From: Luke Morton
To: Planning Commission
Subject: Comments on noise ordinance

Date: Wednesday, August 10, 2022 8:14:49 PM

You don't often get email from luke@fg-arch.com. Learn why this is important

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Greetings Planning Commission

While listening to the August 10th (and the July meeting) I noted that there was a key point (in my opinion) left out of the discussion around the noise ordinance.

In my conversations with Staff (particularly those at Utilities and the Building Department), I've brought up the idea of a revision of the Noise Ordinance in order to address the City's S/CAP. The logic goes as follows:

- Moving off of gas: In order to meet the City's (and the world's) climate goals, it is imperative to strand current natural gas infrastructure. This is not just because natural gas combustion results in CO2 in direct emissions, but far more important, the natural gas system leaks. Recent studies (including those by Eric Lebel at Stanford) have measured a methane leakage rate from just stoves 0.8-1.3%. Other gas appliances also leak, and the natural gas system itself also leaks—you might note the slight smell of mercaptan at the Alma/Oregon Expressway overpass. Given that natural gas has a Global Warming Potential 80 times that of CO2, this is a BIG DEAL. Whereas we once thought that gas was 'clean' burning, there is some consensus building that gas is as bad as coal for global warming (reference: https://www.science.org/content/article/natural-gas-could-warm-planet-much-coal-short-term)
- Heat Pumps: Converting from gas to electricity for space heating and water heating requires electrification. Building Code has a very strong incentive for this electrification to be efficient, and the most cost-effective approach is to use a heat pump for heating, and avoid the use of electric resistance only heating systems (glorified space heaters). Additionally, Palo Alto Utilities has a strong incentive for electrification to be efficient in order to mitigate extra load on existing electrical transmission and distribution.
- **Outdoor unit Fan noise:** Heat pumps require some kind of heat exchange between the inside and the outside, and so by far the most typical approach is to use an outdoor unit with a fan to draw heat from or dump heat into. And these fans make noise. With the advent of variable speed heat pumps, newer modern units make a lot less noise because they use larger outside units and run at part load. Fan noise is a similar squared law to speed (fan moving at 800 RPM makes ~1/4 of the noise of a fan moving at 1600 RPM).
- **Enclosing and Insulating:** While fully enclosing and insulating the outdoor condensing unit inside a box will work for acoustics, it will completely defeat the purpose of the condensing unit to communicate with the outside air. It is important the the ordinance proposed account for both noise attenuation while not significantly diminishing the heat exchange performance (and manufacturers' warranties).

The policy question at hand is whether to allow otherwise quiet equipment (as is required by the

current ordinance) within the 4 foot setback.

In my experience, the current noise ordinance is a disincentive for designers to electrify ADU's. It's currently feasible to build an ADU with a gas heater and gas water heater and be done with it. That way, the designer can place the ADU against the back corner of the lot along the ADU setbacks and not worry about where to put outdoor equipment. While putting outdoor heat pump equipment is technically possible to do within the current setbacks and in a more exposed place—e.g. by the front and side doors to the ADU or elsewhere in the front, back or side yards, this design option is... not popular. Indeed, my suggestion of it is sometimes perceived as insulting. In my practice as an energy consultant on many ADU projects in Palo Alto, when a project has challenges with the siting of heat pump equipment, there is a strong incentive to go with gas equipment (which doesn't make noise that is triggered by the noise ordinance and IS allowed in the setback). A revision to the ordinance to allow for heat pumps in the setback would be a strong step towards promoting electrification.

This issue with heat pumps does and will extend to Main Residences and Pools, but the proposed ordinance does not. I believe it is reasonable to expect that a well-crafted and performance based noise ordinance could allow building electrification in new (and more importantly... existing) buildings while not antagonizing neighbors and ambient noise. Other municipalities have long dealt with this with regards to air-conditioning (see Newport Beach's Condenser Noise Analysis), so I don't believe Palo Alto has to reinvent the wheel. Through my conversations with planning staff, they have not expressed enthusiasm for such a performance-based code, or that's my perception. I'm not convinced that they have fully explored the option and understand the bureaucratic impact on their work and project review. That said, they have a lot of work/review to do currently, and so its important to consider the time required to review a performance based ordinance and who would do that review it. I don't believe that such bureaucratic issues are a reasonable excuse to not pursue as aggressive of a stance possible to render Palo Alto's natural gas system obsolete as soon as possible.

