



## CITY MANAGER'S OFFICE

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### **Community Forum on Policing Q&A**

*Below are questions posed by the public during the Community Forum on Policing on June 22, 2020, featuring Santa Clara County Sheriff's Office Captain Ricardo Urena and City Manager Deborah Feng. All questions were answered by Captain Urena unless otherwise noted.*

**Q: Recently, I was verbally assaulted due to my race. How should I respond to this situation if it happens again?**

A: Unfortunately, we have seen a few incidents in the City of Cupertino where people are using racist remarks. The way to handle these incidents is that we have to separate ourselves from people that want to do us harm. I can't stress that enough. The first thing you want to do is walk away. If you're inside a store, contact an employee. Get somebody to help you. These are very emotional events, so what we want to do is create that distance, seek some assistance from someone, and then all your local police department, call the Sheriff's Office. We have many, many deputies that are trained in de-escalation techniques, and we'll get into that a little bit here later, the point here is what you want to do is create that distance, do not engage with someone who clearly doesn't understand how to communicate, seek some assistance, our recommendation is an employee, however, you can certainly ask any other customer in the business to help, have them call 9-1-1 while you're creating that distance, making sure you're not assaulted.

**Q: What are you doing to eliminate racial profiling in law enforcement? With the example of young drivers of color, young drivers of color are pulled over at a vastly disproportionate rate, and that needs to change.**

A: Here's what the Sheriff's Office has been doing for the last 20 years: every single enforcement stop that we perform, whether that's a vehicle enforcement stop, let's say somebody runs a stop sign or a red light, and we initiate an enforcement stop, we collect data on that stop. And so we have demographics, we look at the demographics of the people that our staff are stopping, we have not published that information, I know that was a question somebody asked, but that data is there for us to analyze to see if, in fact, we are targeting a certain demographic. The training on bias-based policing, procedural justice, implicit bias training, is something we've taken seriously in the last five years. Every member of our organization has taken these trainings, and other types of training, which we'll talk more about later. But to give a quick overview of procedural justice

training—procedural justice is essentially telling people why you're doing what you're doing. I'll give you an example: If you go back about 20 years, let's say you were investigating a residential burglary. And so you would see two to three deputies in front of this house. Well, inevitably, you'd have neighbors come up and say, "Hi, deputies. Can you tell us what's happening here? Should we be afraid?" And so our typical response would be, "There's no danger to the community. You're okay. We'll contact you if we need to get some information." We've evolved since. And so now, our direction is it's okay to tell people why you're there. It's okay to say that this home had been burgled. It's okay, let's talk more, not put people in the dark. People want to know what's going on, and it's okay for us to tell you what's going on. Of course, there are going to be incidents where we just can't tell you because of the type of investigation, whether it's a legal prevention that really prevents us from talking, and that certainly is the case on certain types of cases such as sexual assault or domestic violence, there are certain things that we just can't disclose. However, by and large, most of what we do, we certainly can disclose. And so procedural justice is essentially telling people what we're doing, why we're doing it, hearing people out, and trying to get perspective on what's happening. And so to answer your question, we definitely look at demographics. We recognize that training is something that we really can't do enough of, so we're actively looking at what else we can do to prevent or at least mitigate any kind of unfair treatment.

**Q: What changes are planned for policing in Cupertino that limit the use of force?**

A: Every time a deputy uses force, it's documented. There's a very specific system we use, it's called Blue Team, and so every time we use force, the deputy using force and any witnessing deputies are required to give a report. An oral report at the scene to the supervisor, and then document the incident through this Blue Team system we have. Once the deputies document the incident, it gets routed to their supervisor. Their supervisor then reviews everything that's been written, including looking at their body worn camera footage, we review the video, any video, and then we look at whether or not the use of force was within our policy's procedures. And if not, then what happened? And so we start to make determinations based on everything we have in terms of if this is something that we need to address, it goes to internal affairs, there's a review process, but if it's something unfortunately if the deputy had to use force, and there's not a policy violation or procedural violation, then it gets routed to the lieutenant, who does the same thing essentially, he reads everything, reviews the video, and then sends it to me (Captain Urena). Once I review it, I do the same thing, and then we send it to internal affairs. So there's a very, very specific way we actually look at all these use of force incidents. And if there is any question during that process about whether or not the force used was inappropriate, then we pull that offline and start looking into it more.

**Q: How can we make sure deadly force will never be used by police in Cupertino?**

A: Well, we train extensively on this. I can tell you on behalf of all the men and women here at the sheriff's office, we never want to use deadly force. Deadly force is something that we know we may have to use to protect the lives of our residents, or ourselves, but it's not something that we think we would ever have to use. So I just want to make that clear, that we are not, by no means, looking to use deadly force. So what we do again is, we have a very extensive training division. This division was put together about three years ago, because our organization is so large, we stood out the training division. This division is in charge of training all deputies, whether you work in the custody division, or whether you work out here in patrol. So the training division frequently pushes out information on training classes with a focus on force. So we are extensively, extensively trained on use of force. We carry a lot of tools, right? So we're trained on all the tools to make sure that whatever circumstance we face, we're prepared to handle it at the lowest level possible. So obviously, the lowest level being communication, talking to people. Making sure that it doesn't escalate. And so we continue to train on those philosophies.

