

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Anthony Mata  
Jennifer Schembri  
Sarah Zárate

**SUBJECT: COMMUNITY VIOLENCE  
PREVENTION AND RESPONSE  
STATUS UPDATE**

**DATE:** February 10, 2022

Approved



Date

**2/10/2022**

## INFORMATION

During discussion of the Gun Harm Reduction Ordinance at the January 25, 2022 City Council meeting, the Administration committed to issue an informational memorandum providing an update on the implementation of recommendations from a memorandum entitled “Community Violence Prevention and Response” issued by Councilmember Peralez to the Rules and Open Government Committee. This memorandum was heard and approved by the Rules and Open Government Committee at its September 22, 2021 meeting. The memorandum contained six recommendations. A matrix with updates on the implementation of these recommendations is included as Attachment A.

Recommendation 5 from this memorandum proposes a joint study session between the City Council and the Santa Clara County Board of Supervisors on the topic of firearm safety, with a focus on mental health, Intimate Partner Violence, Intimate Partner Homicide and substance abuse. On November 29, 2021, the Administration sent a letter to the County expressing the City’s interest in partnering on this study session (as well as the City’s interest in partnering on a Countywide Trauma Recovery Center, as specified in Recommendation 2 of Councilmember Peralez’s memorandum.) This letter is included as Attachment B.

At the January 25, 2022 City Council meeting, the Administration committed to sending a follow-up letter to the County reiterating the City’s interest in holding a joint study session and asking whether it would be feasible for the County to hold this meeting within the next six months. This letter was sent on February 8, 2022.

HONORABLE MAYOR AND CITY COUNCIL

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**Subject: Community Violence Prevention and Response Status Update**

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Also note that as a supplement to the update on Recommendation 6 from Councilmember Peralez's memorandum, which pertains to legislation on the State's red flag laws, a list of all gun-related legislation currently tracked by the City Manager's Office of Administration, Policy and Intergovernmental Relations is provided in Attachment C.

/s/

ANTHONY MATA  
Chief, Police Department

/s/

JENNIFER SCHEMBRI  
Director, Human Resources  
Director, Office of Employee Relations

/s/

SARAH ZARATE  
Director, Office of Administration,  
Policy, and Intergovernmental Relations

For questions, please contact Peter Hamilton, Assistant to the City Manager, Office of Administration, Policy, and Intergovernmental Relations at [peter.hamilton@sanjoseca.gov](mailto:peter.hamilton@sanjoseca.gov).

Attachment A Matrix of Implementation Status of Community Violence Prevention and Response Recommendations

Attachment B Letter to Santa Clara County Dated November 29, 2021

Attachment C Gun Related Legislation Currently Tracked by Office of Administration, Policy, and Intergovernmental Relations

## Attachment A: Implementation Status of Community Violence Prevention and Response Recommendations

Rec #	Topic	Lead	Action
1	<p>1. Direct the City Manager to</p> <p>a. Conduct an RFP or RFQ for a consultant to do an organization-wide workplace cultural and climate evaluation at the City of San José and the varying impacts from any traumatic experiences on employees.</p> <p>i. Bargaining units should be solicited for input on the scope of the RFP or RFQ, participate in submissions review and provide recommendations for final award to the City Council.</p> <p>ii. Return to the City Council a report of the evaluation as well as policy recommendations for consideration.</p> <p>b. Implement a proactive campaign to promote, encourage and incentivize all existing wellness programs among city employees.</p> <p>c. Consult or partner with public agencies like the County’s Behavioral Health Services Department and the private sector to explore ways towards improving the City’s wellness and mental health assistance programs.</p>	HR	<p>This work is ongoing and described in an <a href="#">information memorandum issued on February 10, 2022</a> titled Wellness Programs.</p>
2	<p>Direct the City Manager to explore with the County how to better participate in the development of a countywide Trauma Recovery Center as accepted by the Board of Supervisors on August 31, 2021 and integrate into San José’s emergency response infrastructure.</p>	CMO	<p>The City Manager’s Office sent a letter to the County dated November 29, 2021 expressing interest in exploring a partnership on the Trauma Recovery Center. County staff acknowledged receipt of the letter and indicated they would follow up with a more detailed response.</p>

3	Direct the City Auditor to conduct an audit of the City's firearm regulatory processes and policies, including a review of trends in firearm violence in the city, and make recommendations to the City Council for consideration.	Auditor	This audit is on the City Auditor's Work Plan. It doesn't yet have an anticipated completion date, but work is anticipated to begin in Spring 2022.
4	Agendize at a future Public Safety, Finance & Strategic Support Committee (PSFSS) a report from the Police Department on causes of firearm related deaths and injuries including suicides in San José within the last five years and cross reference to the City Council, preferably with the audit mentioned in recommendation #3.	API/PD	Mayor Liccardo's Office worked with the Pacific Institute on Research and Evaluation (PIRE) to conduct a study on the incidence and cost of firearm injuries in San José. This study provides the data requested in this recommendation. The study was attached to a supplemental memorandum from Mayor Liccardo dated January 19, 2022 issued under item 4.1 on the January 25, 2021 City Council Agenda. When the City Auditor brings forward the audit directed in Recommendation 3 above to the PSFSS Committee, staff will ensure that this study is also provided to the Committee.

