

Summary of Community Workshop #1: Police Practices and Potential Reforms September 8, 2020

Mayor Marcia Jensen welcomed the community, explained how we got here, and stated that Judge LaDoris Cordell would be facilitating the meeting.

Judge Cordell explained her background, provided an overview of the workshop agenda, and reviewed ground rules.

Chief Peter Decena presented a brief overview with statistics on use of force, crimes, and the racial composition of those arrested or who received citations.

Town Attorney Rob Schultz identified the low number of settlements due to Police misconduct in Los Gatos.

Judge Cordell provided an overview of bills pending the Governor's signature that could reform some aspects of policing throughout California.

Town Manager Laurel Prevetti identified three potential areas of reform that had been raised at Town Council meetings, General Plan Update Advisory Committee meetings, or in correspondence:

- **Divert funding from the Police Department to hire Social Workers to respond to mental health and/or homeless calls for service**
- **Disarm or cancel the School Resource Officer partnership with the school districts**
- **Consider some form of Police oversight to improve accountability**

Judge Cordell welcomed community comments on these and other potential reforms, community experiences with the Police Department, and other items. The workshop would run as long as people wanted to talk.

Q&A/Comments Addressed During the Workshop

Ali Miano

- **Commented on concerns regarding overpolicing and racial profiling. Shared an experience regarding a time in Bachman Park where she witnessed a man that may have slept in the creek bed where four police cars, two social workers, a fire truck and an ambulance were present. Commented she had experienced racial profiling when stopped by a Los Gatos-Monte Sereno Police Officer.**

Kathy Kroesche

- **Inquired when body cameras are required to start and stop during all public interactions, if the recording is automatically sent to a neutral third party database where it cannot be altered, and how often officers change partners.**

Chief Decena stated body cameras are required to be on during any contact with a community member and during all enforcement stops. The body camera footage has a cloud-based data system where it is automatically uploaded and has digital fingerprints, and LGMSPD does not have the staffing levels for partners with the exception of the K-9 officer (whose partner is a dog) and Officers-in-training.

ATTACHMENT 2

Lee Fagot

- Commented regarding his two Police ride-alongs. He observed during the first ride-along that the Officer actively prevented potential crime and traffic violations, and helped people find resources to assist with mental health issues. During the second one, the Officer de-escalated a situation where a person had already committed a crime.
- Commented that first responders should include personnel with expertise in social-emotional well-being.

Catherine Somers

- Inquired about the racial make-up of the Los Gatos Monte Sereno Police Department (LGMSPD) and commented the Police Department has a designated person who works with the homeless population to provide and connect them to resources.

Chief Decena stated the Police Department is made of up 69% white, 22% Asian/Pacific Islander, 6% Hispanic, and 3% Black individuals. 84% are male and 16% are female. There are no self-identified LGBTQ personnel.

Amy Nishide

- Commented in support of all the proposed reforms especially disarming the School Resource Officer (SRO) and creating a civilian oversight committee. Inquired why Officers were seen not wearing masks and why ex-Officer Silva was hired in the first place.

Chief Decena stated Officers are required to wear masks and encouraged the community to contact the Police Department if officers are seen in violation of the rule. He offered to meet with Amy to discuss the hiring of ex-Officer Silva.

Anonymous Attendee

- Inquired why Officers are wearing military-style uniforms (i.e., combat pants) instead of the usual blue uniform and requested the Town require the Officers to wear the blue uniform when patrolling.

Chief Decena stated Officers have been allowed to wear external vest carriers for the health of the Officers due to the weight of their gear. Some Officers wear a vest and others wear pants with multiple pockets. Town Attorney Robert Shultz stated Senate Bill 480 would bar law enforcement from wearing camouflage uniforms and other military style uniforms.

Anonymous Attendee

- Inquired how Officers are trained to handle situations of potential racial profiling. For example, community members calling the Police because of perceived threats posed by a Black or Brown person in a neighborhood, in a store, etc.?

Chief Decena stated that Officers respond to all calls to provide a high level of customer service. All Officers are trained to assess a situation and handle it appropriately.

Folake Phillips

- Inquired how can Officers who are racist be addressed.