**Q: What are we doing to mitigate police discrimination against minorities, especially Black people?**

A: If there is any discrimination against any minority, we want to know, we want to hear it. Again I had mentioned how we aggregate data. Every stop, whether it's a vehicle stop, a pedestrian stop, getting out and talking to somebody who's walking, maybe they're jaywalking, all that data is collected, and so we look at that to see if there are some areas of improvement there.

**Q: State law passed in 2019 requires opening of records of serious police misconducts. How many records has the Sheriff's Office released? SB-1421 effective January 1, 2019, requires disclosure of records on police discharge of firearms, use of major force, sexual assault, and dishonesty. How many reports have been made?**

A: I was able to contact our attorneys, and it appears we've released seven. So we did release seven to the media and the people that requested the information. But I can tell you that there are many others that we're reviewing, because it is an extensive process, we do have to redact certain information, and so we want to make sure to get the information to the people that are asking for it. And just to kind of explain more about SB-1421, SB-1421 became law in 2019, it essentially amended government code 823.7, and what it did is it required the disclosure of records and information related to certain high-profile categories. Categories such as officer misconduct, officer-involved shootings, certain uses of force, sustained findings of sexual assault, and sustained findings of certain types of dishonesty.

So 1421 essentially says that a law enforcement agency must release those records. So any member of the public that wishes to get information, there is a process, it's under

the California Public Records Act, you submit your information, you narrow what you want from the organization, and then we look at those records, work with our attorneys, and release those in a response to your request.

**Q: Invest in communities, for example: Put community service officers in the right jobs, fund them for 24-hour days rather than having police officers perform their duties when the community service officers leave their shifts.**

A: So I believe what you're saying here is you feel perhaps some other professionals can resolve some of the issues that we get dispatched to, so I agree with you there. We recognize that we may not be the best in dealing with certain kinds of calls for service. For example, we are seeing many calls for services related to mental health, and so we recognize that even though we're trained on critical incident types of training, and there's crisis-intervention training, and there's a bunch of de-escalation training that we do, we by no means are the professionals, and so what we've done is, we work with County Mental Health so in the way that it works is we get dispatched to a call for service, we assess the situation, and we end up calling County Mental Health, to come out and provide the services that they do. And again, I think your point there is, can we look at finding a better way to utilize our services?

**Q: Does the Sheriff's Office charge fees for responding to such requests for information? For example, for editing videos from their video cameras?**

A: Recently, May of this year, there was a decision, National Lawyers Guild vs. City of Hayward, and the decision is essentially saying that we can't charge for a redact in the videos. So we don't charge. However, we do charge a modest fee of 10 cents for the pages to provide paper copies. Now if you wanted an electronic report, certainly that's free.

**Q: How are the De Anza Police coordinating with the Santa Clara County Sheriff's Office? They have their own police force, but how does it fit in the scheme of policing in the area? Since there are a thousand people on campus in normal times, it is a significant organization.**

A: We have an excellent working relationship with all the jurisdictions around us. De Anza's such an organization where we collaborate if there's something that we can help them with, we do, if there's something that they can help us with, we do as well. So there's this ongoing communication and collaboration amongst not only De Anza, but we have West Valley College and all the other jurisdictions such as Sunnyvale, Palo Alto, Los Altos, Los Gatos, so on and so forth.

**Q: To understand the issues residents face, suppose an armed robbery suspect is reported fleeing in a late model vehicle. If reported as Black, what criteria does the average deputy have to meet to justify stopping any Black person in a car? Further, if**

**the suspect is reported as Asian or white, what criteria to stop any such person in the car?**

A: One of the things we know is the more information we get, the higher the probability of us catching the person. And so if the information is that we have, a red car with let's say an African American person, and that's all the information we have, we're going to need a little bit more. And again, there's a lot of variables here, depends on time of day, location, there's just so many other things that come into play. Where is this car in relation to the location of the robbery? Are deputies familiar with this particular type of car? There's just a lot of information that's missing. So what I would say to our residents is this: if you are a victim of a crime, try to get as much information as you can, so that we can try to find people that are guilty of that crime. The less information we get, the harder it is for us to do our job.

**Q: Is there a way to separate out different functions of the police that may not be typical "policing functions," such as support for homeless individuals, mental health care, and other issues?**

