara County District Attorney's Office, along with the 282 reports released in March by the San José Police Department. We also agreed that interested Task Force members would conduct separate reviews using whatever methodology they deemed appropriate and effective. At the same time, Task Force members were encouraged to email each other suggested areas to examine.

It is important that we stay with this plan and reserve a significant amount of time on April 23 for Task Force members to talk about the 647(f) Incident Reports. I also want to make sure we reserve enough time to decide upon a methodology for accomplishing the two specific tasks the City Council assigned to the Task Force.

Format for Incident Report Presentations

I encourage any Task Force member who has reviewed the 647(f) Incident Reports to provide a summary in writing so that we can make copies to distribute to all Task Force members and the public at the April 23 meeting. I would also like to include the summaries in the report that will be submitted to the City Council. My office can help copy the summaries. Please let us know by Tuesday, April 21 or, alternatively, you can bring 60 copies of your document to the meeting.

To help all members of the Task Force understand the various review methods, I would suggest that your summaries include the following information:

- A description of how the data was analyzed;
- The results and findings of your review;
- How the results and findings might inform the Task Force's recommendations in terms of (1) non-criminal sanctions and alternatives to arrest, (2) objective evidence used to support arrests, and
- Any other information you believe is important to document for the City Council to know. This information can be included in the Council report in the additional ideas/long-term proposal category.

Status of the PITF

It has become evident through the course of the first three PITF meetings that Task Force members are not in alignment with the goals and purpose of the PITF. On one hand, the purpose of the PITF as directed by the City Council is quite clear. Specifically, it is to:

- 1) Develop recommendations for non-criminal sanctions and alternative approaches to arrest under Penal Code Section 647(f), and
- 2) Identify additional procedures that an officer should satisfy to obtain objective evidence to support findings to arrest under Penal Code Section 647(f).

On the other hand, some Task Force members have expressed concern that this purpose is too narrow, and that the PITF should focus on broader issues associated with alleged San José police practices. I recognize that there are Task Force members who have strong feelings about these broader issues, so I understand why some are frustrated with the specific focus of the PITF. While it is my obligation to see that the goals of the Task Force set by the Council are accomplished, I also want to assure those who are frustrated that the City is not ignoring their broader concerns. To compliment the Task Force's important work on the two goals assigned by the Council, City staff has initiated measures to address those broader concerns. Perhaps most significantly, the City has enlisted the assistance of the CPLE to conduct an impartial, in-depth and professional analysis of equity issues relating to the police department and the community. I urge those Task Force members who have thoughts about police department practices that are outside the scope of the PITF's assigned work to contact CPLE directly, as some of you have already done. In addition, to ensure that Task Force members also have an opportunity to convey those thoughts to the Council, the PITF's report to the Council will contain a third

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category of information consisting of individual member's ideas and potential long-term proposals pertaining to their broader concerns. This third category will, for instance, allow Task Force members to convey ideas resulting from their review of the 647(f) Incident Reports having nothing to do with alternatives to arrest for 647(f) or objective evidence, and even proposals pertaining to other types of arrests, while also accomplishing the two specific goals set by the Council in the first two categories of the report.

It is time for the Task Force to focus its attention on preparing its report to the Council. While I know that some of you feel strongly that the Task Force should examine additional issues in greater detail, I am sure all of you recognize the value to the community, including those that you represent, of reducing the number of 647(f) arrests by providing alternatives to arrest, and improving the documentation of objective evidence that supports those arrests that do occur. I am also sure that our effort to accomplish these two goals will benefit from the participation and collective wisdom of all Task Force members. As a result, regardless of whether you agree with the scope of the Task Force's work, I hope that each of you will focus your energy and thoughts on these important goals as we move forward.

Consortium for Police Leadership in Equity (CPLÉ)

As you know, last Month the Police Chief signed a Letter of Intent with the CPLÉ to conduct an independent research initiative to help the City better understand the equity issues related to arrest data and police practices. The City will use the results of the CPLÉ work to evaluate the need for any potential changes or improvements to the Police Department's policies, procedures, and/or training.

Some Task Force members have expressed concerns about my decision to support the CPLÉ research initiative, and the way it was communicated to the PITF and public. While I am concerned that the decision has resulted in bad feelings on the part of some Task Force members, that was not my intent. I am confident that utilizing the methodological expertise of the CPLÉ will benefit the residents of San Jose and the Police Department. Here are the reasons why:

- The goal of the CPLÉ is to improve issues of equity – particularly racial and gender equity – in policing both within law enforcement agencies and between agencies and the communities they serve.
- The CPLÉ is an independent group of accomplished social scientific researchers from leading academic institutions across the country.
- The CPLÉ is committed to research transparency. The consortium will not be paid by the City for its research, and their findings will be independent of the City's control. Because they are funded through grants that they secure on their own, they are able to maintain an objective, independent stance relative to the agencies they research.
- The CPLÉ employs a variety of research methods and short-term and long-term (longitudinal) data collection techniques to ensure valid and reliable results.
- The structure of the CPLÉ is itself an innovation because it is designed to further the interests of transparency and accountability in equity matters.

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In short, I am confident that the CPLE has the right researchers, methodology, and organizational structure to provide an honest review and frank assessment of the Police Department's policies and practices, and how they impact the community it serves.

Some Task Force members have expressed concerns that the City's association with the CPLE undermines the work of the PITF. I do not share this view. The PITF has done (and is doing) a service to the community by bringing issues related to arrest statistics and police practices to the attention of the public and City Council. However, the PITF was not designed, staffed, or resourced to undertake the kind of extensive social scientific research that is required to produce valid conclusions on these complex issues. This type of research and analysis is outside the scope of what the Task Force was designed to do.

I view the CPLE as a natural and logical next step to the PITF, not a substitute or competitor. As you know, for the past several months news articles and some community members have questioned the number of public intoxication arrests in San Jose, suggesting that they are disproportionately high for Hispanics and indicative of a larger pattern of biased-based actions by members of the Police Department. These concerns were expressed to the City Council by community members at a Public Hearing last November 18, and have been the subject of discussion at each of our PITF meetings. More recently, news articles and some community members have questioned the number of resisting arrest and disturbing the peace arrests, also suggesting that they are disproportionately high for Hispanics and indicative of biased-based police actions. I take these concerns seriously and believe that an independent review and systematic investigation of these concerns is now warranted. The research that the CPLE will conduct will provide an internal and external review that is uniquely suited to address the questions and concerns that have been raised.

Some Task Force members have also expressed concern about not being consulted in the decision to bring CPLE to San José. In retrospect, I see that we could have informed the PITF of the decision before it was made public, though this would not have changed the outcome because, again, I firmly believe that the CPLE is the right approach for the residents of San José and the Police Department at this time. I ask you, respectfully, to look at the CPLE for what it is and what it can do, and not for how it was brought to San José. To that end, I encourage you to take advantage of the opportunity to talk directly with the CPLE, if you have not already. Feel free to talk with CPLE if you have questions about its approach, and share whatever thoughts you might have about arrest data and police actions.

If you have questions, or wish to comment on this memo or any other PITF issues, please contact me or Deputy City Manager Norberto Dueñas at 535-8180, when he returns to the office on April 17.



Debra Figone
City Manager