Chief Decena stated everyone has biases and while Officers cannot be told what to think, they can be told how to act. They are required to treat all people fairly or face appropriate consequences.

Jeffrey Suzuki

- Commented carotid restraint is cutting off the blood flow and is dangerous, supports establishing civilian oversight, and inquired if the use of force is so low, why armed Officers are the first responders.

Chief Decena agreed that the use of carotid artery hold can be dangerous. He said sending an armed Officer to what is likely not a violent call for service is a philosophical discussion and invited Mr. Suzuki to contact him to discuss further.

Nika Sabouri

- Commented her Iranian American uncle was pulled over by LGMSPD and was searched in front of his home. He was let go once his wife, who is a white woman, waved to her husband. They did not feel welcome to live in Los Gatos. They did not file a complaint. Commented that not all of the Police misconduct is investigated or reported. Commented that the LGMSPD tried to discourage/cancel a BLM protest in Town.

Kareem Syed

- Thanked the Town for holding this workshop. Inquired what civilian oversight forms have worked in the Judge's experience and what else can we do as a Town to ensure these issues are being addressed.

Judge Cordell stated it would take too long to address this particular question as there are several options. She encouraged the community to visit the website NACOLE.com to learn about different models that are working for similar sized Police Departments and cities. She stated the key is that the Police should not be investigating themselves when there are complaints about misconduct. She stated civilian oversight models vary greatly and encouraged the community to take a look at what the City of San Jose is considering with the proposed Charter change before the voters in November.

Anonymous Attendee

- Inquired why personnel complaints are investigated internally and requested the Town commit to an independent review body.

Chief Decena stated outside investigators are sometimes brought in and the Town is open to the idea of an independent review body.

Anonymous Attendee

- Inquired about what the disproportionately high arrest rate of Hispanic and Black individuals is attributed to.

Chief Decena stated that more research is needed to fully answer the question. The statistics presented are a small portion of the full stop data and with technology upgrades, the Town will be able to delve into the full picture.

Randi Chen

- Inquired about the ethnic make-up of the Police Department.

Chief Decena stated the Police Department is made of up 69% white, 22% Asian/Pacific Islander, 6% Hispanic, and 3% Black individuals. 84% are male and 16% are female.

Emeric Bisbee

- Commented in support of reallocating Police funds to unarmed first responders and social services. The Town needs different programs.

Daniel

- Thanked the Town for holding the workshop. Inquired how to report Police Officers that are not wearing masks, what percent of monies from patrol can be allocated to social services that would address mental health calls for service, where the contact numbers come from, how the Chief engages the Officers to ensure buy-in of compassionate policing, and if the Chief believes some services may be better handled by other Departments.

Chief Decena stated Officers are required to wear masks; the Captains are listening to this workshop and will address this issue with the Officers. All Police Officers are required to undergo Crisis Intervention Training. In addition, The LGMSPD has been working with the Santa Clara County Behavior Health Services to facilitate mobile crisis response to some mental health calls. The LGMSPD is open to hiring social workers but has seen difficulties in other jurisdictions finding licensed clinical social workers who are interested in the scheduling of rotating shifts/on-call. The Chief believes mental health calls and homeless issues can be better served by another Department. Buy-in is gauged by what the Chief sees and the feedback from the community. He sees the Officers demonstrate compassion in their work. All contacts are documented by the communication aided dispatch/records management system (CAD/RMS) which is being upgraded to better track data for each contact.

Clay Goodman

- Inquired why don't Police persons "Walk the Beat"?

Chief Decena stated Officers walk the beat when the workload permits it given the large beat areas and calls for service. They do premise checks. Currently, there is no single Officer assigned to the downtown walking beat due to staffing; however, he would like to see that in the future.

Wayne Heimsoth

- Inquired how many people are on this Zoom meeting?

Town Clerk Neis stated 80 participants was the highest number of attendees and 59 participants were on at the time of the question.

Clay Goodman

- Inquired if carotid artery moves are necessary to protect the Police force?

Chief Decena stated he was reluctant to remove the carotid artery hold completely, and internal policy was changed to allow the use of that hold only if absolutely necessary. Town Attorney Robert Shultz stated there is currently a bill that will ban the use of the carotid artery hold.

