

June 12, 2020

Supervisor Joe Simitian proposes new reforms for the Santa Clara County Sheriff's Office

by Kevin Forestieri / Mountain View Voice

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Santa Clara County Supervisor Joe Simitian announced Friday a package of new policies aimed at curbing police violence and excessive use of force. Photo by Veronica Weber.

Santa Clara County Supervisor Joe Simitian announced Friday a package of new policies aimed at curbing police violence and excessive use of force, calling it a necessary step to improve local law enforcement in the wake of nationwide protests.

The proposals would require the Santa Clara County Sheriff's Office to revise its use of force policies to be consistent with the 8 Can't Wait campaign, a series of reforms that could reduce the rate and severity of officer-involved violence. They would also prohibit the hiring of officers with a history of excessive force, and would curtail or eliminate the use of tear gas and rubber bullets on protesters.

The long list of changes, if approved, would affect all Sheriff's Office staff, including correctional officers, but would not extend to city law enforcement agencies within the county. Individual cities

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including Palo Alto have considered similar policy changes in recent days.

Simitian's proposal comes on the heels of massive, ongoing public demonstrations over the death of George Floyd, a black man who was killed by a white Minneapolis police officer last month. During the May 25 incident, Officer Derek Chauvin restrained Floyd by pressing his knee on Floyd's neck for nearly nine minutes, during which he asphyxiated.

In a Friday press conference, Simitian said the events that took place in Minneapolis are "deeply disturbing" and inherently inconsistent with equal justice under the law, and that such tragedies are common and "weigh heavily" on communities of color. His hope is that the community can turn the public outrage into real change.

"The question that arises after any tragedy of this sort is after the protests -- after the anger and despair and grief that people feel has been shared -- will we be able to translate all of that into some measure of resolve to step up and do better," Simitian said. "It is my belief that it is absolutely essential, and this is a moment in time where we have to step up and do better."

The raft of changes put forth by Simitian, which will be voted on by the Board of Supervisors on June 23, would compel the Sheriff's Office to review its use of force policies and make changes to be consistent with 8 Can't Wait. This includes bans on chokeholds and shooting at moving vehicles, as well as stringent requirements that officers de-escalate situations before using force.

Simitian is also seeking to prevent the Sheriff's Office from hiring officers with either a history of excessive force or serious complaints of misconduct; create a public inventory of all armaments owned by county departments; limit acquisition of "military style" weapons; and ban or limit the use of rubber bullets and tear gas as a method of crowd control.

The use of military equipment by police departments has been particularly controversial over the last decade, as dozens of Bay Area police departments have acquired surplus military equipment - - at no cost -- through a federal program. The Mountain View Police Department used the program in 2014 to buy 20 rifles, while the county Sheriff's Office used the program to buy camouflage and reflex sights.

Simitian said he informed the Sheriff's Office of his proposal but had yet to discuss the policy changes in detail with law enforcement officials. Representatives from the Sheriff's Office did not immediately respond to requests for comment.

Since the death of George Floyd, police reform advocates and city officials across the country have increasingly questioned the outsized role that law enforcement agencies play as first responders, in many cases handling calls related to homelessness, drug abuse and mental health crises rather than dangerous criminal activity.

Simitian said the county has highly trained experts in the fields of social services and health care who are better suited to handle all of these incidents, and that "armed law enforcement" is not always the best option to respond to all emergencies. His request is that the county restructure its

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emergency response so that law enforcement is the backup -- not the first option -- in these incidents.

In a statement Friday morning, Simitian wrote that he supports responsible law enforcement that keeps residents safe and recognizes the risks and challenges police face, but said that the county must act against inherent problems in the criminal justice system.

"There can be no doubt ... that our criminal justice system is deeply flawed; that existing policies not only allow abuse, but, in some instances, actually foster it," Simitian said. "Law enforcement officials will inevitably do harm if the policies which guide them in the performance of their duties are inherently flawed."

Though the changes are meant to reduce abuse of force by law enforcement and its disproportionate impact on communities of color, Simitian told reporters candidly on Friday that he has "no illusions" that his policy proposals will solve the problems in their entirety. But he said now is the time to take action and make improvements that are largely common sense.

"I felt, and feel, that it is important that we act with urgency -- that this not simply become a story that fades from the headlines in weeks and months, as is often the case."

June 23, 2020

Santa Clara County supports new policies for Sheriff's Office use of force

by **Katie Lauer**

JUNE 23, 2020



Santa Clara County Sheriff Laurie Smith is pictured in this file photo.

In a direct response to curbing police violence and misconduct, Santa Clara County lawmakers Tuesday began “re-envisioning” use of force policies and daily functions of the county’s Sheriff’s Office.

The Board of Supervisors unanimously supported the reform measures, introduced by Supervisor Joe Simitian, following the nationwide uproar and calls to defund the police after the killing of George Floyd while in custody.

The package of policies mirrored the “8 Can’t Wait” campaign, which includes banning chokeholds, requiring warnings before shooting and the duty for officers to intervene, stopping excessive force.

