

FW: Public Comment - Oppose 10/31/2023 Council Item 2.9 File 23-1459 "Request for Additional Quantities of Pre-Approved Military Equipment."

City Clerk <city.clerk@sanjoseca.gov>

Tue 10/31/2023 7:33 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Jordan Moldow [REDACTED]

Sent: Monday, October 30, 2023 5:51 PM

To: City Clerk <city.clerk@sanjoseca.gov>; CouncilMeeting <CouncilMeeting@sanjoseca.gov>

Cc: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>

Subject: Public Comment - Oppose 10/31/2023 Council Item 2.9 File 23-1459 "Request for Additional Quantities of Pre-Approved Military Equipment."

[External Email]

Public Comment from Jordan Moldow (95112; District 3) Opposing Consent Agenda Item 2.9 File 23-1459 "Request for Additional Quantities of Pre-Approved Military Equipment." - City Council 10/31/2023:

I urge you to remove this item from the Consent Calendar (for public comment; and for Council discussion; and for voting), and to Reject this request.

There are no compelling arguments that have been provided by SJPd for why they should be allowed to purchase additional quantities of military equipment, and in fact their memo leaves more questions than answers.

Here are some data that SJPd should have to provide, and questions they should have to answer, before Council should even consider approving this request. This data should be provided in a publicly available memo; voice answers during a Council meeting should not be considered sufficient. Even if this data is already available somewhere publicly, it should still be explicitly attached to the Council agenda item for explicit review by the Council and the public.

- How much money/time could the department be saving (both in upfront costs; and in standardization of inventory tracking, training; basic maintenance, repairs, etc.) if they continued purchasing the older Penn Arms L140-1 instead of adding a new model to their inventory?
 - Specifically, why does the department need to purchase the newer model? The department should have to fully justify this, unless the old model is completely out-of-stock and the new model is effectively identical to the old model (neither of which seems to be the case). "multi-rail mounting system and the collapsible stock" sound like functionalities that would change how this weapon is used and deployed.
 - If the request is approved, it should be approved under the condition that the department would need further Council approval if they wish to replace broken/expired L140-1 launchers with new L140-3 launchers.
- Does the Penn Arms L140-3 use the exact same munitions as the Penn Arms L140-1, or do new munitions need to be purchased?
- Since the department will have 19 more launchers than they do now, will they be purchasing additional quantities of munitions? How much, and how much will that cost?
- Why is it a good investment to purchase large, bulky weapons that can only be assigned to a single officer and can only hold a single shot at a time?
- With 111 officers (92 presently) assigned launchers, what percentage of on-duty Patrol Division officers would be equipped with these weapons at any given time?
- Specifically, why does the department need 19 additional launchers? Why not fewer than 19?

- Since the memo explicitly states that SJPD wants to offset supplies of the stun bag shotguns with new supplies of the Launchers: how many (and what percentage) of stun bag shotguns have become unusable (or unsafe to be used) in the last year?

I also think that SJPD should have to provide data tables, going back some number of years (at least 5 years would be good; 10 years would be great), showing for each year, the following numbers for the department's 40mm Launchers, as well as their stun bag shotguns (since the memo explicitly states that they want to offset supplies of the stun bag shotguns with new supplies of the Launchers):