Amy Nishide

- Commented a positive experience with the LGMSPD when a man used her yard to urinate. The Officer notified Amy that if she wanted to press charges, the person may get caught up with I.C.E. She commented that the LGMSPD needs to take additional care of who they stop and requested the Chief publish the reasons why he hired ex-Officer Silva.

Chief Decena stated that hiring decisions are personnel matters so documents will not be able to be published; however, he is happy to discuss it with her. Town Manager Prevetti stated that last year

when the community was concerned about Officer Silva, both she and the Chief met with community members to discuss it. She added that the Town is now more rigorous in the hiring process and continues to learn from past experiences.

Lee Fagot

- Commented that he supports continuing reallocation of funds to other programs, requested this workshop topic be continued to the next workshop, that he supports the SRO be armed, and invited the Chief to the next Democracy Tent meeting on Monday, September 14.

Laurel Prevetti stated the next workshop topic will be on affordable housing. The Police topic would not be continued to that workshop, but it will be discussed by the Town Council on September 15.

Nika Sabouri

- Commented on the large Police presence at the Fisher Middle School walk out which seemed to prevent the students from protesting and inquired what the SRO has done to protect the students.

Chief Decena provided a couple of examples of what the SRO does, including teaching a vaping diversion class, and participating in Behavioral Intervention Training with High School staff to help identify students in potential mental health crisis and connect them to resources.

Bill Ehlers

- Has the LGMSPD received any equipment from the Defense Department program called 1033? If so, what and where is it kept? The Police motorcycles, which I understand are primarily used for traffic matters, carry military style rifles. Why is this? Do the patrol cars and SUVs also carry such rifles?

Chief Decena stated they discontinued that supply source in 2015. Motorcycle Officers are mainly used for traffic stops but can be called to respond to patrol calls. All of the Officers have rifles because criminals have superior weapons.

Alicia Cinema Stereo

- Commented on the status of the world right now. Asked the Chief for his personal thoughts about the protests and the BLM movement and how he will support and protect everyone.

Chief Decena stated he is in support of peaceful protests and that the nation has a long way to go. He said that it is great that the Town's youth are organizing the protests. These recent protests feel different because more people are outraged. His family had negative experiences in the internment camps.

Jeffrey Suzuki

- Inquired if an armed Police Officer is the right response to non-violent calls for service, such as barking dogs. Commented on concerns that materials regarding ex-Officer's Silva's hiring are not available and requested the Town consider publishing materials. Inquired how the Los Gatos Anti-Racism Coalition can help the Town with these issues.

Town Manager Prevetti encouraged the community to stay engaged in these issues and to join the Town in working toward a better community. Later in the workshop, the Mayor would identify specific next steps.

Heidi Owens

- Inquired why 19 policies in the Police Manual are not available to the public and who reviews the policies.

Town Manager Prevettti and Town Attorney Rob Schultz stated that the policies that are not available to the public have to do with Police procedures for handling certain incidents and that this information is not publicly available to protect Officer safety. The Town Attorney reviews all policies.

Heidi Owens

- Is the Police Officers Association union Memorandum of Understanding or contract publicly available? If not, can you publish it?

Town Manager Prevettti stated the Police Department MOU is publicly available on the Town's Human Resources webpage.

Alicia Cinema Stereo

- Does the Chief believe that there is an issue of systemic racism in the history of the United States? Does he believe that Black lives are valuable and deserve to be treated with respect in this country? What are his thoughts on the police brutality that is occurring throughout the United States?

Chief Decena stated he has witnessed systemic racism and is committing to combating it. Yes, Black lives matter and there is no defense for recent Police killings, such as the murder of George Floyd.

Anonymous Attendee

- How much is the Judge (contractor) being paid to be on this call?

Judge Cordell stated the contract and information regarding her compensation will be made public upon payment.

Kareem Syed

- Thanked the participants for putting on the workshop.

Anonymous Attendee

- Asked can you define "community policing" as a term?