But Simitian also went further, including plans that might prohibit hiring deputies – including
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lateral transfers – with a history of excessive force or misconduct complaints, limit the acquisition of “military-style” weaponry and equipment and ban the use of tear gas and rubber bullets as crowd control options. These policies join recent years’ efforts requiring body-worn cameras and implicit bias training. These “more ambitious” policies will come back to the board Aug. 11.

San Jose city officials are also considering banning rubber bullets for crowd control after police and sheriff’s deputies fired rounds of tear gas and rubber bullets at peaceful protesters gathered in downtown San Jose last month.

Additionally, a list of lethal and less-lethal weapons and equipment within the Sheriff’s Office will be made public, and conversation will begin on how to ensure emergencies are met with the best-trained staff for the issue, such as Behavioral Health employees.

“It is important that this is the beginning – not the end – of the commitment,” Simitian said, balancing his support for responsible law enforcement with an understanding that the criminal justice system is deeply flawed. “Too often people have seen concern by their elected officials fade quickly into the night. We can’t let that happen in this case.”

Joined by Santa Clara County Sheriff Laurie Smith, Simitian said he hopes Tuesday’s vote provides a tangible process to addressing concerns of police brutality and racial biases, especially as the Sheriff’s Office earned an F on Campaign Zero’s policing score card, ranking 55th out of the state’s 58 sheriff’s offices.

Michael Gennaco, project manager for the Office of Corrections and Law Enforcement Monitoring at the county, asked the Sheriff’s Office to review current policies and training to ensure the new standards are executed.

Gennaco and the OCLEM will return to the board Aug. 11 with a timeline for all policies to be updated countywide to reflect modern best practices and California law.

While Simitian hopes this plan is an aggressive yet sensible formula for reform, he knows that “some will think it goes too far (and) some will think it’s not far enough.”

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That's where community conversations come in.

Supervisor Susan Ellenberg, who serves as chair of the Public Safety and Justice Commission, has scheduled three community conversations in July, where residents can share their thoughts on county actions and personal experiences with law enforcement. People can register to attend online.

Public opinion about confrontational policing has been on display since the first day of protests in San Jose May 29, but a handful of speakers on Tuesday suggested reaching out to community agencies to respond to non-emergency incidents.

The idea, while it sounds radical to some under the moniker "defund the police," isn't new.

In the 1970s, Bill Wilson Center CEO Sparky Harlan worked for a nonprofit contracted by San Mateo County to de-escalate 911 calls related to drug overdoses, mental health crises and civil disturbances. She told San José Spotlight earlier this month that she and others are prepared to take those calls again — whenever the county gives the green light.

"There's plenty of people in the community that can be trained that already have this experience," Harlan said. "The idea is that as your community learns that there's these workers out here that are reaching out, you get the buy-in from them."

Supervisor Dave Cortese supported that idea, but emphasized that Tuesday's vote did not authorize redirecting funding for that type of outside agency cooperation. He suggested that conversations begin now before the county adopts its budget in August to figure out how to carve out Sheriff's Office dollars for appropriate agency responses.

Smith was on board.

Because her deputies do not have the same level of training as Behavioral Health Department staff, for example, Smith said bringing those workers alongside law enforcement to calls in the field would prove beneficial, especially for calls relating to homelessness.

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That support was echoed by Vic Ojakian, Santa Clara County Board co-president for the National Alliance on Mental Illness. According to Ojakian, around 30 percent of fatal shootings in the county involved people with mental health conditions, while that rate is closer to 50 percent nationally.

When asked what changes have already been made since the death of Floyd in Minneapolis, Smith said the state recently removed training for the carotid response, which renders a person unconscious by restricting the neck's blood flow to the brain, for officers across California.

But the longtime sheriff said she's not ready to share information with an outside independent oversight agency, saying she's not comfortable with the agreement she received two weeks ago.

"I assure you, once I meet with additional attorneys on it, we can come up with some kind of agreements on disclosure of information, that's by law confidential," Smith said, adding that she proposed civilian oversight back in 2016.

But that action wasn't fast enough for Simitian, who said any "slow walking" of this agreement is unacceptable.

"We've worked long and hard to get to this point," Simitian said. "It's time to make it real and it's long past time that we bring some sense of urgency."

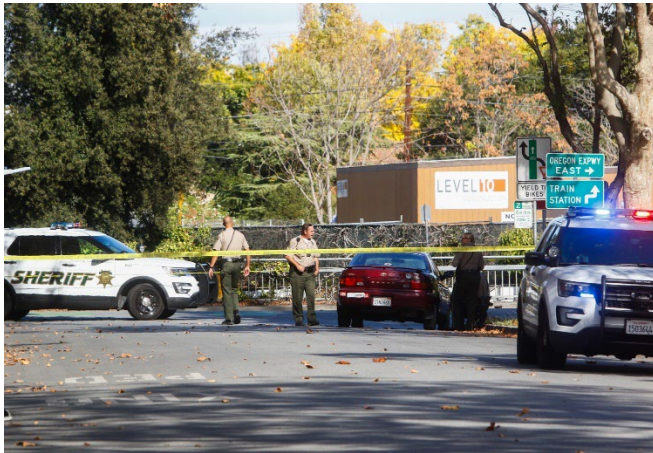
June 23, 2020

Santa Clara County votes to adopt new reforms for Sheriff's Office

Planned policy changes come in the wake of George Floyd's death

by Lloyd Lee / Palo Alto Weekly

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Deputies from the Santa Clara County Sheriff's Office investigate the escape of two inmates in Palo Alto on Nov. 5, 2017. On June 23, county unanimously supported reforms for the office to reduce violence and excessive use of force. Photo by Veronica Weber.