5	<p>Agendize for a future joint meeting with the County Board of Supervisors (BOS) a study session on firearm safety with a focus on mental health, Intimate Partner Violence (IPV) / Intimate Partner Homicide (IPH) and substance abuse with a diverse panel that includes but is not limited to mental health professionals, social service professionals and firearm experts.</p> <p>The study session should consider the feasibility of a future program that trains mental health professionals to conduct evaluations for firearm permitting as well as explore updates to existing city and county gun policies relating to IPV/IPH and substance abuse.</p> <p>In the event that the County BOS declines or is unable to participate in such a discussion, schedule the same discussion for a City Council Study Session.</p>	CMO	<p>Staff conveyed the City’s interest in partnering with the County on a study session in the November 29, 2021 letter to the County (mentioned in the update on Recommendation 2 above.) The County verbally communicated to the City that a joint meeting should be delayed given the continued COVID-19 response. On February 8, 2022, the City Manager’s Office sent a follow-up letter to the County requesting that the joint meeting be held by June 2022. The letter also indicated that if that timeline is not feasible for the County Board, the City may decide to hold its own study and invite County staff to participate.</p> <p>If the County Board is unavailable City staff will begin planning and reaching out to the appropriate County Departments. No date has been set for this Study Session.</p>
6	<p>Direct City Manager to include Senator Cortese and District Attorney Rosen’s efforts on expanding and improving California’s Red Flag laws as part of Intergovernmental Affairs’ legislative programming.</p>	CMO - API	<p>The 2022 Legislative Program heard by City Council on November 30, 2021 included the following language in response to this direction: “Work with the City's Legislative Delegation and the Santa Clara County District Attorney's office to monitor progress toward the expansion and improvement California’s Red Flag laws and lend support where necessary.” Staff monitors legislation on this topic and other gun related issues and will support these efforts as opportunities arise.</p>



November 29, 2021

Miguel Márquez  
Office of the County Executive  
70 West Hedding Street, 11<sup>th</sup> Floor  
San José, CA 95110

Dear Mr. Márquez,

This past September, the City's Rules and Open Government Committee (Rules Committee) directed the City Administration to pursue three items that entail collaboration with the County. I write to make you aware of the City's interest in these efforts and to offer our partnership should the County be interested in pursuing them.

These three items were proposed in two separate memorandums. Two of the items were proposed in a memorandum from Councilmember Raul Peralez issued for the September 22, 2021 Rules Committee Meeting. This memorandum outlines six proposals related to violence prevention and response. I'm writing to you with regard to proposals two and five. The third item was proposed in a memorandum from the Mayor and four councilmembers issued for the September 29, 2021 Rules Committee meeting. This memorandum outlines five proposals related to housing solutions. I'm writing to you with regard to proposal four. (Both memorandums are provided as enclosures to this letter.)

In regard to proposal two from Councilmember Peralez's memorandum, we understand that the County is currently pursuing the creation of a Trauma Recovery Center; the City would like to explore how to better participate in its development. The City Administration, along with appropriate departmental staff, would be pleased to meet with County staff to learn about his project and to understand what the nature and scope of the City's role in it could be.

In regard to proposal five from Councilmember Peralez's memorandum, the City would like to explore the County Board of Supervisors' interest in a joint meeting focused on firearm safety and its intersection with mental health, intimate partner violence, and substance abuse. With its focus on mental health and social services, the subject matter aligns with a number of County services. If this is of interest to the Board, as a first step on this effort, our respective staff could meet to review the topics proposed for this meeting and explore how our two organizations could coordinate to bring them forward at a study session.

In regard to proposal four from the memorandum from the Mayor and four councilmembers, the City would like to explore with the County the creation of a detention facility for individuals arrested for minor criminal offenses while under the influence of methamphetamine or another psychoactive substance, for the purpose of offering these individuals drug treatment options. Potential sites for such a facility might include either of the existing jails or Mission Street Recovery Center, among others. We are also seeking to engage the County Sheriff on this issue.

City staff is interested in meeting with both County staff and staff from the Office of the Sheriff to discuss opportunities to pursue this proposal.

As always, thank you for your assistance with this inquiry. If these proposals are of interest to the County, please let me know who our staff should reach out to in your organization to proceed with these discussions. We look forward to our collaborative work on these issues.