Chief Decena stated establishing relationships in the community, working with the community to decide any issues that need to be addressed, and it is how the LGMSPD does business every day.

Council Member Rennie

- Commented the LGMSPD have 32 operational sworn officers and 22 civilian officers. This is 40% civilian which means a not insignificant part of the budget is for civilians. It is easier for us to imagine what the sworn officer does, but since less visible, it is much harder to imagine why we have 22 civilians.

Chief Decena stated civilian personnel are dispatchers, records specialists, community outreach, and other essential positions. They are critical to how the Department conducts business.

Anonymous Attendee

- Commented the Police do not know what they will be encountering when they respond to calls for service.

Barbara Rogan

- Commented in opposition of cancelling the Police/school partnership.

Matt Hemmis

- Inquired if a third party evaluated any use of force action, what new types of training are in place for de-escalation tactics, if contacting Crisis Intervention Training (CIT) team for mental illness interactions should be a requirement and who makes that call, and if the Chief could provide examples of compassion training the Police force undergoes.

Chief Decena stated every use of force is evaluated internally and occasionally by an outside investigator. Officers learn de-escalation techniques in defensive training and go through 40 hours of Crisis Intervention Training. The Department utilizes the mobile crisis response team, and the Officers' CIT help to achieve long-term solutions. He and other Officers have gone through the Stanford University Compassion Institute Mindfulness program. He credited Palo Alto Chief Bob Johnson and Emeryville Chief Jennifer Tejada for introducing mindfulness to Police.

Alicia Cinema Stereo

- Inquired where the Compassion Institute is located and how she can get involved.

Chief Decena stated the Compassion Institute is located at Stanford and she could contact them directly for how she can get involved.

Barbara Rogan

- Inquired where are questions not located on the Q&A coming from.

Town Manager Prevetti stated some questions were received in advance via email.

Rachael Londer

- Inquired about the purposes of unmarked Police vehicles.

Chief Decena stated it depends on the scenario; however, unmarked vehicles are usually involved if having a marked vehicle may escalate a situation.

Ali Miano

- Inquired if tracking which Officers stop or arrest higher proportions of Black and Brown individuals may be a solution and may increase accountability, and inquired how to ensure each Officers' accountability.

Chief Decena stated the suggested solution is possible with updated CAD/RMS technology, and Officers are disciplined appropriately.

Emeric Bisbee

- Are the Officers who are the subject matter experts on mental health calls carrying weapons when they respond?

Chief Decena stated that the Officers carry weapons when responding to mental health calls.

Ali Miano

- Commented on the unmarked car and the racial profiling she experienced at local protests and asked what we are going to do about racial profiling by our Police. She inquired why are the Police

in charge of people living on the streets? Commented that's precisely an area to which we could allocate effective services, like homes for the homeless.

Chief Decena stated that an unmarked car was at the protest to provide presence without inflaming a potential situation. The Police Officers are last resorts to respond to homeless concerns. The Town has 13-16 unhoused persons that are residents of Los Gatos. We also have Officers that work directly with the homeless and know them well. Officers try to connect the homeless with available resources. Police response is a short-term solution to responding to homeless and mental health calls.

Daniel

- Commented about unmarked vehicles at the protests and inquired what the next steps are after this workshop.

Chief Decena stated the unmarked car was located at a BLM protest to monitor the event to ensure the safety of the protesters. The Mayor would describe next steps at the end of the workshop.

Jeffrey Suzuki

- Expressed his appreciation for the workshop.

Alicia Cinema Stereo

- Asked Judge Cordell if there was anything that should have been asked that wasn't and what she thought about the process and Los Gatos.

Judge Cordell stated she was there to facilitate the process and not to critique, she didn't think there were any unasked questions, and she thought Los Gatos was on the right path.

Maria Ristow

- Inquired how community members can sign up for ride alongs.

Chief Decena stated the community typically can sign up for ride alongs; however, the program is paused due to the pandemic. The Citizen's Police Academy is another opportunity to engage after the pandemic is over.

Anonymous Attendee

- Inquired if a SRO created a vaping sting operation and if the principal or faculty could have handled vaping discipline.

Chief Decena stated the SRO created a vaping awareness class, not a sting operation.