- How many times each year was that weapon type fired by an SJPD member in the field?
- How many times each year was each type of munitions fired?
 - "40mm launchers can deliver 40mm munitions in the form of chemical agents, rubber bullets, sponge baton rounds, or combined use rubber/frangible/sponge OC/CS chemical agent rounds"
- How many times each year were those weapons fired before all available non-aggressive means of de-escalation had been exhausted?
- How many times each year did the firing of those weapons successfully (partially or fully) de-escalate the situation?
- How many times each year did violence start or escalate after the firing of those weapons?
- How many times each year did those fired weapons miss their intended targets?
- How many times each year did those fired weapons cause serious bodily harm or death for a person who was not armed with any weapon and had not committed any violent actions?
- How many times each year did those fired weapons lead to a lawsuit against SJPD or the City of San Jose, where the defendant was not found innocent and/or made a settlement with the plaintiff?
- How many times each year were the weapons misused (brandished / pointed at someone in a situation where it wasn't called for; used improperly; fired in a situation where it wasn't called for; fired at a person who it should not have been fired at; aimed at a part of the body where it should not have been aimed at; etc.), and/or did the use of the weapon lead to disciplinary action against the officer?
- How much did the department spend each year on training, basic maintenance, repairs, replacements, munitions, etc. on each weapon type?
- How many of the individual weapons were used at least once each year by an SJPD member in the field?
- How many of the individual weapons were used at least twice each year by an SJPD member in the field?
- How many times did an officer make use of a more lethal weapon when they did NOT have access to a Launcher or stun bag shotgun, in a situation where an officer's training would've instructed them to use a less lethal weapon had it been available?
- How many times did an officer make use of a more lethal weapon when they DID have access to a Launcher or stun bag shotgun, in a situation where an officer's training would've instructed them to use their less lethal weapon (or no weapon at all)?
- How many times overall did an officer make use of a more lethal weapon (regardless of the situation)?

This data is important because it helps the Council and the public evaluate:

- Whether the department is making use of these investments to reduce the amount of usage of more lethal weapons.
- Whether the uses of these "less lethal" weapons are in fact less lethal.
- Whether the munitions being used in these launchers are acceptable to the Council and to the public.
- Whether these weapons are being properly used.
- Whether these weapons are being used to de-escalate situations and keep the peace, or being used to make it easier to justify uses of force.

I do not think Council should approve additional types/quantities of weapons (whether "lethal" or "less lethal") unless they can provide this data publicly, and whether the data supports that SJPD is making good, proper use of its existing weapons.

I think similar questions need to be asked regarding the purchase of new types/quantities of Unmanned Aerial Systems (but obviously geared towards privacy concerns, instead of use-of-force concerns). I do not currently have a set of suggestion questions for these, other than this one:

- How much money/time could the department be saving (both in upfront costs; and in standardization of inventory tracking, training; basic maintenance, repairs, etc.) if they continued purchasing UAS models that they currently operate, instead of expanding their inventory with the Avata and Mini 3 Pro models that they do not currently operate?

Once again, I ask that you remove this item from the Consent Calendar (for public comment; and for Council discussion; and for voting), and to Reject this request in its entirety. Thank you.

Jordan Moldow
District 3
95112

FW: Remove from Consent Calendar 10/31/2023 Council Item 2.9 File 23-1459 "Request for Additional Quantities of Pre-Approved Military Equipment."

City Clerk <city.clerk@sanjoseca.gov>

Tue 10/31/2023 7:33 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Jordan Moldow <[REDACTED]>

Sent: Monday, October 30, 2023 5:55 PM

To: Torres, Omar <Omar.Torres@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; CouncilMeeting <CouncilMeeting@sanjoseca.gov>

Subject: Remove from Consent Calendar 10/31/2023 Council Item 2.9 File 23-1459 "Request for Additional Quantities of Pre-Approved Military Equipment."

[External Email]

I urge you to remove this item from the Consent Calendar (City Council 10/31/2023): Item 2.9 File 23-1459 "Request for Additional Quantities of Pre-Approved Military Equipment."

I urge you to remove this item from the Consent Calendar for public comment; and for Council discussion; and for voting.

For my full reasoning, see my longer public comment, Subject: "Public Comment - Oppose 10/31/2023 Council Item 2.9 File 23-1459 "Request for Additional Quantities of Pre-Approved Military Equipment.""

Thank you.

