

## Letter Regarding Formal Position on Elected Police Chief

To: Mayor Lisa Gillmor, City Council Members of the City of Santa Clara, Governance and Ethics Committee of the City Council, Chief of Police Pat Nikolai, City Manager Deanna Santana, and the residents of the City of Santa Clara

From: City of Santa Clara Task Force on Diversity, Equity, and Inclusion (the “Task Force”)

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The Task Force seeks to make a formal recommendation to the above listed City officials and committees regarding our City’s model of electing its Chief of Police.

In response to the national call for police use of force reform, the City Council of the City of Santa Clara charged this Task Force with **engaging in an open dialogue, seeking community input, and making recommendations on government policies, structures, and services**. This mandate requires the Task Force to diligently engage with community members, local nonprofit organizations, and city agencies (including the police department). To this end, the Task Force approved a policing subcommittee, to be run by a subset of its members, to review, engage in conversations with the police department, and make recommendations to the full Task Force on its findings. The policing subcommittee has attended over 15 hours of trainings with the police department, gained additional in-person experience with officers on duty, and engaged in a series of policy conversations with the Chief of Police and the Assistant Chiefs. During this review process, the Task Force reviewed police department policies and learned about ways in which Santa Clara differentiates itself from other cities.

To be sure, the Task Force will undoubtedly have numerous constructive critiques of our police department in addition to formal positions reaffirming what the police department is doing well. The Task Force sees its role as reaffirming aspects of city governance and policing that reinforce and promote openness, accountability, transparency, and equity, as well as identifying those aspects that detract from our City’s equity goals. Having fully considered its mission, charge, and the diligent review of its policing subcommittee, **the Task Force seeks to formally recommend that the City preserve, reinforce, and celebrate its commitment to having an elected Chief of Police**, given this structure’s benefits in ensuring access, accountability, and ultimately in promoting equity for the City’s residents.

Following the police subcommittee’s report and the Task Force’s evaluation, it is our formal opinion that having an elected Chief of Police **promotes access, accountability, and equity**. Residents get to choose who represents them as Chief of Police and prospective Chief candidates must make their case to residents every [4] years on why they are the person to protect public safety and provide for equitable and fair policing. It is no accident that Santa Clara was the first City in the Bay Area to create a Task Force focused primarily on policing. In the wake of the murder of George Floyd, cities across our state vowed to make reforms, but few if any saw a Chief of Police openly advocate for the creation of a citizen’s commission to lead this effort. Our Chief of Police is particularly incentivized to open the doors of his or her department to the public, and in this case, a citizen’s Task Force, because he or she knows that the voters are watching and the voters know who to hold accountable at the ballot box if the department is not receptive to community feedback and lacks transparency. In contrast, an appointed Chief of

Police would be insulated from accountability and lack tangible incentives to open their doors to the public and to the scrutiny of a citizen's Task Force. The accountability that our structure of an elected Chief of Police affords is a direct cause of the continued cooperation of the Santa Clara Police Department with the review and scrutiny of our Task Force.

The Task Force, following the diligent review of its police subcommittee, its engagement with local nonprofits and community groups, and its continuing dialogue with city agencies (particularly the Santa Clara Police Department) seeks to reaffirm our City's structure of electing our Chief of Police and seeks to recognize the accountability, and ultimately the cooperation and receptiveness to public feedback, that results from this structure. Such accountability and openness to public scrutiny is critical to any effort, now or in future years, to realize the City of Santa Clara's equity goals.