



## Racial Justice Committee Report & Update to Board of Directors

### *Members:*

Vice Mayor Chappie Jones, City of San Jose, *Chair*  
Council Member Margaret Abe-Koga, City of Mountain View  
Mayor Rich Constantine, City of Morgan Hill  
Mayor Neysa Fligor, City of Los Altos  
Mayor Larry Klein, City of Sunnyvale  
Mayor Marico Sayoc, Town of Los Gatos  
Steve Preminger, Santa Clara County Executive's Office

### **Background**

While simultaneously navigating the COVID-19 pandemic, the Cities Association of Santa Clara County (CASCC) formed the Racial Justice Committee in response to the murder of George Floyd and the civil unrest that followed. The events of 2020 created unprecedented health and social challenges affecting all of our communities, and disproportionately affecting those of Black people, Latinx people, Indigenous people, other people of color, immigrants, and the incarcerated.

We can no longer ignore the systems that are failing our communities of color because they are failing all of us. Despite these challenges, we recognize that the Bay Area thrives because of the inherent diversity of our communities. Rising rents and home prices affect everyone, and they have an especially hard impact on people of color due to generations of marginalization and racist policies and those who work lower-paid jobs, many of whom are being forced out of the region.

We need to act so that race no longer predicts life outcome, and we can continue to stay in this unique place we all love. As elected leaders across the County, we have a responsibility to advance opportunities for all and achieve racial equity through partnerships with others. More importantly, there is an opportunity for each of the 15 cities in Santa Clara County to have a greater impact if we take action together. In that spirit, the committee found consensus to focus on three priorities:

1. **Affordable Housing** – Policy recommendations as an effort to expand housing opportunities for underserved populations
2. **Public Safety Reform** – Rebuilding trust with the community in collaboration with the Santa Clara County Police Chiefs Association
3. **Hate Crimes Against Asian American Pacific Islander (AAPI) Community** in collaboration with the Santa Clara County Task Force on Hate Crimes

It is understood that each jurisdiction and community is unique. Some of our member cities may already have some of the proposed policies in place and some may not. Though it is not expected that all jurisdictions will support or adopt every one of the recommendations listed, they are suggested for consideration and potential action as concrete steps the region can take to further advance racial justice.

## **1. Affordable Housing Recommendations for Consideration**

Historical legacies and policies have created racial inequities in housing long before COVID-19. There is an opportunity for local leaders to boldly tackle systemic racism in their housing systems and repair the harms that have resulted in racial segregation, displacement, and inequitable communities. The following potential actions are recommended as an effort to:

- ⇒ Expand housing policies and create housing opportunities for diverse communities and people of color.
- ⇒ Increase affordable housing outreach, access, and occupancy in historically underserved communities.

### **Action 1: Support SB 649 (Cortese) Affordable Housing Tenant Preference Bill**

Description: Displacement causes lower-income residents, who are disproportionately people of color in many California communities, real tangible problems: physical health problems, mental health problems, and educational deficiencies. SB 649 creates a State policy that supports greater access to affordable housing for underserved populations facing displacement. It aligns anti-displacement tenant preferences with Internal Revenue Code requirements, thereby qualifying affordable housing developments that use tenant preferences for tax credit or bond financing. This allows cities the option to require an anti-displacement tenant preference for affordable housing units, if they desire.

At the Cities Association Racial Justice Committee Meeting of April 9, 2021, this recommendation was referred to the Legislative Action Committee for review. It will be included in their June 10, 2021 meeting.

### **Action 2: Support A Regional Affordable Housing Online Portal**

Description: Encourage cities to participate and utilize a single online portal to market all affordable listings in their jurisdictions across the region. This could serve as a single place where all local affordable listings may be found **with jurisdiction specific information**. Pending the passage of AB 649, cities could narrow the scope of opportunities to local residents. This

platform is an opportunity to share and save costs across jurisdictions, especially for those that have not yet undertaken this effort.

For jurisdictions interested in participating in the Doorway Portal Collaborative, funding may be potentially available through the Bay Area Housing Finance Authority (BAHFA), which was established via AB 1487 (2019, Chiu) and aims to offer a powerful new set of financing and policy tools to promote housing affordability and address the region's housing crisis. The Doorway Portal Collaborative seems to align with BAHFA's goal "to develop a comprehensive regional strategy for helping local governments tackle the housing crisis on a larger scale by transcending city and county boundaries." More information on this potential funding mechanism will be provided as it becomes available.

