June 2, 2020

San José City Council
San José City Hall
200 E. Santa Clara Street
San José, CA 95113

Re: Item 4.3 – Emergency Order Imposing Curfew

Dear Mayor and City Councilmembers:

We write to oppose the continued imposition of an unnecessary, unjust and inflammatory curfew. The acts that precipitated Sunday’s imposition of a citywide curfew resulted from failed leadership, poor decision-making, and inflammatory conduct from officers in response to largely peaceful protests from thousands of community members. San José’s leadership should not continue to allow these failures to beget bad policy and harm our residents.

Members of our staff witnessed firsthand at City Hall the outcome of a law enforcement approach designed to agitate, rather than serve and protect. We saw police form lines without provocation. Those lines moved up to stifle protesters who were peacefully engaged in chants and song. Later, tear gas and rubber bullets were employed, for no reason beyond the protesters taking a few steps onto Santa Clara Street. Once the curfew took effect, police aggression resulted in the detention of Mercury News reporters who were doing nothing more than the vital, constitutionally protected function of apprising the public of law enforcement actions. These actions, and so many others, destroyed any chance of solidarity between law enforcement and the community that could have gone a long way toward promoting a desperately needed message of unity.

This moment offered a chance to stand with the disenfranchised communities of color you are sworn to serve. This moment presented a path toward de-escalation. This moment provided the opportunity to reject excessive force. This moment brought the potential for accountability. This moment showed the virtue of solidarity. Yet, despite the clarity of the moment, City leadership has taken the wrong turn over and over.

The moment is not completely lost, however. Actions taken today can show that we are beginning to open our eyes as to why mass demonstrations are happening across the country. Our community, much like so many cities across the nation, needs to begin the process of learning and healing. We further must confront the long history of systemic racism that permeate. Traversing these paths will be difficult and cannot happen without forming a
foundation of trust between the community, its law enforcement, and our elected officials. Continued imposition of a curfew only further erodes that trust at a point in time where it is at a breaking point. We urge all City leaders to take that first step toward rebuilding trust by immediately ending the curfew.

Sincerely,

Alison Brunner, Esq.
CEO