Sincerely,



Leland Wilcox  
Assistant City Manager

Enclosures:

Memorandum entitled “Community Violence Prevention & Response”

Memorandum entitled “Compassionate San José – Bold Housing Solutions”



# Memorandum

**TO:** RULES & OPEN GOVERNMENT  
COMMITTEE

**FROM:** Councilmember Raul Peralez

**SUBJECT:** COMMUNITY VIOLENCE  
PREVENTION & RESPONSE

**DATE:** September 16, 2021

Approved by:

Date: 09/16/21

## RECOMMENDATION

### *Proactive Workplace Safety & Culture Evaluation*

1. Direct the City Manager to
  - a. Conduct an RFP or RFQ for a consultant to do an organization-wide workplace cultural and climate evaluation at the City of San José and the varying impacts from any traumatic experiences on employees.
    - i. Bargaining units should be solicited for input on the scope of the RFP or RFQ, participate in submissions review and provide recommendations for final award to the City Council.
    - ii. Return to the City Council a report of the evaluation as well as policy recommendations for consideration.
  - b. Implement a proactive campaign to promote, encourage and incentivize all existing wellness programs among city employees.
  - c. Consult or partner with public agencies like the County's Behavioral Health Services Department and the private sector to explore ways towards improving the City's wellness and mental health assistance programs.

### *Trauma Response & Resiliency*

2. Direct the City Manager to explore with the County how to better participate in the development of a countywide Trauma Recovery Center as accepted by the Board of Supervisors on August 31, 2021 and integrate into San José's emergency response infrastructure.

### *Firearm Violence Prevention*

3. Direct the City Auditor to conduct an audit of the City's firearm regulatory processes and policies, including a review of trends in firearm violence in the city, and make recommendations to the City Council for consideration.



4. Agendize at a future Public Safety, Finance & Strategic Support Committee (PSFSS) a report from the Police Department on causes of firearm related deaths and injuries including suicides in San José within the last five years and cross reference to the City Council, preferably with the audit mentioned in recommendation #3.
5. Agendize for a future joint meeting with the County Board of Supervisors (BOS) a study session on firearm safety with a focus on mental health, Intimate Partner Violence (IPV) / Intimate Partner Homicide (IPH) and substance abuse with a diverse panel that includes but is not limited to mental health professionals, social service professionals and firearm experts.

The study session should consider the feasibility of a future program that trains mental health professionals to conduct evaluations for firearm permitting as well as explore updates to existing city and county gun policies relating to IPV/IPH and substance abuse.

In the event that the County BOS declines or is unable to participate in such a discussion, schedule the same discussion for a City Council Study Session.

6. Direct City Manager to include Senator Cortese and District Attorney Rosen's efforts on expanding and improving California's Red Flag laws as part of Intergovernmental Affairs' legislative programming.

## **BACKGROUND**

Firearm violence has long been declared a public health epidemic in the United States. The City of San José sadly is no stranger to that epidemic, recently having experienced the worst mass shooting in its history when a Valley Transportation Authority (VTA) employee senselessly took the lives of nine public servants on May 26, 2021. This was barely two years after a gunman opened fire on the afternoon of June 28, 2019 at the Gilroy Garlic Festival, taking the lives of three individuals and wounding 17 others. These tragedies have often drawn national media attention and sparked polarizing debates, not only throughout America's city council chambers or capital buildings, but at our very own dinner tables.

San José has never shied away from the debate, and has led the charge in implementing policies and practices with hopes of reducing gun violence. I have strongly supported many of those measures including buyback programs, a safe storage policy and most recently a measure requiring gun insurance. While we should continue to have stringent policies and procedures to ensure responsible gun ownership, prevention of gun violence is a very nuanced and dynamic issue that cannot simply be limited to the hardware but must also consider the various inter and intra personal factors, many preventable, that lead individuals to commit the act.

This memorandum proposes a three pronged approach in addressing the wellness and safety of our community in hopes of reducing violence. First, self-examining the City's workplace safety and culture and implementing any necessary changes, including increasing knowledge and access to wellness programs and mental health services. Second, to actively take part in the conversations in developing a countywide Trauma Recovery Center in the event that another traumatic community event occurs. Finally, to evaluate our firearm regulatory

policies and programs and commence a conversation around how addressing various social and psychological factors could play a larger role in firearm violence prevention.

## **DISCUSSION**

### *Proactive Workplace Safety & Culture Evaluation*

The City of San José oversees 6,640 employees, a \$4.5 billion budget and provides a vast array of services to an approximately 200-square-mile city of 1.2 million residents.<sup>1</sup> Prior to 2020, the City was recovering from a mass exodus of employees related to pension reform and barely began restoring numerous community services. Morale and municipal pride was increasing with an optimistic outlook for the future. No one would have predicted the continuous incidents that have occurred within the last 24 months from the COVID-19 global pandemic, social unrest, natural disasters and most recently the VTA mass shooting. These traumatic events can take a toll on our public service family who are innately focused on serving others before themselves.