- o City of San José approved on March 18, 2021, the Doorway Portal Collaborative: <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4854843&GUID=DFFD8618A39E-497F-9E8F-8941475935C7&Options=&Search=>. City of San José is leading effort for the county and welcomes collaboration with other jurisdictions.
- o The City of San José, Alameda County, and San Mateo County are part of this regional effort and are in various stages of Doorway implementation. Other agencies, including the Housing Authority of Santa Clara County, are also evaluating current and planned features of the Doorway platform.
- o The City/County of San Francisco has established an affordable housing portal with the same provider, Exygy Inc., known as DAHLIA, and can be viewed at <https://housing.sfgov.org/>. This website lists all affordable housing vacancy opportunities in one place, simplifies the application process, and provides automated tools for property managers to facilitate the processing of applications
- o The mission of the Regional Doorway Portal Collaborative is to (1) improve access to affordable housing by making it easier to find and apply for affordable housing in the Bay Area, (2) generate data on housing demand and placement to facilitate more efficient use of affordable housing resources, (3) help advocate for more resources for these efforts, and (4) facilitate alignment in tenant preferences used in various jurisdictions to the extent possible.
- o The Regional Doorway Portal Collaborative envisions a simple and equitable way for residents to find and apply for affordable housing throughout the Bay Area and is working to create a unified multi-lingual platform with transparent processes from marketing to move in. It will include both an Applicant Portal and a Partners Portal. The Applicant Portal will provide a website for prospective tenants to find all affordable housing vacancy listings in one location. Applicants will be able to submit applications

online through the Applicant Portal, and affordable housing property managers will be able to efficiently manage applications for tenancy through the Partners Portal.

The Cities of Morgan Hill, Gilroy, Santa Clara, Campbell, Los Gatos, and Mountain View currently utilize HouseKeys as its Affordable Housing Program Administrator to provide affordable housing opportunities (ownership, rental, and finance programs) to income-eligible households. The City of Morgan Hill has worked with HouseKeys for the past 5 years investing in and building an online portal to market affordable listings in their jurisdiction and collect data to ensure that they are currently marketing to underserved/diverse communities. It is a platform now used by other cities and can be viewed at: <https://www.housekeys.org/muni>.

Other cities in the County market their affordable housing units via third party administrators on their websites linked below:

- [Los Altos](#) – Alta Housing
- [Palo Alto](#) – Alta Housing
- [Milpitas](#)
- [Cupertino](#) – Rise Housing
- [Sunnyvale](#)

***Action 3: Affirmative Fair Housing*** – Expand HUD Outreach Policy, Support Countywide Assessment on Fair Housing, Adopt Citywide Fair Chance Housing Policy, Adopt Inclusionary Housing Policy

***Description:*** Advancing Affirmative Fair Housing will create more equitable opportunity for minority populations and advance racial justice in Santa Clara County. According to government code, affirmatively further fair housing means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” The following are identified as steps each city in Santa Clara County could potentially take, and many have already started taking, to advance fair housing in their city.

***Expand HUD Outreach:*** As of now, affordable housing units that are federally subsidized are required to use affirmative fair marketing. Encourage affirmative fair housing countywide by all cities and require a marketing plan tailored to identify the least likely to apply by using census data to inform that plan. This would be an effort to expand marketing to all affordable projects and not just those that are federally subsidized. The HUD form required by developers using

federal HOME funds is linked here for reference: <https://www.hud.gov/sites/documents/935-2A.PDF>.

*Support Countywide Assessment on Fair Housing:* Supporting the countywide assessment led by the County will highlight the inadequacies and identify clear policy changes that could assist in fair housing across Santa Clara County.

*Strengthen or Adopt Citywide Fair Chance Housing Policy:* A fair chance ordinance is a law adopted by a local jurisdiction that creates rules that limit the use of criminal records by landlords when they are screening prospective tenants. The purpose of a fair chance housing ordinance is to reduce barriers of entry to housing for those who have criminal backgrounds and low credit scores. Historically, minority populations come from over-policed areas and are given more severe punishments, which perpetuates a system of housing insecurity through generations. In addition, low credit scores take years to build back up and can be a difficult obstacle to overcome for populations seeking housing.

*Strengthen or Adopt Inclusionary Housing Policy:* Requiring a percentage of new construction to be affordable will demand more diverse and inclusive communities, particularly in communities of opportunity and transit rich areas where lower income residents are vastly out-priced for market-rate rentals. Eleven of fifteen cities in the County have adopted inclusionary housing policies: Campbell, Cupertino, Los Altos, Los Gatos, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale.

***Action 4:*** Proactively engage both communities of color and lower-income residents, homeowners, and renters in the upcoming Housing Element update process.