A: One of the things we value is how responsive we are as an organization. When residents call for any number of things, we want to be responsive. And so I think the question is geared towards, I'll give you a great example, we had this situation earlier today where unfortunately a dog in the City of Cupertino ended up biting a neighbor. But the dog, by the time we got this call, was no longer a danger to the neighbor. And so what are we going to do if we respond to this call? I think the best organization for this type of call would be Animal Control Services, and I think most of us would agree. It's an Animal Control type of call. However, when we contacted Animal Control, or dispatch did, they said that they would not respond unless it was a very serious bite. And so at that point, we know that they're not going to respond. We certainly want to go out and help the resident as much as we can, so we respond. So the point there is that we understand that there very well may be other organizations that can provide these services better than us, however, we need to have this conversation with them and understand what their limitations are because what we quickly realize is a lot of organizations will not respond in a timely matter, and so perhaps Animal Control will respond tomorrow. And I know as a resident, if I call for assistance, I want assistance today, I don't want it tomorrow, and so we find ourselves responding to a variety of calls, and essentially being the broker of information because when we respond to these calls, we're assessing what's happening, what's going on, how we can help. And it doesn't mean that we're going to provide that expertise, but it means since we have a good understanding, now we can reach out to other organizations, such as Child Protective Services, Adult Protective Services, maybe the Fire Department, maybe Animal Control Services, and so there are all these other organizations that we work with that we can summon when needed. And so your point is, are there other things that perhaps other people can do so that law enforcement is essentially only enforcing law, right? And again, I think that this is kind of the "defund the police" movement, and

I think that if we come together, talk about these kinds of calls, talk about how our services can be complemented by having experts in these certain fields come out with us, absolutely open to that type of discussion, for sure.

**Q: Does the Santa Clara County Sheriff receive donations of military surplus equipment from federal agencies, or purchase it otherwise?**

A: The 1033 program, for those of you that are not aware, is a federal program where law enforcement organizations can receive military surplus. Things that the military does not need anymore. And so throughout the last 10 years we have received three things from the 1033 program. One is a jeep, it's a HUM-V, it is a passenger vehicle HUM-V, it's camo-ed out. We use this vehicle at the range, exclusively at the range, it doesn't leave the range, as a matter of fact, I saw it on Friday when I was at the range, and it's used to move items at the range, it doesn't leave the range. Two, was scopes from some rifles that our SWAT team uses. These scopes that we received are extremely outdated, the military didn't want them. So we were able to receive them, and unfortunately we haven't used them, so we're in a process of giving them back to the program because again, these are outdated pieces of equipment that really don't help us. And the third thing we received was essentially like a big blanket. So if you've ever seen any military-type movies, typically MASH comes to mind, for those of you who remember the show MASH, and it's this big blanket that has camo and it's essentially used to cover equipment so that if you're looking from the sky at a wooded area, it kind of blends in. It's essentially a big blanket. So those are the only three things we've received from the 1033 program.

**Q: Law enforcement agencies are not required to educate its members on how to interact with disabled individuals, even though it is government research that shows that the majority of incarcerated people of color have a disability. The ability to speak is the metric that law enforcement uses to measure intelligence, and if someone does not respond exactly and as quickly as expected, there are consequences. People of color on the autism spectrum, or who are deaf, and those who may live with a mental illness are paying an even higher price for their disability. How will the West Valley Patrol meet its responsibility to work with experts from the disabled community, and educate its members on how better to improve interaction with disabled individuals?**

A: We certainly welcome any member of our community that can provide us any kind of education on a variety of topics. This certainly is a topic that we have been trained on. There is a requirement for all peace officers in the State of California to receive 24 hours of training every two years. And so you think, okay, 24 hours every two years, that's not a lot of time, we would agree. So there's a lot more we get trained on. And 24 hours really is the minimum. And we have had, and do have ongoing trainings related to these topics, and to be more specific the de-escalation of people that are suffering from a mental health issue. And I kind of touched on this a little bit earlier and that's we respond to just about every call for service, assess the situation, and then bring in the

experts. And so even if we respond to somebody who's having a mental health issue, we recognize that there's a mental health issue here. And so our training does not require us to force an issue. One of the things we know is the more time we put between the incident, the more options we have. And so the training that we have is based on time. Giving it time, trying to have a conversation, using force again is a last resort, it's not something we use frequently, but certainly is something we have to use to protect ourselves and others. So if there is an organization that is willing to come talk to us about things that they're experiencing, things that they know, perhaps there's something that our experts(?), we would be more than happy to allocate some time to be able to hear and understand how we can do our job better.

**Q: Can you give an overview of the Sheriff's Office's budget, especially in regards to the West Valley division? How much funding do you receive from the City of Cupertino? What ways/amounts is it spent?**

A (City Manager Deborah Feng): In this Fiscal Year, we sent over approximately \$14 million. The sheet I am looking at for Fiscal Year 21-22 and the bottom line is about \$15.4 million. And it splits that between large categories which you may need to speak to a little more, Captain Urena: General law enforcement, traffic enforcement days, investigative hours, reserve activity hours, projected special services, schools resource officer, and those are the major breakouts.