Since the VTA mass shooting, we have learned more about concerns regarding workplace culture and environment. I along with VTA Chair Glenn Hendricks, Vice Chair Chappie Jones and Supervisor Cindy Chavez recently called for a third party evaluation with subsequent changes to the VTA workplace structure<sup>2</sup>. As the largest city in the County, we cannot wait until a tragedy occurs to do the same. Rather, we must proactively self-examine to ensure that City Hall is a positive place to work and thrive and do so in partnership with our bargaining units.

More pressing, it is important that we increase accessibility to wellness programs for our employees. The County is developing innovative wellness programs for their employees to assist in managing their stress and overall mental health. A similar initiative would benefit our employees greatly, and ensure that they are self-caring and allowing for much needed reflection and resetting during these stressful times. In doing so, I am confident we will have mentally healthier employees and perhaps even an improvement in service to San José residents.

### *Trauma Response & Resiliency*

On August 31, 2021, the Santa Clara County Board of Supervisors approved a board referral to create a temporary Trauma Recovery Center (TRC) for the VTA mass shooting survivors, VTA employees and their families.<sup>3</sup> The referral also called for establishing a permanent countywide TRC, “borne out of acknowledgment of the challenges and trauma County residents have faced and will continue to face relative to mass shootings, climate change and public health crises to name a few.” With all of the events that have occurred including the attack at Grace Baptist Church on November 23, 2020, it is evident that a readily available

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<sup>1</sup> City of San José. (June 2021) *2021-2022 FY Budget*.

<https://www.sanjoseca.gov/home/showpublisheddocument/72411/637618733891330000>

<sup>2</sup> Hedricks, Jones, Chavez & Peralez. (September 2021) Memorandum: Workplace Safety & Culture Evaluation. *Santa Clara Valley Transportation Authority*.

[http://santaclaravta.ig2.com/Citizens/Detail\\_Communication.aspx?Frame=&MeetingID=3352&MediaPosition=&ID=1849&CssClass=](http://santaclaravta.ig2.com/Citizens/Detail_Communication.aspx?Frame=&MeetingID=3352&MediaPosition=&ID=1849&CssClass=)

<sup>3</sup> Chavez, C. (2021, August 31) Board Referral: Santa Clara County Trauma Recovery Center. *County of Santa Clara*.

<http://sccgov.ig2.com/Citizens/FileOpen.aspx?Type=30&ID=165071&MeetingID=13227>

TRC is critical in the recovery and resiliency of those who are directly and indirectly impacted by an event. According to the board referral, services offered by TRCs include trauma-informed clinical case management; evidence-based individual, group, and family psychotherapy; crisis intervention; advocacy services, and assistance in accessing victim compensation funds. All services are offered at no cost to the survivor. Our city's first response services as well as the Office of Emergency Management should ensure that we take part in the development of this program and that it is integrated into our emergency response infrastructure, so we are prepared if and when another trauma-inducing event occurs.

### *Firearm Violence Prevention*

We have long heard the same debates over the airwaves after each mass shooting alongside the usual platitudes of “thoughts and prayers”. Often we connect firearm violence to mass shootings due to high profile coverage, but in reality, they only make up a small percentage of overall gun deaths.

According to the Center for Disease Control (CDC):

- There were 39,707 deaths from firearms in the U.S. in 2019. Sixty percent of deaths from firearms in the U.S. are suicides. In 2019, 23,941 people in the U.S. died by firearm suicide. Firearms are the means in approximately half of suicides nationwide.
- In 2019, 14,861 people in the U.S. died from firearm homicide, accounting for 37% of total deaths from firearms. Firearms were the means for about 75% of homicides in 2018.
- The other 3% of firearm deaths are unintentional, undetermined, from legal intervention, or from public mass shootings (0.2% of total firearm deaths).

Furthermore:

- 68% of substance related homicides nationwide are related to guns.<sup>4</sup>
- The rate of suicide risk is much higher when an individual has access to a firearm.<sup>5</sup>
- In 2018, it was reported that Californians are 57 times more likely to commit suicide one week after purchasing a gun.<sup>6</sup>

In recent years, San José has strengthened its gun violence prevention measures, such as requiring that guns be stored in lockboxes when not in use to recently mandating that owners have gun liability insurance. However, in search of every tool in the toolbox, we have barely scratched the surface regarding instituting broader inter and intra personal measures on the front end before an individual gets to the point of causing harm to others or themselves with a firearm.