Description: Historically, some residents of our communities have been underrepresented in public discussions around land use and affordable housing policy and planning. The upcoming Housing Element update process is different from past cycles and now requires explicit engagement with State Law requiring that jurisdictions take steps to affirmatively further fair housing, and more explicit indication of where cities are planning for future affordable housing development. This is a tremendous opportunity to bring the full spectrum of community perspectives into public discussions about the future of their cities. However, experience shows that unless this is made a priority, and steps are taken to specifically engage communities often missing from these discussions, their perspectives will be left out, and opportunities for a sense of collective civic purpose will be missed.

***Action 5:*** Develop a statement of support for land use changes that diversify communities.

Description: Finding ways to integrate multifamily housing into communities of opportunity is critical to desegregate Bay Area cities. Exploring policies that will allow more affordable units in

higher cost, transit-rich communities of opportunity will make room for more and diverse types of housing and thus advance racial justice in Santa Clara County.

**Action 6:** Increase housing education for diverse populations

Description: Increase and promote a countywide campaign on education about home ownership opportunities for marginalized communities that are unaware of the steps needed to qualify for ownership. Partner with current organizations that provide this service, such as HUD approved counseling agencies, e.g. Project Sentinel. Consider collaboration with a community organization for funding of this campaign.

**Action 7:** Endorse the 2020 Community Plan to End Homelessness and Develop Implementation Plans.

Description: The 2020 Community Plan to End Homelessness is endorsed by the CASCC and seven Santa Clara County jurisdictions with several others in the process of formally endorsing. The Plan will aim to house 20,000 residents over 5 years, prevent future homelessness from occurring for at-risk and housing-insecure individuals, and improve the lives of those individuals residing in shelters and encampments. It is also critical that Cities develop their own individual implementation plans and identify resources to address homelessness consistent with the 2020-2025 Community Plan to End Homelessness.

**2. Public Safety Reform – Rebuilding Trust with the Community in collaboration with the Santa Clara**

**County Police Chiefs Association**

Following the murder of George Floyd, nationwide protests erupted that called for police reform in the United States. In the past year this has led to new laws, proposals, and public directives at all levels of government to address the key issues of police misconduct, systemic racism, racial bias, and police brutality. In reaching out to the Santa Clara County Police Chiefs Association, we strive to collaborate on rebuilding trust between our police departments and members of the public through accountability, transparency and community engagement. In doing so, our various police departments shared their police reform efforts, which are displayed in Attachment A. A summary of the efforts is provided as Attachment B.

The law enforcement agencies within Santa Clara County have been diligently working towards police reform that works for the safety of both the community and the officers. Though they have made much progress, there is still much left to do, especially in terms of

addressing the crux of the issue that has led to brutal deaths of civilians at the hands of police officers: Use of Force.

Thus, as a collaborative effort with the Santa Clara County Police Chiefs Association, the CASCC strongly supports advancing training for our police officers through the utilization of Virtual Reality (VRDT) technology for Crisis Intervention Training and encourages all public safety departments within the County to complete it.

This technology is considered new and is being used in Sacramento to recreate real-world police encounters and incorporate lessons learned into the training curriculum, such as cultural competency, de-escalation, critical decision-making, peer intervention and implicit bias training. This technology would allow for controversial police incidents that occur across the country to be turned into virtual reality simulations almost instantaneously after they occur, allowing officers to learn from real life mistakes, and train for real world situations.

VRDT technology increases efficiency in scenario-based training and allows officers to train with all of their tools – handgun, Taser, rifle, OC, and flashlight. Additional benefits include decreasing the need for instructor's/role players during real life scenario drills, alleviating the need for different training locations, and introducing an array of virtual environments with different environmental factors at play. All equipment needed for this training will be provided by California's Commission on Peace Officer Standards and Training (POST) with an estimated delivery date of June 2021.

Four departments have applied for utilization of the technology, including Palo Alto, San Jose, Santa Clara County Sheriff, and Sunnyvale. San Jose and Sunnyvale are also willing to host the training of other departments. This new technology is a critical tool that all departments should utilize as an effort to improve the training of our police officers and further reform policing in Santa Clara County.

### **3. Hate Crimes Against Asian American Pacific Islander (AAPI) Community in collaboration with the Santa Clara County Task Force on Hate Crimes**

Santa Clara County formed a new Task Force on Hate Crimes to address the recent spike in hate crimes across our communities, most recently among Asian Americans. The Task Force was formed in December 2020 and is co-led by San José Council Member Maya Esparza and County Board of Supervisor Cindy Chavez. The Task Force includes a body of voting members and a body of advisory members. President and Los Gatos Mayor Marico Sayoc represents the Cities Association as an Advisory Board Member. Through this collaboration,

efforts will be brought forward to the CASCC Board for consideration that will benefit from action by our member cities to address and curb the spike in hate crimes against Asian American members of our communities to create a more inclusive society.