A: If you look at your traditional police department, you would think of things like a building, a car, employees, bargaining agreements with the unions, motorcycles, gas, there's a lot that goes in to managing a police department, and so the categories mentioned there by our City Manager really breaks down some of that information. So for example, the first category mentioned was general patrol—what that is, it's an allocation of how many hours we spend patrolling the City of Cupertino. I don't have the number in front of me, but we are allocated x number of hours so that our staff can patrol the City and that also includes calls for service related to anything that happens in the City. Motor hours, I think the category is "traffic enforcement," that speaks to our deputies that are on motorcycles that I'm sure many of our residents have seen. That is a specific category. I think many residents would agree, all residents would agree, we have a small traffic problem in the City, maybe not right now, but we do. So that budget, that area, speaks to the amount of hours, again, this is all based on hours, that is allocated for the deputies that are performing those traffic duties. I'm sure you've frequently see them in and around the school. If you go further down you'll see investigative hours, I believe is another category, and we do have detectives here that work at the West Valley Patrol Division, and these detectives here are primarily focused on property crimes. One of the things we know is City of Cupertino, like many other cities in this part of the county, we do have property crime as our number one type of crime. So for a number of years, certainly before my time, there was an agreement that deputies can be working here on property crimes that occurred in the City of Cupertino. So again, we have an allocation of hours for those deputies to work on Cupertino-

specific type of calls. And so it's broken down in that fashion. The last one I think is the school resource officers, and we do have two school resource officers that work in the City of Cupertino. They essentially complement each other. We have the Fremont Unified, and we have the Cupertino Unified, and so they provide services to the High Schools and the Middle and Elementary Schools. And so the budget is structured in that fashion.

**Q: What proactive actions is the City and police department taking to make Black people feel safer in their homes and in our schools? For example, in 2017 there was a kill-list threatening Black students' lives, but no concrete action was taken, and there was no transparency afforded to the parents and families.**

A: I'm not sure exactly what that incident speaks to, but my guess is it's probably an incident that happened at one of our High Schools where a student was singled out for being African American. I can tell you without getting into too many details, because we're talking about juveniles, there are certain laws that prevent me from talking about juveniles, but I can tell you that that particular incident was investigated thoroughly by our detectives, several search warrants were authored on that case, we spent 400 hours investigating the allegations. We interviewed almost 40 people, we really wanted to understand who said what, and really get down to the facts, and so it took us a long time because there were a lot of interviews. And then once we finished our investigation, we sent it to the District Attorney, who ultimately has the authority to file charges or not. And so our role in law enforcement is to gather as many facts as we can, put it on paper, and then send it to the District Attorney for prosecution. In addition to that, I personally again, if it's the same case, I personally met with the school administration on that and we discussed a few things that we could have, and again, I'm not going to speak for the district, but there are certain things that I brought up that I thought could be good, and I'll let the school district talk about that. But to the question specifically, there was a lot that we did to really understand what the issues were here, and as much as we tried to communicate with the parents and the young lady, there were some challenges there.

**Q: How can we access the demographic data related to procedural justice and all forms of law enforcement in Cupertino?**

A: Any time a resident has a question about data, if the resident is inclined to submit a Cal Free Public Records Act request, that'd be the best way to do it. You can go online, you'll see under records how you can request such information, and again, we do work with our attorneys on this to make sure we don't violate any laws. Law enforcement, we don't actually make laws, we just enforce them, and we follow them. So I would ask the resident or any resident to submit the request that is stated on the Sheriff's Office website.



**Q: Out of the eight policies recommended by Campaign Zero to limit use of force, Santa Clara County Sheriff's Office has only adopted one. Will the department commit to implementing the rest of these data-backed policies?**

A: I think she's referencing the Eight Can't Wait campaign. The Eight Can't Wait campaign focuses on eight topics and they're really geared towards use of force. I'll go over each one. First one was to ban chokeholds and strangleholds. So, although we've never had chokeholds as part of our use of force continuum, we did have what we call a carotid restraint. The carotid restraint was removed last week or the week before from our use of force continuum. Sheriff Smith saw the need to take quick action on this. We worked with our union partners. One of the things we know is we don't want to change policies, procedures, unless we're all coming to the table discussing how we can move forward and make these changes. And so, the Sheriff looked at the carotid restraint, which again, used to be one of our force options in our continuum use of force, and that was removed. Required de-escalation is the second topic that I'm looking at here. And this says: de-escalation and interpersonal communication training including methods that use time, distance and cover in concealment to avoid escalating situations has been in our policy and has continued to be trained by deputies. We require de-escalation, it's something that's been in our policy ever since I've been here. It hasn't changed. The third one is require a warning before shooting. Again, that's something that is explicit in our policy. We do require a warning shot whenever feasible, understanding that some things happen very quickly. And so to the extent that we can give a warning, we do give a warning. So that's in our policy. The fourth point that I'm looking says exhaust all alternatives before shooting. And, again, as I mentioned earlier, the use of deadly force is something that we never want to do, we never want to engage in. We train extensively on how can we mitigate a shooting, how can we mitigate situation where we have to use deadly force. And this is something that probably every other day we talk about in our briefings. How can we deal with a situation where somebody's coming at us with a car, for example, right? And this has happened. So we discuss things like, get out of the way, you know, get the license plate, that kind of information. We have certain tools like spike strips that we can deploy to slow the vehicle. We've had this in our policy as well, exhaust all alternatives before shooting. Number four is duty to intervene, duty to intervene when force is being used that we feel is unreasonable given the circumstances. In Mr. George Floyd's incident, you know, officers should've intervened. We have it in our policy that we shall intervene. That is something that we engrain in our staff from that first day at the academy. You are trusted to do your job, the powers that you have come from the community. Doesn't matter who's committing a crime. So if you see a partner that's doing something that is unreasonable, they have a duty to intervene and so that's in our policy. Ban shooting at moving vehicles. Again, that's been in our policy not to shoot at moving vehicles. Of course there's going to be circumstances where shooting at a vehicle is the most appropriate thing to do. Again, you've got to take all