Cordially
Luke Morton
Fergus Garber Young Architects
Palo Alto

From: <u>Aram James</u>

To: Alison Cormack; eric.filseth@cityofpaloalto.com; Greer Stone; Human Relations Commission; Council, City;

paloaltofreepress@gmail.com; Winter Dellenbach; Pat Burt; ladoris cordell; Joe Simitian; Binder, Andrew; Jeff Rosen; paloaltofreepress@gmail.com; chuck jagoda; Shikada, Ed; Planning Commission; ParkRec Commission;

Jay Boyarsky; Rebecca Eisenberg; Linda Jolley

Subject: Letter of protest from Aram James to then District Attorney George Kennedy (circa 2003) from the archives of

aram james

Date: Thursday, August 11, 2022 11:37:55 AM

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10/19/2003

Introduction and Background.

"Democracies Die Behind Closed Doors"

Detroit Free Press v. Ashcroft, (2002) 303 F. 3d 681

Dear District Attorney George Kennedy: As promised I'm writing you regarding my exclusion from Judge Thomas Hansen's courtroom on

Monday, September 29, 2003. On that date, I was scheduled to attend a meeting with other members of the Coalition for Justice and Accountability, an ad hoc committee formed in response to the police shooting of Bich-Cau Thi Tran on July 13, 2003.

I'm sure the irony of this situation is not lost on you. That is, that the judge responsible for signing off on an open and fair grand jury proceeding, Thomas Hansen, summarily deprived a member of the Coalition, formed in large part to maximize public oversight of these proceedings, an opportunity to attend the meeting without even a pretense of due process.

I had been working with the coalition as a citizen advocate based on my concern that this case raised grave community concerns re: the circumstance under which Ms. Tran was killed and based on my long-standing interest and concern that a pattern exists across this country, including in Santa Clara County, that too often police killings and other forms of police violence go unprosecuted.

I have for many years observed that the police are often treated with prosecutorial kid gloves and that their alleged crimes are often not pursued with the same enthusiasm, aggressiveness, or expenditure of resources that would apply to a similar criminal allegation against an ordinary citizen.

In fact one of the reasons I supported your initial candidacy for District Attorney was the interest you showed regarding the issue of the disproportionate police killings of members of the African American community across this country. I'm certain you remember our conversation in that regard despite the passage of many years.

As a member of the Coalition, I had attempted to provide my support and assistance which includes, in addition to my past advocacy to improve police practices in this county, my many years of experience as a criminal defense attorney. In preparation for the meeting with Judge Hansen, I attended a meeting of the Coalition on Friday night September 26. The meeting took place over several hours and included among other subjects discussion of the upcoming meeting with Judge Hansen.

During the weekend prior to the meeting with Judge Hansen, I completed several hours of research on grand jury proceedings in hope that I could ask, if necessary, some relevant questions of Judge Hansen. My intent was to ensure that our Coalition could better understand the upcoming open grand jury proceeding in the Tran case and to ensure that the Coalition and the public they represent were as fully informed as possible regarding the process.

When I arrived at Judge Hansen's chambers for the meeting on September 29, his bailiff, Tony Estrada, advised me that I could not enter the meeting and that I needed to wait to speak with Richard Konda, the head of our Coalition. Mr. Konda then stepped out of chambers and advised me that Judge Hansen did not want me at the meeting.

I stated to Mr. Konda that I did not know Judge Hansen personally and to my knowledge had never appeared in his courtroom and as such there would be no reason to exclude me based on prior contact. Mr. Konda stated he had advised Judge Hansen that I was a member of the Coalition but Hansen continued in his insistence that he did not want me at the meeting. I have enclosed an e-mail from Mr. Konda, that I discovered upon returning home on September 29, expressing Judge Hansen's desire to exclude me from the meeting.

Prior to leaving the courthouse, I advised bailiff Estrada that I would be calling Judge Hansen later in the day in an attempt to speak with the judge re: the reason for my exclusion. I in fact did phone later that day but advised bailiff Estrada that I did not think it would be productive for me to speak with Judge Hansen. Instead, I provided my home mailing address to bailiff Estrada and requested that he pass it on to Judge Hansen with the request that he send me a written explanation of his action. To this date, October 19, 2003, I have received no written or other communication from Judge Hansen.

Prior to the September 29 meeting, I was one of the members of the Coalition who met with Dan Nishigaya of your office with the intent of expressing my concern re: the upcoming proceedings and to ask appropriate questions designed to learn as much as possible about how the Tran case would be handled and to point out our concerns as a Coalition. I think if you were to inquire with the others present at the meeting that you would find that all members of the Coalition, including myself, participated in this meeting in a very professional manner.