The Hate Crimes Task Force is a multisector effort to investigate, educate, prevent, and combat hate incidents and hate crimes inclusive of County of Santa Clara. The Task Force will advise on strategies and areas for improvements and investments, and strategies relative to appropriate services and programs to address, reduce, and prevent hate incidents and hate crimes. The Task Force shall consider the following:

- Facilitating coordinated responses by local, state, and federal investigators and prosecutors;
- Engaging law enforcement's response to the hate crime problem and providing input for improvements;
- Appropriate educational and community outreach programs designed to reduce and address hate incidents and hate crimes;
- Appropriate services, resources, and programs for victims;
- Collaborating with multisector partners regionally, nationally, and internationally to share information and strategies for ending hate incidents and hate crimes.

A holistic approach will leverage existing efforts to improve and expand data collection, study and evaluate the pathology of hate incidents and hate crimes, educate the community and expand on school programming, implement programs and services for victims, and offer resources and tools to drive the County towards a hate free community.

The meetings are scheduled to take place in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, or by virtual teleconference on the following days:

Friday, February 26, 12pm\*

Friday, March 26, 12pm

Friday, April 23, 12pm

Friday, June 25, 12pm

Friday, August 27, 12pm

Friday, October 29, 12pm

\*Denotes Special Meeting

In addition to collaboration with the Santa Clara County Task Force on Hate Crimes, the committee will explore sponsorship of bystander intervention training for the community members of all of our member jurisdictions. Bystander intervention training has been proven to empower bystanders to intervene when witnessing disrespect or harassment.



## Summary of Key Findings Re: Public Safety Reform Efforts of Santa Clara County Law Enforcement Agencies

### Overview

Following the murder of George Floyd on May 25, 2020, nationwide protests erupted that called for police reform in the United States. In the past 12 months this led to new laws, proposals, and public directives at all levels of government to address the key issues of police misconduct, systemic racism, racial bias, and police brutality. In reaching out to the Santa Clara County Police Chiefs Association, we strive to collaborate on rebuilding trust between our police departments and members of the public through accountability, transparency and community engagement. In doing so, our various police departments shared their police reform efforts. Two of the most common reforms include the ban of chokeholds and improvements to police procedures. The law enforcement agencies within Santa Clara County have been diligently working towards police reform that works for the safety of both the community and the officers as an effort to regain trust with the public. Participating agencies include the public safety departments of California Highway Patrol, Campbell, Gilroy, Los Altos, Los Gatos-Monte Sereno, Morgan Hill, Milpitas, Mountain View, Palo Alto, San Jose, San Jose State University, Santa Clara, Santa Clara County Sheriff, and Sunnyvale.

The following is a summary of key findings based on the information collected from the various public safety departments (see [Attachment A](#)) in Santa Clara County.

### Highlights & Key Findings:

1. **Accountability** - Police accountability involves holding both individual police officers, as well as law enforcement agencies, responsible for effectively delivering basic services of crime control, while treating constituents fairly and within the bounds of law. Following the death of George Floyd, law enforcement agencies in Santa Clara County have been working to improve their accountability by evaluating training programs and policies within their departments. The departments that have clearly displayed their efforts include Campbell, Los Altos, Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale, California Highway Patrol, Los Gatos-Monte Sereno, and Morgan Hill.
  - a. **Use of Force** – All law enforcement agencies have policies that guide their use of force. These policies describe options available an officer may take to control a situation and/or affect an arrest. An officer generally has many force options available and officers are trained to respond with a level of force appropriate to the situation at hand, acknowledging that the officer may move from one option to another in a matter of seconds. The force options include: 1) Officer Presence; 2) Verbalization (Verbal Commands); 3) Empty Hand Control; 4) Less-Lethal Methods; and 5) Lethal Force.