these circumstances separate because you're never going to see two incidents exactly the same. We have this information on our policies. The seventh one is require a use of force of continuum. We have a use of force continuum. I know there's some organizations that have more of like, a well it's kind of like a circle and you could use this option or that option. We actually have a continuum that starts with us being there. Our presence, for example, is the first thing that is on that list. The last thing that we have is comprehensive reporting. And, again, this is the context of using force, right? Again, as I mentioned earlier, we have this Blue team system that really captures a lot of information, a lot of data. And it's extensive in terms of all the reporting and boxes you have to check and the reviewing process is extensive. And so those are the eight, most of these do speak to our use of force policy. And so, I would encourage residents to go to our website and go under SO policies and procedures and feel free to read the use of force policy that outlines just about every one of these points.

**Q: Currently, what kinds of anti-racist training does the extensive training division employ in order to minimize implicit racial bias among officers?**

A: As I've mentioned before, this is an area that we continue to evaluate. Again, we know that we need more training as an organization. I don't think there could be enough training, really, on the various things that we do. The trust that's put into every deputy is very, very large, it's huge because that comes from the public. And so we recognize that there's other training opportunities out there that we utilize. So what we're doing is, as we speak, we are evaluating those courses and then coming up with how we can receive more of this type of training. Under the leadership of Sheriff Smith and the board of supervisors, there's been a lot of recent, in the last few years, trainings—ethics training, for example, bias-based training, implicit training—there's a lot of training that's been adopted in the last few years. Make no mistake, I recognize—we recognize—that we need more training to be able to understand different perspectives. And so, although I believe we do a good job with our training, in terms of exposing our staff to different scenarios and how do we mitigate any force and what should we be looking at, how do we deal with this without singling out any one particular type of race—we look at that. So that's something that continues to be an ongoing project for our training division.

**Q: What can be done to help neighborhood watch program and assist the police with all the break-ins?**

A: The neighborhood watch program is a program that is extremely important to the City of Cupertino. It is a program that has been managed extremely well by Steffanie Turini and the block leader program is the other one by Laura Lee. These programs, they're a godsend because we have so many committed residents working together

alongside our organization to try and eliminate crime in the City. My hat goes off to them. These are volunteers that have dedicated themselves and so anything that we can do to compliment them, of course we're going to. I think a lot of—I would say just about every neighborhood watch person and block leader— probably INSTRUMENTAL with my philosophy of communicating as much information as I can, letting them know what's going on. So what I would say is, for our Neighborhood watch leaders, you know what we need. And that is we need your eyes and ears out there. please give us a call. Carry our message of see something, say something. I think it's a great program and I look forward to someday being able to get together as a group to talk about some of these things that are occurring recently. We have seen a small increase in commercial burglaries but not residential burglaries. So what I would say is please call us anytime you see anything that's out of the ordinary in your neighborhood.

**Q: What percentage of the county's deputies have CIT training? And if the answer's not 100%, is there a goal and a time frame for getting to 100% of the force trained in CIT?**

A: I would say about 90% or so of the deputies are trained in CIT. Our goal, obviously, is 100%. I can tell you that every deputy that's coming out of the academy is trained on CIT. It is a commitment, it is 40 hours, a week-long program. And so we need to make sure that when deputies are taking this course, that we have enough coverage in our City. City Manager Feng and I have been working on finding a location in the City of Cupertino so that we can bring a large group of deputies that need this training. But with the COVID-19 challenges, it's been difficult but the collaboration that the Sheriff's Office has with the City of Cupertino is definitely something that has helped us meet our training requirements. So I hope that in the next couple of months, I can come back and say 100% of our staff. That's something we're working on.

**Q: Some cities are promoting to eliminate SROs at the schools. What is the position of West Valley for Cupertino?**

A: Our School Resource Officers (SROs) do work in schools, but they are not enforcement-gearred. In other words, their mission is not to go into the schools and to look for crime. Certainly, if there is a crime or a public safety issue, they will certainly address that. But they're not there to try to uncover this big crime wave of anything. They are there to be a counselor to the students, to build relationships with students, to build relationships with staff, with teachers, with the principal, with the district. The model that we have is that our two school resource officers are there to build relationships and not necessarily to take people to jail. If we have a situation where the school resource officer has to intervene, then we call a deputy from patrol to come in. That way the school resource officer can really step back and allow the patrol officer to