After years of work, I was proud to have led and implemented the City's first Suicide

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<sup>4</sup> McGinty, E., Choksy, S., & Wintemute, G. (2016). The Relationship Between Controlled Substances and Violence. *Epidemiologic Reviews*, 38(1). <https://academic.oup.com/epirev/article/38/1/5/2754864>

<sup>5</sup> Duff-Brown, B. (2020, June). Handgun ownership associated with much higher suicide risk. *Stanford Medicine News Center*. <https://med.stanford.edu/news/all-news/2020/06/handgun-ownership-associated-with-much-higher-suicide-risk.html>

<sup>6</sup> Lardieri, A. (2018, January). California Bill Would Bar Suicidal Residents From Purchasing Guns. *U.S. News*. <https://www.usnews.com/news/politics/articles/2018-01-25/california-bill-would-bar-suicidal-residents-from-purchasing-guns>

Prevention Policy in 2019. Furthermore, San José recently mandated that gun dealers are required to post suicide prevention information in their storefronts. While there are also safeguards for firearms from those with explicit history of mental illness<sup>7</sup>, we cannot deny that there are still gaps especially for those who may need help but are resistant to pursuing services. There is also still a lot of work and research to be done relating to IPV, IPH<sup>8</sup>, substance abuse and gun violence. After all, there are various social and cultural factors that stigmatize these issues and create barriers to individuals who may be at risk to themselves or others from seeking help. We need to work together towards dispelling that stigma.

I recognize that this is not an easy discussion. Those in the psychological community have cautioned that prior to taking any legislative action, policymakers should “investigate the context of firearm-related problems.”<sup>9</sup> I also recognize that our mental and behavioral health professionals may lack training and resources in the arena of firearm violence prevention.<sup>10</sup> This is why it is critical that we first gather the pertinent data through our City Auditor and staff on our firearm regulatory policies, programs and the data of firearm deaths including causation. This will set the stage for a more informative discussion between us and our County partners. Ultimately, this should be a collaborative effort between our mental health community and our responsible gun owners community to work towards increasing access to mental health support for those who may most need it.

In 2016, California enacted the Red Flag law, which allowed for law enforcement officers and family members to petition the court to remove firearms from a person they believe to be potentially dangerous. It has since been expanded to allow employers, coworkers, and school employees. Since the enactment of this law, guns have been confiscated from over 3,000 people. After the tragic VTA shooting, State Senator Dave Cortese officially requested to work in partnership with Santa Clara County District Attorney Jeff Rosen to further strengthen this law. Our intergovernmental relations team should monitor the progress and lend support where necessary.

## **CONCLUSION**

I have been passionate about this issue for years but this year it became very personal to me and I am more motivated than ever to do everything in my power. While it is our duty as civic leaders to take measures to reduce or even eliminate gun related deaths and injuries, when we address gun violence in our community, suicide prevention, intimate partner violence, substance abuse and mental health support all need to be an integral part of the conversation. We must do what we can to focus on the individual and actions that support wellness, in doing so, we can minimize the risk of future gun violence, whether it be to themselves or others.

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<sup>7</sup> Bill Text - AB-1968 Mental health: firearms. (2018, September 28). *California Legislative Information*. [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB1968](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1968)

<sup>8</sup> Gold, L. (2021). Domestic Violence, Firearms, and Mass Shootings. *Journal of the American Academy of Psychiatry and the Law Online*, 40(3). <http://jaapl.org/content/early/2020/02/05/JAAPL.003929-20>

<sup>9</sup> Pirelli, G., Wechsler, H., & Cramer, R. J. (2015, June 22). Psychological Evaluations for Firearm Ownership: Legal Foundations, Practice Considerations, and a Conceptual Framework. *Professional Psychology: Research and Practice*. *Advance online publication*. <http://dx.doi.org/10.1037/pro0000023>

<sup>10</sup> Pirelli & Witt, (2017) Firearms and cultural competence: considerations for mental health professionals. *Journal of Aggression, Conflict and Peace Research*, <https://doi.org/10.1108/JACPR-01-2017-0268>





# Memorandum

**TO:** RULES & OPEN  
GOVERNMENT  
COMMITTEE

**FROM:** Mayor Sam Liccardo  
Councilmember Raul Peralez  
Councilmember Sergio Jimenez  
Councilmember Pam Foley  
Councilmember Matt Mahan