- Police brutality is the excessive and unwarranted use of force used by law enforcement. This extreme form of police misconduct and violence is a civil rights violation. Following the death of George Floyd at the hands of Minneapolis police officer, Derek Chauvin, around half of the nation's largest police departments banned or greatly restricted the use of neck restraints. We can proudly say that many of our Santa Clara County law enforcement agencies have followed suit including the Departments of: Campbell, Gilroy, Los Gatos-Monte Sereno, Milpitas, Morgan Hill, Mountain View, San Jose, Santa Clara County Sheriff, Palo Alto, San Jose State University, Santa Clara, Sunnyvale, and the California Highway Patrol. Indeed, effective January 1, 2021, chokeholds and carotid control holds are banned in the State of California.
- b. **De-escalation** - De-escalation training is designed to teach officers to rely on communication skills to resolve conflict. Effective communication can reduce the intensity of a particular situation. An example of de-escalation can include slowing down an encounter from immediate intervention or defusing a tense situation before it escalates by being compassionate and firm when communicating with a citizen. These tools are used daily by officers in a variety of situations, from issuing traffic citations to responding to civil unrest. Agencies that have clearly taken steps for de-escalation training include Campbell, Los Altos, Milpitas, Morgan Hill, Mountain View, San Jose, San Jose State University, Santa Clara, Sunnyvale, and the California Highway Patrol.
  - c. **Bias-free policing** –Bias-free policing includes training for fair and impartial policing with de-escalation strategies including multi-cultural understanding and more. Agencies that have clearly taken steps to cultivate bias-free policing include Campbell, Los Altos , Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, San Jose State University, Santa Clara, and Sunnyvale.
2. **Community Engagement** - Community engagement is another reform effort embraced by a majority of our law enforcement agencies. In an effort to show the public that law enforcement is listening and to strengthen the public's trust, agencies took to increasing their community events including but not limited to concerts, National Night Out, Shop with a Cop, Coffee with a Cop, public socially distanced walks, ice cream socials, and community safety meetings. Social media for better information distribution, Crime Prevention Newsletters, community workshops, and community surveys were other common forms of engagement utilized by our departments. In Santa Clara County these efforts were clearly displayed by Campbell, Gilroy, Los Gatos-Monte Sereno, Milpitas, Morgan Hill, Mountain View, San Jose, Santa Clara County Sheriff, Palo Alto, San Jose State University, Santa Clara, Sunnyvale, and the California Highway Patrol.
  3. **Transparency** - In addition, use of an oversight body or government agency separate and independent of the jurisdiction's police department is being considered by several

departments in Santa Clara County. The cities of Palo Alto and San Jose established Independent Police Auditor (IPA) agencies long before the civil unrest incidents of 2020. In April 2021, the City of Mountain View created the Public Safety Advisory Board with 7 council appointees. Other jurisdictions considering an oversight body include Los Altos, Los Gatos-Monte Sereno, Gilroy, and Morgan Hill. The role of an IPA includes striving to increase confidence in the police department by listening to the community, suggesting good policy changes, and making sure that the Department addresses officer misconduct.

### **Conclusion & Next Steps**

Santa Clara County law enforcement agencies have taken tremendous initiative to reform public safety for the safety of officers and the public. As noted in [Attachment A](#), though our County has made much progress in the past 12 months, there is still much left to do, especially in terms of addressing the crux of the issue that has led to brutal deaths of civilians at the hands of police officers nationwide: Use of Force.

Thus, as a collaborative effort with the Santa Clara County Police Chiefs Association, the Cities Association Racial Justice Committee strongly supports advancing training for our police officers through the utilization of Virtual Reality (VRDT) technology for Crisis Intervention/De-escalation training and encourages all public safety departments within the County to complete it. This technology is being used by the Sacramento Police Department to recreate real-world police encounters and incorporate lessons learned into the training curriculum such as cultural competency, de-escalation, critical decision-making, peer intervention and implicit bias training. This technology would allow for controversial police incidents that occur across the country to be turned into virtual reality simulations almost instantaneously after they occur, allowing officers to learn from real life mistakes, and train for real world situations. VRDT technology increases efficiency in scenario-based training and allows officers to train with all of their tools – handgun, taser, rifle, OC (pepper spray), and flashlight. Additional benefits including decreasing the need for instructor's/role players during real life scenario drills, alleviating the need for different training locations, and introducing an array of virtual environments with various factors at play.

All equipment needed for this training will be provided by California's Commission on Peace Officer Standards and Training (POST) with an estimated delivery date of October 2021. Four departments have applied for utilization of the technology and include Palo Alto, San Jose, Santa Clara County Sheriff, and Sunnyvale. Both San Jose and Sunnyvale are willing to host training of other departments. This new technology is a critical tool that all departments should utilize as an effort to improve the training of our police officers and further reform policing in Santa Clara County.

The Committee recommends the following actions for consideration by the Cities Association Board of Directors:

1. Support advancing training for our police officers through the utilization of VRDT technology for Crisis Intervention/De-escalation training;
2. Encourage all public safety departments within the County to complete the training.
3. Submit letter to member cities encouraging either to participate in VR training, or to obtain the VRDT Simulator if feasible.
4. Submit letter to POST advocating for the law enforcement agencies in Santa Clara County that have applied to receive the simulator and any future Santa Clara County law enforcement agencies that may apply in the future.