handle that incident. We feel that's the best approach. Again, we want to build a relationship with our students, we want them to trust us. We want to help them with whatever questions they may have. There are a lot of things that come up in high school, as many of you know, and so having somebody that you can talk to and it doesn't necessarily have to be about crime, it could be about career, whether it's this job, an attorney, whatever other organizations we work with, just having someone there I think goes a long way. So our model is, essentially, deputies are in the schools being mentors to our young adults. Of course, if something happens—God forbid—but if something happens in terms of an active incident, an active shooter, they would be the first ones to try to stop anybody from getting injured. So that's kind of our philosophy with school resource officers. They're not there to enforce the laws, they're really there to provide that type of relationship with our students. I can give you an overview of what we did last year from the SRO's perspective. Last year, we had 22 presentations at the high schools and that included about 2100 students. The presentations were on digital media, safety, Run, Hide, Defend, followed by four Run, Hide, Defend drills. And, again, these are the rules and responsibilities of our SROs. In the elementary and middle schools, we had approximately 108 presentations to about 7400 students. Presentations included stranger danger to kids that are K-2, bike safety, bully and respect, stranger danger, and internet safety to 3<sup>rd</sup>-5<sup>th</sup> graders. They also provided ten presentations to about 300 staff members on Run, Hide, Defend followed by 12 Run, Hide, Defend drills. So as you can see there, there's a lot of stuff that they do that's not related to enforcement. In addition to that, we did have one of our SROs provide a Ride to School with a Cop prize to two students who placed third in a walkathon. So this is basically where the SRO picked up a student and then drove them to school with the nice lights and siren—again, building that relationship. And then lastly, the SROs do facilitate a holiday party at Moffett Field. We've been doing this for the last ten years. What they do is they go out there and they feed people, Santa Claus shows up, they give gifts to the children of the military families that are at Moffett Field that otherwise would not have an opportunity to celebrate a holiday. And so they're in charge of that, and so that kind of gives you an overview of what our SROs do. Again, they're not necessarily at the schools to enforce the law, they're there to build relationships.

**Q: How many times has the Sheriff had to respond to racial or hate crimes at our local schools k-12, community college? Racism is a learned behavior, empathy and compassion are also learned behaviors. My point is that if the number is increasing, then time and funds need to be redirected to intervene at the schools for our children's future to be good citizens.**

A: I don't think they are increasing but I can't talk about that because I'd have to look at the statistics on it. Just to backtrack, every shift, there's a supervisor on duty. Every supervisor documents what happens on that shift. And so every day, I look at what

happens at our schools, in our City, and I do a little research to understand what's happening in the community, and I have not seen an increase in these types of crimes in our schools. Obviously, schools have been out since March because of COVID-19, but prior to that, I don't recall an increase in those types of crimes.

**Q: Again, in this scorecard, it is shown that there is a disproportionate amount of arrests/violence against Latinos/Latinas or Latin individuals in Cupertino. What are you doing to fix this?**

A: I'm not aware of an increase or those statistics on Hispanics being victimized in Cupertino so I can't speak to that. I'd have to come back to that question because I'm not aware of an increase.

**Q: What changes have you seen for calls since the COVID-19 pandemic started? You mentioned mental health. Can you characterize these calls? Are you having an increase in overdoses for example?**

A: The calls we're seeing as it relates to COVID-19, obviously, many residents are sheltering in place. So what's happening is we're seeing calls related to domestic disturbances. You know, you have x amount of people inside a home for so long, people start to not get along. So we have seen a small increase on that—not to the point where the issues are criminal in nature, just to the point where they're calling us because they want us to essentially intervene, mitigate the situation so it doesn't escalate. And that's really our role—our role is to make sure that we arrive, we maintain the peace as peace officers, but more importantly, to provide those resources. And so we're able to provide on-the-spot resources to residents that are going through one of many issues because of COVID-19. So I would say that calls for service related to just domestic incidents are on the rise. Mental health issues definitely have been on the rise. I want to say last week, we had an incident where we had a gentleman that was—clearly he had a mental health issue. We were trying to get him help in Cupertino. And we were called to help him three times. The first time we went out to talk to him, it was hard to communicate with him. He was mobile, he was walking, he was in the roadway. We thought we were in a good spot, but then we got another call and then another call. So mental health type calls, domestic disturbances type calls are calls we're seeing an increase of. So what we're doing is brokering the issue, providing resources, getting our other organizations involved as needed.

**Q: In this COVID-19 situation, we try very hard to stay safe while outside as part of our work or buying groceries and such. While waiting in a queue in a public space, we encounter situations where people deliberately do not maintain social distance,**

**either walk or stand next to you alone or in groups. What is the best way to deal with such situations without saying anything that might escalate the situation?**

A: The recommendation there is to obviously create a distance, right? We want at least a six foot distance to the extent that you can do that. I don't see a problem with being polite and asking someone to don a face covering or to please keep the six feet distance in a polite way. However, I understand, you know, sometimes it's better not to have a conversation with someone. So what I would say is definitely take it upon yourself to create that distance so that it doesn't escalate.

**Q: Why is race used as a proxy for identifying "suspects" to begin with? I'm a mixed race individual and know firsthand that there's a wide range of phenotypes that correlate with any particular race. This inevitably leads to racial profiling.**

A: I think that's just one way to identify someone—much like a person has long hair, short hair, bald, nationality—just to try to nail down who we should be looking for. I don't know how else we would describe someone, again, in the context of looking for a suspect. If you don't have nationality, you would say someone who had long hair and wearing this type of clothing. I think it'd be difficult to try to find someone without the nationality, but the point's made.