Anonymous Attendee

- Inquired if Police Officers are required to watch the recording of this meeting so they can hear the community's concerns and hear Town leadership's guidance.

Chief Decena stated a number of Officers are watching currently, and that all of these concerns will be brought up to staff.

Jeffrey Suzuki

- Commented on the second question I asked earlier in my statement was whether we can release data regarding the ethnic and racial composition of arrests and citations, perhaps on a yearly basis.

Chief Decena stated the LGMSPD will begin collecting full data in 2022, but will be collecting basic data on the new technology which can be published annually on the Town website.

Anonymous Attendee

- Inquired if the Chief understands the nature of implicit bias, and can further explain why implicit bias training is not mandatory. No “overt racists” on the force is a painfully low bar.

Chief Decena stated the Town encourages Officers to take implicit bias classes and has held diversity panels with members of the Islamic, Sikh, and Jewish religions. Implicit bias is something the LGMSPD is aware of and is something we attempt to expose the Officers to. Judge Cordell stated that Stanford Professor Jennifer Eberhardt is a MacArthur Genius and the leading expert on implicit bias and mentioned she may be available to offer more insight. Professor Eberhardt wrote the book “Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do.”

C. Musser

- Commented that the LGMSPD does a great job with the homeless and just finding affordable housing will not solve the problem, it’s much larger than that.

Catherine Somers

- Inquired how allegiant the Chief is to the Police Foundation Board and how the community can be assured that the Chief makes his own decisions about the LGMSPD Force?

Chief Decena stated that was cautious about the Police Foundation. The Foundation has an excellent Board of Directors that is committed to this Town and provides financial support to the Police Department in the form of Police dogs, training, and some equipment. He is not beholden to them for law enforcement decisions.

Anonymous Attendee

- Inquired what are the next steps for the Town Council and this group, if this group solely responsible for determining how funds are allocated, and how to move forward with reallocating funds. Commented the Chief himself said he’d be happy to accept defunding and reallocation to support mental health calls.

Closing/Next Steps

Mayor Jensen thanked the attendees for a constructive and positive session. She thanked all Council Members for being in attendance to listen with her. She thanked the Judge, and staff, and outlined the next steps at the end of the workshop. She invited the community to attend the next Council Meeting on September 15 via Zoom at which time the Council would decide how to proceed on Police reforms. The next community workshop is September 29 on affordable housing and in October, there will be a workshop on Community Culture. She invited everyone to attend. After each workshop, Town Council would take up the matter: listen/learn, then assimilate and take action.

Judge Cordell thanked the attendees and acknowledged the courage for leadership to take this step. She expressed that she is ever hopeful for a stronger, kinder nation and encouraged action.

Additional Written Q&A Previously Addressed During the Workshop

Rachael Londer

- Hello! Every time I have seen an Officer in a vehicle, walking or directing traffic they have not been wearing a mask. Is this a rule for them? It has made me feel extra unsafe to have to interact with unmasked Officers.

Anonymous Attendee

- Yes to civilian oversight; yes to reallocating some Department funds to social services to support homeless folks, folks with mental health issues, etc. so Police aren't the first dealing with those calls; and yes to disarming School Resource Officers and investing in counselors in the schools. And please wear a mask. Thank you.

Daniel

- You got them, thank you.

Emeric Bisbee

- Answer to the Anonymous Attendee: I think the masks the Officers are wearing are better than the ones they put on Daniel Prude's head.

Emeric Bisbee

- Anonymous Attendee: you can get enough oxygen wearing a mask.

Emeric Bisbee

- no armed Police on campus.

Anonymous Attendee

- Police Officers Association MOU: <https://www.losgatosca.gov/1702/POA>

Terry Duryea

- Thank you for organizing this and inviting Judge Cordell, she is worth every penny.

Bill Ehlers

- Thanks for the engagement.

Maria Ristow

- Thank you all around.

Clay Goodman

- We support armed Police at our schools.

Anonymous Attendee

- The Police uniforms do not look militaristic. They are functional only.

Anonymous Attendee

- We want our Police force to receive enough oxygen. The masks do not protect anyone from any viruses!!