Jordan Moldow
District 3
95112

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FW: Agenda Item 2.9 (Letter from Silicon Valley De-Bug opposing the purchase of military grade equipment for San Jose Police)

City Clerk <city.clerk@sanjoseca.gov>

Tue 10/31/2023 7:34 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachments (162 KB)

SVDe-BugLetter-OppositiontoMilitaryGradeWeapons.pdf;

From: Raj Jayadev <[REDACTED]>

Sent: Monday, October 30, 2023 6:26 PM

To: City Clerk <city.clerk@sanjoseca.gov>; CouncilMeeting <CouncilMeeting@sanjoseca.gov>

Cc: District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Matt Mahan <maham@sanjoseca.gov>; Chandra Jacquez <[REDACTED]>; Elizabeth Gonzalez <[REDACTED]>; Charisse Domingo <[REDACTED]>

Subject: Agenda Item 2.9 (Letter from Silicon Valley De-Bug opposing the purchase of military grade equipment for San Jose Police)

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Good evening,

On behalf of De-Bug families, we are submitting this letter from De-Bug to express our opposition to the purchase of military equipment for the San Jose police (Agenda Item 2.9). Please reach out if you have any questions.

Thank you,
Raj Jayadev, Chandra Jacquez, Charisse Domingo, and Elizabeth Gonzalez
Silicon Valley De-Bug

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Raj Jayadev
Silicon Valley De-Bug // National Participatory Defense Network
www.siliconvalleydebug.com // www.participatorydefense.org

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701 Lenzen Ave. San José, CA. 95126 • info@siliconvalleydebug.org • 408.971.4965

October 30, 2023

To: San Jose City Council

From: Silicon Valley De-Bug

Re: Opposition of Purchase of Military Grade Weapons for SJPd to be Used Against Our Community/Your Constituents (Oct.31st Council Mtg Item 2.8)

Hello Council,

We are writing to call on you to stop the process of purchasing new military grade weaponry for the San Jose Police Department to use against our community members and your constituents. Namely, the department is asking for public resources to be used for the purchase of 40 mm Launchers and Unmanned Ariel Systems.

The purchase of these weapons is redundant and excessive as they already have stockpiles of each, flies in the face of the transparency called for through AB481, and most importantly only increases the dangers of police violence imposed on our community. As such, we are asking you to remove this item from the consent calendar and no longer entertain this purposeless request. If you feel a discussion is necessary, we call on you to then take this item off the consent calendar, and allow for a public and transparent discussion on the issue.

What is perhaps most absurd about this request for funding is that the department already has each of the items they are asking for. In their memo, they state that they already have 148 40mm launchers, then write that the purchase will increase their stockpile to 168 launchers. There has been no analysis conducted, offered, or even requested by the City Council as to the impact of the usage of the currently owned launchers. How can a department ask for more of a weapon without reporting on what it is doing with their current inventory? The same dynamic occurs with the request of the Unmanned Ariel Systems. They already have 22 Unmanned Ariel Systems, and in this memo are asking for 12 more. The City has done no analysis or disclosure about the usage of the currently owned UAS's. For the city council to even consider such a request without any due diligence would be irresponsible.

For this memo to be discussed on consent calendar completely contradicts the spirit of AB481, which calls on law enforcement agencies to report and obtain publicly disclosed approval from city governing bodies. The purpose of the law is to allow for open and public discussions around what previously had been weaponry purchased behind closed doors. The law is the state's response to alarming police violence used against communities in California who were protesting in the wake

of George Floyd's killing. San Jose police violence against protesters - mainly young people of color - was one of the worst in the country, resulting in national news coverage, serious injuries, numerous civil rights lawsuits, and settlements.

As such, we call on the San Jose City Council to reject this request from the SJPD, and at the minimum, take this discussion off of the consent calendar, which is an inappropriate place to have what should be a public debate.

Sincerely,

Charisse Domingo, SV De-Bug

Liz Gonzalez, SV De-Bug

Chandra Jacquez, SV De-Bug

Raj Jayadev, SV De-Bug