**Q: How did the Sheriff's Department only start a training program three years ago? Why was there no training program before?**

A: I'm sorry, I must've not clarified that. We've always had a training and personnel division. It was essentially a division that included our personnel division and training, so it was essentially a two-department division, if you will. So we split that, we BIFOCATED that and created a training division specific to deal with training matters and then we have, now, our personnel division that deals with nothing but personnel matters. So we've always had a training division. That is people that are—this is their job, what they do, their assignment is to train others, to provide opportunities for staff, to go out and get training outside the confines of this organization. Had to spend about two years myself in that division. I spent two years training recruits at the academy. I can tell you that it is a very robust division that is always looking for opportunities to get information so that they can share it with the organization.

**Q: Would the 2011 quarry shooter, who was African American, have been treated differently today? Please remind viewers of the case.**

A: In 2011, we had an incident at the quarry up here and essentially, a suspect came in and it was an active shooter scenario. He did end up killing some coworkers. At the

time, we didn't know where he had ran off to. This was early in 2011 and so we were looking for someone who fit a certain profile based on what the employees told us. It was a few days later that we ended up finding him and it was a shootout in Sunnyvale where he ended up taking his own life. So in that particular situation, we wanted to know as much as we could about who we were dealing with because we knew that this person had already killed somebody, a few people—I believe it was two or three, I apologize I don't have the exact number—and so of course we wanted as much information as we can because we didn't want our residents to get hurt.

**Q: What procedures are in place to reprimand or let go of officers who commit misdemeanors or misuse their power?**

A: Any allegation of wrongdoing by deputies is investigated thoroughly, I just want to make that clear. Any allegation that is made is investigated thoroughly. It doesn't matter what it is, whether it's somebody was rude or somebody committed a crime—they are all investigated. So the process we have in place for somebody who commits a crime, let's say is, if somebody feels comfortable letting me know, I'll get the information and then it gets turned over to our internal affairs division. Now, I don't have to know, you can certainly go directly to our internal affairs division where a lieutenant oversees all these investigations. If you go on our website, you can find that information. But essentially, the internal affairs folks will look at everything. They will get reports from agencies, they will conduct interviews, and then they will come up with their findings. Once they determine the findings based on facts—all the investigative process that goes into this, interviews, you name it—then it gets turned over to a committee that looks at the discipline, the proper discipline for whatever act was committed by the deputy—to include termination, suspension, a letter of reprimand—whatever the case may be. Again, every single allegation is investigated thoroughly so we have this internal affairs division that really deals with deputies that commit crime so I would point you towards our webpage.

**Q: Thanks, Jennifer, for the question on separating functions of the police, such as support for homeless individuals' mental health, etc. I did not discern a clear path or method for separating these functions and possibly deferring to health and social services rather than criminalization for such issues. Could you please elaborate on whether there is a clear path for action on this?**

A: The first thing I'll say is homelessness is not a crime. We don't treat homelessness as a crime. What we do, again, is we try to help the folks that need assistance. This mentality that we're warriors—that left about 20 years ago. We are guardians. We are look at as guardians, we feel like we're guardians. And so when we see folks that are homeless, our gut instinct is how can we help them? Every time we get dispatched to a homeless

person, an encampment, we discuss options for them. We tell them where there's—a location where they can find services. In this area, we point them a lot towards West Valley Community Services. But there are a lot of services out there that people can certainly seek. She's right in that we don't—we're probably not the best suited to deal with homeless individuals. However, we do provide them with resources. I've had the opportunity personally to work with other organizations where they came out to a location in Cupertino and they were able to, on the spot, give them resources and this was a family. Now, unfortunately, we can't make people solicit these services. We can simply recommend that they go to certain locations but at the end of the day, they have to make those decisions and what we've seen is even though we give them a lot of recommendations, we do put them in contact with other organizations, decision's made often not to accept those offers.

**Q: What proportion of the money listed in the budget goes to each over-arching division?**

City Manager Deborah Feng: For the 2021-22 FY, general law enforcement—and I'm just going to round these off—approximately \$10 million—so that's the bulk of it, it looks like. Traffic enforcement \$2 million. Investigative hours—or investigative unit—\$1.7 million. Reserve activity hours about \$100,000. Operating a substation is about \$255,000. School Resource Officers is about \$560,000 and that should total roughly to the \$15.5 million I was talking about—that's a rough breakout.

A: I do want to add that if you compare the law enforcement budget in the various cities in the county, we will see that the City of Cupertino has done a fantastic job of managing those costs. I would say that the City is the lowest, if not the second lowest, in terms of budgeting for law enforcement services. This is an ongoing dialogue that the Sheriff's Office has had with the City. We're here to help the City if the City needs to reduce costs, we can certainly talk about that. If they want to increase costs, we can talk about that. But we have a service model where we're able to communicate this every year.

**Q: What is the demographic composition of the members of the police in the West Valley Division which works in Cupertino?**

A: We currently have 83 staff members here in the substation. 1.2% African American, 2.4% Filipino, 31% Hispanic, 12% Asian and 42% white/Caucasian, and 6% multi-race.

**Q: Does the Sheriff or City pay rent for the substation at Main Street or other substations on private property?**

A: We actually have a really good working relationship with our communities. As I've mentioned before, we've been part of this community since the City was incorporated.