**SUBJECT:** SEE BELOW

**DATE:** September 22, 2021

*\*Submitted electronically*

**APPROVED:**

**DATE:**

*September 22, 2021*

*Sam Liccardo* *Sergio Jimenez* *Pam Foley* *Matt Mahan*

**SUBJECT: COMPASSIONATE SAN JOSÉ – BOLD HOUSING SOLUTIONS**

## RECOMMENDATIONS:

1. To meet the goal of the [Community Plan to End Homelessness](#) to double shelter capacity to by 2025, have 1,000 pandemic-era emergency interim housing community (EIHC) units and 300 Homekey motel units under construction or completed by December 2022—including those recently completed—to accelerate our response to our homelessness crisis. This work should include the following tasks necessary to achieve rapid acceleration of our efforts:
  - a. Identify the requisite amount of Homekey, ARPA, HHAP, or other eligible public funding for an additional six EIHCs in every Council District not currently hosting an EIHC or Bridge Housing Community (BHC), and work with the Mayor’s Office to identify additional philanthropic support;
    - 1) A single slate of six sites shall be approved at a single Council meeting, no later than June 2022, in a single “up or down” vote on the entire slate. Sites that are ready before June 2022 can be voted on and approved by Council at an earlier date.
    - 2) Site selection will occur collaboratively with the participation of every councilmember and the community, but ultimate decision-making will remain the domain of the entire Council.
    - 3) Any alternative sites suggested by any councilmember must be deemed feasible for near-term housing development by the City Manager prior to qualifying for Council consideration.

- 4) At least one location shall provide homes for unhoused individuals in employment or training programs, such as SJ Bridge and the Conservation Corps, and at least one location shall provide a home for women and children who have endured domestic violence, with appropriate discretion. Resolve all legal and regulatory issues to enable this.
- b. Discuss with the County of Santa Clara their willingness to begin to provide basic mental health and addiction treatment services for EIHCs for a specified duration, so that one-time City resources can be better focused on expanding our inventory of units;
- c. Densify existing sites with the space and non-profit capacity to accommodate additional tenants, such as the existing EIHC at Rue Ferrari, prioritizing unhoused residents in the immediate vicinity;
- d. Make any modifications to City building code necessary to safely enable multi-story EIHC development;
- e. Resolve all legal and regulatory issues to enable the City to prioritize EIHCs for unhoused residents in the immediate neighborhoods to ensure that local neighborhoods directly benefit from the presence of EIHCs;
- f. Direct Public Works and Housing staff to work with Caltrans staff, Mayor's Office staff, and philanthropic partners such as Sand Hill Properties, in our joint exploration of creative use of Caltrans-owned land around and under freeway intersections and exits for construction of safe, dignified housing on low-cost land prioritizing districts who have not identified a site;
- g. Improve the financial sustainability of EIHC and BHC operational budgets by identifying opportunities for (a) cost efficiencies, (b) partnering with the Santa Clara County Housing Authority to explore program alignment for funding to offset the annual operational cost of these communities, (c) employing work-ready EIHC residents to perform tasks otherwise paid for through contracted companies, such as security, maintenance, shuttle driving, and management;
- h. Explore funding opportunities, including any savings identified in the above work on cost efficiencies in the operations budget, for an "enhanced services" program for the surrounding neighborhoods who host EIHCs and BHCs, as outlined in Councilmember Jimenez's 2020 memo that was previously approved by Council;
- i. Work with Comcast and other telecommunication partners to include access to internet connectivity on the sites, leveraging the efforts and resources of the Mayor's Office of Technology and Information (MOTI);
- j. Explore incentives for private land owners with underutilized surface parking lots willing to host an EIHC, which may include negotiated ground lease revenue, waived

- fees on the development of the EIHC, or waived parking requirements on their future redevelopment project.
2. In response to the Biden Administration’s plea for leading cities to identify clear goals for addressing homelessness by December 2022 of (a) “the number of people experiencing homelessness to be placed into stable housing,” and (b) “the number of new units of ...housing serving people experiencing homelessness to be added to the development pipeline,” by 2022, report the following specific goals for the next 16 months:
    - a. **Rehousing: Housing 1,500 San Jose residents by December 31, 2022**

This goal reflects the funding capacity we have estimated for housing individuals with the assistance of San Jose Emergency Housing Vouchers (369), anticipated County Emergency Housing Vouchers allocated for San Jose residents (455), Rapid-Rehousing slots (300), and units of completed PSH housing (200), and if HUD allows consideration of new completed EIHC housing (300+).
    - b. **Homeless-Serving New Units: Providing a total of 2,300 new permanent and transitional units serving homeless individuals that will be under development or construction by December 31, 2022.**

This goal reflects the approximately 1,384 units we believe can emerge from new permanent supportive projects funded by the City and County, 239 units from two hotels for which we are submitting Project Homekey applications, and 683 units from EIHCs that will be in the pipeline.
  3. Continue to partner with Councilmember Jimenez to temporarily locate a “safe parking” RV site at or near the future police training facility in his district. Determine how a registry or other mechanism could help ensure that the facility will provide primary priority to serve Council District 2 residents, rather than merely attracting RVs from other communities unwilling to serve RV residents in their area.
  4. To facilitate the identification and implementation of drug treatment options, explore with the County of Santa Clara the creation of a detention facility for individuals arrested for minor criminal offenses—such as disturbing the police, simple assault, public indecency, or vandalism—where the person:
    - a. is under the influence of methamphetamine or another stimulant or psychoactive substance at the time of their arrest;
    - b. poses a safety or crime risk that makes the person inappropriate for voluntary detention in the County’s Mission Street Recovery Center/ Sobering Center;
    - c. is kept a sufficient duration to enable the individual to become free of the influence of the substance prior to release, within the duration proscribed by the courts and the Due Process Clause; and
    - d. is provided information about treatment options.