The Santa Clara County Board of Supervisors voted unanimously on Tuesday afternoon to adopt a proposal requiring the Sheriff's Office to implement several policy reforms and consider other recommendations in an effort to reduce police violence and excessive use of force.

In a 5-0 vote, the board agreed to policy changes mirroring the 8 Can't Wait campaign

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aimed to reduce police violence. The guidelines include prohibiting the use of chokeholds and carotid restraints, giving a verbal warning prior to the use of deadly force and requiring officers to stop their colleagues from using excessive force, among other recommendations.

"I frankly find these relatively common sense on their face," Supervisor Joe Simitian, who authored the proposal, said during the board's virtual meeting.

In a memo to the board, Sheriff Laurie Smith said that her office is already in line with the eight policies.

Chokeholds and strangleholds, for example, were always prohibited by the agency, the memo said. Carotid restraints were more recently voted to be removed as a "less lethal option" from the office's policy and state-mandated training, though the restraint is allowed "in rare, life and death circumstances where deadly force is justified." (Smith said that the policy on carotid restraints will go into effect on July 12.)

"It would be helpful to have the actual policies and the other materials that are described by the sheriff as being responsive to the referral clearly identified and reproduced so that the community and the folks at our Office of Correction Law Enforcement Monitoring (OCLEM) can analyze the degree to which the materials do or don't accomplish the objectives set out in the referral," Simitian said in response.

Simitian's request gained support from Michael Gennaco, project manager of OIR Group, the independent police oversight firm that heads OCLEM and serves as Palo Alto's police auditor.

Simitian made additional recommendations beyond the 8 Can't Wait policies, including requiring the Sheriff's Office to release a public list of all "lethal and less-lethal armaments" currently owned by the agency. Smith agreed and said they will review methods to share this information to the public.

Another proposal was to limit the Sheriff's Office's procurement of "military-style" weapons and equipment. In the memo, Smith said that her agency "does not procure
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military-specific equipment; however, we do strongly believe in providing our first responders with the appropriate safety equipment and training to protect themselves and our community from harm."

'8 Can't Wait' policies by Campaign Zero

- Ban chokeholds and strangleholds
- Require de-escalation
- Require warning before shooting
- Exhaust all alternatives before shooting
- Duty to intervene
- Ban shooting at moving vehicles
- Require use of force continuum
- Require comprehensive reporting

The memo cited shootings at the 2019 Gilroy Garlic Festival and a cement plant in Cupertino in 2011 as incidents where "proper equipment" were required, but didn't explicitly mention military equipment.

One recommendation that had unanimous and enthusiastic approval among board members and the Sheriff's Office was the restructuring of the county's emergency response system. This includes providing appropriate resources and staff, other than law enforcement officers, who can respond to calls related to mental health emergencies or homeless individuals.

"I have been a long advocate of additional mental health services, especially in the field," Smith said. "(Homelessness) coupled with mental health — those are areas that law enforcement really does not belong in ... I have long said that jail is not the place for people who have mental health issues or people who are homeless."

Though members of the public largely lauded the county's efforts to push for police reform, some voiced that Simitian's proposals were not enough to instill change within

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the Sheriff's Office and the county at large.

Jeremy Barousse, director of civic engagement at Services Immigrant Rights and Education Work, urged that the board also consider a significant budget reduction in the agency, along with the proposed policy changes.

Eli Dinh, a San Jose resident and kindergarten teacher, called for three initiatives: suspend paid administrative leave for police under investigation; withhold pensions and don't rehire officers involved in excessive-force cases; and require officers to handle their own misconduct settlements.

"Your proposals are toothless, you're missing the point," Dinh said. "We don't want police reform, we want police abolition."

Local and national calls for the significant overhaul of law enforcement agencies come in the wake of George Floyd's death while in custody of Minneapolis police. Along with the 8 Can't Wait policies, many have protested to "defund the police," a rallying call to redirect funds away from police departments and into community services.

Floyd's death has also become a springboard for broader calls to recognize and root out systemic and institutionalized racism.

"I want to be mindful and clear-headed about the fact that, while we have to do our part, our board is probably not going to be able to solve the challenges of institutional racism in a week, or month, or a year or longer," Simitian said. "But what we can do, what we should do, what we have the opportunity to do, and what I would argue we have the obligation to do, is to step up and do something that is real and tangible and that will save lives, that will reduce the adverse impacts on people of color and those who are disadvantaged in some other way and that we need to do now."