Throughout all those years, we've built these relationships where we're able to help each other in accomplishing our goals. So we don't pay for any other building or location other than this substation that's located on De Anza.

**Q: What relationship do police officers in Cupertino and Santa Clara County have with police unions? How are unions involved with reemployment of previously discharged officers?**

A: Well much like any organization, we do have a deputy sheriff's association here in the Sheriff's Office and so we collaborate on a lot of things. Certainly, we can't impose certain things on our staff if, you know, they don't have input or feel like we're changing their working conditions or maybe something's unsafe, and so it's an ongoing collaboration that we have with them to make sure that, much like we're doing here—and I'm taking notes, by the way—and that is to hear their concerns, to try to address their concerns, and to get to a place where we're able to accomplish management's goals as well as the deputies' goals. So it's an ongoing relationship that continues to evolve into a really good organization where we're able to work with each other to accomplish what we want.

**Q: Could we get our elected official Laurie Smith at a meeting in live communication format. This forum is not an adequate response by the City. Citizens want to talk directly to our elected officials and hold them accountable orally and we should have the right to do so.**

City Manager Deborah Feng: So I assume you're just going to take note that perhaps that request has been made?

A: Absolutely.

**Q: There are a number of cameras that are mounted on traffic lights, but it seems neither the City nor the Santa Clara Sheriff's Department monitor them. Is my understanding correct? If so, how can we change this? If not, how do we get access to this footage if a need arises?**

A: I think that would be a question for Public Works?

City Manager Deborah Feng: It's mostly for traffic monitoring.

**Q: From what you have shared, I understand that you store all reports of incidents for analysis. Has anyone done any such an analysis? If not, why not, and if so, where are the results?**

A: I presume the resident's referencing our demographic data?

City Manager Deborah Feng: I assume so, I can't tell.

A: That's something we're looking at. We have not published anything like that but we do collect the data so we're looking at that data and see what it looks like, to see what we need to do to improve our office. I know we report a lot of information to the Department of Justice so they may have some of this information online.

**Q: You say we can get information on procedural justice as a resident. Once we get this information, can we share it publicly or on social media, for example?**

A: Yeah, we are a public organization and so records that we create, of course. There's a process for it but records that we create are subject to disclosure. Once we disclose those records to a resident, at that point, it's a matter of public record and they can share it.

**Q: What are the administrative or legal consequences for officers who violate the use of force or failure to act policies?**

A: Termination is potentially the outcome. Again, it depends on the incident, it depends on what happened, how the deputy failed to intervene. But it could be as severe as termination, it could be a letter of reprimand—there's a wide range of discipline that goes into these types of incidents.

**Q: This is a follow up to the Eight Can't Wait question: to address many of them, the policy is about a ban on chokeholds, not inclusion in the continuum. Can you commit to a ban? Is there a legal requirement to exhaust alternatives before shooting, not just discussion in your meetings? Is it legally required for officers to intervene to stop another officer using excessive force? An actual ban on shooting at moving vehicles? Are officers legally required to report when they point and fire them at a civilian? There's a difference between recommendations, discussions, and bans and requirements. Please point us to whether, and where, these are codified.**

A: We do outline things that should occur based on our policy. I just want to make it clear that these are policies. So anytime a deputy falls outside these policies, the boundaries of these policies, there is discipline. Now, in terms of criminal discipline, that's completely separate. We have to look at the incident. Mr. George Floyd, I think, is a great example where somebody should've helped Mr. Floyd. Failure to help under those circumstances rose to the level of a criminal act. I can't explain all the types of incidents, other than to say that it could very well lead to termination, suspension, criminal charges, a letter of reprimand—it really depends on what has happened and the investigation will paint that picture well once completed.

**Q: How many officers speak a second language and how does that compare to the demographics of the people stopped or arrested?**

A: I don't have that data, I apologize.

**Q: If officers are at schools to build relationships and act as counselors, why not hire an actual counselor instead of a police officer?**

A: I think that speaks again to what we're trying to accomplish. President Obama's 21<sup>st</sup> century policing really pointed towards building relationships. This was in a report that was published in 2015 and it made it clear that we need to establish relationships. So being able to be on school grounds, talking with students, giving the students these presentations, I think it helps in the long run because we know that our youth are going to be running our country in the future and so we certainly want to build that relationship with them and get them to understand that we're here really as a guardian and not as a warrior.

**Q: What kind of counseling, psychology training do officers receive before being hired to serve as mentors if, as the Captain says, they are not there to enforce the law?**

A: There is significant amount of training that goes on with our School Resource Officers. They do attend training that's geared towards fostering relationships. Their training is really multifaceted. They go to a peace officers standards and training course where they're taught a variety of things. They learn current trends in school policing, they learn how to collaborate with educators, they learn how to teach as well as how to manage a classroom, they learn gangs, drugs, and laws pertaining to children and child abuse. They also cover investigations and, of course, they also learn active shooter-type incidents and how they can be involved at the beginning. So it's an ongoing type of training with them. They're really there to help the school—to help the school decide what's the best course of action in any number of situations. They're not necessarily there to uncover crimes and take kids to jail.