Potential sites for such a facility might include either of the existing jails or Mission Street Recovery Center/ Sobering Center, among others.



5. Direct City Staff to outreach to County staff to coordinate on joint efforts to:
  - a. provide drug treatment, mental health, and related services at EIHCs, described *supra*;
  - b. identify and lease sites under County control for future development of EIHCs;
  - c. create a drug detention facility, as described *supra*

#### Background

We have a unique opportunity amid this pandemic—with new sources of federal and state funding, clear alignment articulated through the [Community Plan to End Homelessness](#) among the City, Housing Authority, County, and community partners led by Destination:Home, and new innovations in housing construction and development—to get traction on the most intractable of problems in our community: homelessness.

We can start by accelerating our work on what's working: The development of prefabricated emergency and transitional communities that we piloted for the first time in the earliest days of the pandemic.

When Mayor Liccardo and then-City Manager Dave Sykes convened key city staff to launch the first three EIHCs, we confirmed what we long suspected. Housing could be built much faster, and more cost-effectively, with the appropriate quality and privacy for residents to ensure a safe, dignified place to live. Our first three pilot EIHCs have been constructed in months rather than years, at a fraction (about \$110,000 per unit) of the standard \$750,000 cost per unit, providing private bedrooms and bathrooms to recently unhoused residents with communal kitchens and other facilities. The philanthropic community has responded strongly to Mayor Liccardo's requests for their participation, with generous contributors such as Peter & Susanna Pau, John & Sue Sobrato, and Destination:Home providing more than \$15 million so far for three of the five EIHCs under development. Thanks to Jim Ortbal, Jacky Morales Ferrand, Matt Cano, and James Stagi, and many others for their remarkable work in "proving out" this innovative approach to housing, and for their responsiveness to our call in March 2020.

Our [Community Plan to End Homelessness](#) calls for the doubling of our transitional and shelter capacity countywide, from 1,882 to 3,764 units. We have good reason to believe that the 1,000 units contemplated by this plan—of which 317 have been built already and are nearly fully occupied—can serve as both transitional, and if necessary, permanent housing. Beyond the completion of 397 units of transitional housing (adding 80 BHC beds to the EIHC projects), we have no clear pathway to reaching our collective goal—hence the need for this initiative.

As directed since 2017, the development of these sites should be equally distributed between all ten council districts, with each council district housing a least one. Homelessness is felt in every single one of our districts. Staff should prioritize council districts that have not yet housed an EIHC or BHC.

Currently, the City has footed the bill for the construction of these units and the provision of services in these EIHC communities, relying on increasing HHAP funding allocations that the Big City Mayors have endeavored to secure from the State of California. Since the County and

the regional CoCs also benefit from that same HHAP funding, there should emerge opportunities for real partnership from that and other sources.

### RV Safe Parking

We applaud Councilmember Sergio Jimenez for his efforts working with City Staff to host a safe RV parking site at or near the future site of the police training facility. Just a year and a half ago, the Councilmember faced extreme community resistance to two EIHC sites in District 2 and we support him now in his efforts to host another housing solution in his district.

### Methamphetamine Use and Addiction

The scourge of methamphetamine has afflicted neighborhoods in San Jose and throughout the West Coast, and too many residents in encampments suffer from high levels of methamphetamine addiction. Long term use of methamphetamine has been shown to induce psychosis and permanent brain injury, trapping users in a downward spiral of self-destruction and despair. Our residents share their fears and frustration of many 911 calls to report behavior ranging from merely erratic to threatening and violent. Small business owners and industrial employers routinely complain of broken windows, threats, and unsafe environments that have caused employees to quit.

In response, our police officers express frustration that they have no options in responding to reduce the risks posed by those under the influence. Mental health care workers cannot (and will not) respond violent and criminal behavior safely without the police. “Zero-bail” and other policies at the jail seeking to reduce jail populations prevent any detention for minor crimes. There is nowhere near the detoxification and inpatient treatment capacity needed to address the crisis of addiction in our community, as the number of treatment beds in Santa Clara County pales dramatically in comparison to other counties. Finally, Mission Street Sobering Center serves only those who voluntarily agree to stay. This “hamster wheel” of arrest and immediate release of individuals under the influence of methamphetamine does nothing to help the addict, and results in very high levels of recidivism that torments our lowest-income communities.

At the very minimum, we need a detention facility where a methamphetamine-addicted individual who has committed criminal activity can be off the street, unable to hurt themselves and others, and given access to addiction treatment resources. Of course, we need far more: specifically, a dramatic expansion of the existing drug treatment infrastructure of detoxification centers, inpatient beds, and outpatient services. We could also use a criminal justice system better aligned to reduce the harms of methamphetamine addiction, as Honolulu has long provided a promising model for reducing addiction and recidivism through its Project Hope, but it requires broad consensus among the County, local judges, and District Attorney. The City has no control, funding, or authority over behavioral health, drug treatment, or criminal justice systems, but our lead role in law enforcement can at least provide an inroad for a partnership to get addicted residents off the streets safely. We hope this can be the start of larger conversations about more comprehensive solutions that are desperately needed.

### The Longer View

In the first five years (2015-2020) of the Community Plan, we together were able to house 17,000 now formerly unhoused residents in permanent housing. For every person permanently

housed, however, two more people fell into homelessness or needed assistance. We have much work to do to accelerate our efforts.

Over the next five years, we will do more. The concrete targets that our countywide partners have established through our collaboration sets ambitious goals by 2025:

1. House 20,000 people through the supportive housing system
2. Expand the Homelessness Prevention System and other early interventions to serve 2,500 people per year
3. Double temporary housing and shelter capacity to reduce the number of people sleeping outside
4. Achieve a 30% reduction in annual inflow of people becoming homeless

We have already gotten off to a good start despite the pandemic. Since January 2020, our collective efforts with the County, Housing Authority, Destination:Home, and constellation of partner non-profits have rehoused nearly 4,900 homeless residents.

We need to continue and accelerate this momentum in the year ahead. We seek formal Council authorization to declare that we are all-in, and clear direction for Staff, to better confront the single greatest challenge facing our City.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*

**Attachment C:  
Gun Related Legislation Currently Tracked By Office of Administration,  
Policy and Intergovernmental Relations**

The following includes a list of gun related legislation currently tracked by the Office of Administration, Policy, and Intergovernmental Relations. As of January 25, 2022, there was no legislation introduced related to gun violence restraining orders (GVRO).

Bill Number: AB 452 Pupil safety: parental notification: firearm safety laws

Date Introduced: 02/08/21

Current Status: 01/27/22, In Senate. Read first time. To Com. on RLS. for assignment.

Description: This bill would require school boards to notify the rights and responsibilities of parents to ensure safe storage of firearms. It would consult with the department of justice to provide educational materials regarding firearm safety.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB452](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB452)

Bill Number: AB 228 (Rodriguez D) Firearms.

Date Introduced: 01/12/21

Current Status: 02/01/22, In Senate. Read first time. To Com. on RLS. for assignment.

Description: This bill explains how the DOJ keeps a list of licensed firearm dealers in the city. The department must also conduct inspections, and this law, would require these inspections to be done every 3 years, unless a dealer has is within the jurisdiction that has accepted an inspection program.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB228](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB228)

Bill Number: AB 1621 (Gipson D) Firearms: unserialized firearms.

Date Introduced: 01/10/22

Current Status: 01/11/22 , From printer. May be heard in committee February 10.

Description: Explains how it is prohibited for a firearm to not have a serial number, it cannot be in someone's possession. Existing law prohibits possession of a firearm that has had the serial number altered, removed, or obliterated, helps keep people accountable.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1621](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1621)

Bill Number: SB 915 Prohibiting Firearm Sales on State Property

Date Introduced: 02/02/2022

Current Status: 02/05/2022, (In print)

Description: It will be a misdemeanor to violate the laws that regulate the transfer of firearms. This bill would prohibit state officers, employees, operators, from allowing the sale of any firearm.

[Bill Text - SB-915 Firearms: state property. \(ca.gov\)](#)

Bill Number: AB 1594; Firearms, Civil Suits

Date Introduced: 1/03/2022

Current Status: 2/03/2022, In print

Description: regulates the manufacturing, sale, and marketing of firearms. If the failure of the person selling the firearm leads to the injury or death a gun industry member through unfair business practices, it would go against the law.

[Bill Text - AB-1594 Firearms: civil suits. \(ca.gov\)](#)

Additionally, the bills below were signed into law at the end of the 2021 legislative session:

SB 538 (Rubio) was signed into law by Governor Newsom in October 2021. The bill would allow petitions for domestic violence restraining order (DVRO) and gun violence restraining order (GVRO) to be submitted electronically and hearings to be held remotely.

AB 1057 (Petrie Norris) was also signed into law in October 2021 and by July 1, 2022 would define a firearm, for the purposes of the specified gun violence and domestic violence restraining order provisions, to include a frame or receiver of the weapon or a firearm precursor part.