The Importance of Citizen Advocates in a Democracy

I think it is fair to say that the criminal justice system relies on public input on numerous issues from a wide variety of citizen advocates and citizen-based groups/organizations. All of which play an essential role in allowing the community to have a say in the implementation of community standards in our local criminal justice system. In fact, such advocates play a fundamental role in shaping policy in the criminal justice system. It can be argued that such advocacy groups and individuals play at least as important a role in shaping policy as a judge, an elected district attorney, public defender, etc.

As an example, but surely not exhaustive, we have groups advocating for stronger punishment – the movement for the three-strikes-law pushed by citizens after the Polly Klass case. Similarly, there have been citizen groups working to amend the three-strikes

law so as to ensure that only those who have been convicted of serious or violent offenses suffer the consequence of this law.

Other groups include Mothers Against Drunk Driving, numerous advocacy organizations working to curb domestic violence, advocacy groups determined to protect victims/defendants accused based on false or fabricated evidence or implanted memories of child molestation. Citizen advocates for harsher drugs laws and groups opposed to the war on drugs altogether. Citizen advocates pushing to expand the reach of the death penalty and those on the other side seeking to abolish the death penalty The list of citizen advocates just within the narrow range of the criminal justice system goes on and on.

The same applies to advocates in the broader area of civil rights and civil liberties. You, George Kennedy, our District Attorney, if my memory serves me correct, are a long-time member of one of America's best-known civil rights advocacy groups the NAACP.

Imagine if you might for a moment the impact of Judge Hansen agreeing to meet with such a group on an important criminal justice/civil rights issue and then deciding to exclude one of its members from the meeting without stated reason or due process. This would be totally unacceptable.

"The First Amendment, the Supreme Court has said, is designed to protect a robust public debate, and if the government can keep out persons who espouse disfavored ideas, our opportunity to hear and consider those ideas through the direct personal exchange will be diminished. More broadly, excluding people for their ideas is contrary to the spirit of political freedom for which the United States stands." Enemy Alien: Double Standards and Constitutional Freedoms in the War on Terrorism by David Cole attorney and professor at Georgetown University Law Center, page 65

The government and certainly our public officials/judges should do nothing to abridge the right of citizens to exercise free speech and or to discourage the people in the exercise of their right to petition the government for a redress of grievances.

Surely the business of the Coalition for Justice and Accountability represents one of the purest forms of First Amendment activity, citizens joining together to exercise free speech and more specifically to redress grievances in connection with a matter of utmost community importance, the Tran case.

In order to act upon their rights, the Coalition requested access to its courts and to the official most directly accountable to the public vis-à-vis the upcoming grand jury proceedings. The Presiding Judge of the Superior Court by his actions in unilaterally excluding one of its members not only violated the civil rights of Mr. James but also the entire coalition and the community they represent.

Conclusion

I'm hopeful once you've reviewed this matter you will consider having your Public Integrity Division conduct an investigation of this matter and if appropriate filing charges against Judge Hansen and or convening a civil grand jury to consider the removal of Judge Hansen from office or other appropriate sanctions. I look forward to your response.

Sincerely,

Aram James

832 Los Robles Ave

Palo Alto, Ca 94306

abjpd1@juno.com

P.S. I've enclosed a number of articles and other material that demonstrates the type of citizen advocacy I've been involved with over the last several years. I've enclosed this material on the possibility that something I've published may have influenced Judge Hansen's conduct on September 29.

Enclosures: 1) Several published articles or letters on Prop 36. 2) Letter to the editor of the Daily Journal "Jurist Shows Contempt For Public Trust" re: Judge Thomas Hastings. 3) Letter to the editor of the Metro News re: light sentences received by molesting priests in Santa Clara County. 4) Two letters, one to the Palo Alto Daily and one to the Daily Journal re: the firing and prosecution of attorney Thomas Spielbauer. 5) Articles written (Metro Eye and The Recorder) about my recent campaign, October 2002, requesting that judicial candidates answer questions re: their positions on the issues, the death penalty, abortion, gay marriage, US Aid to Israel.

. 6) Silk Screen titled: Vote No on Prop 21.7) Two bumper stickers: 1) Impeach The Son Of A Bush! 2) I do not consent to a search of my person, my vehicle, or my residence So, Don't Ask. This individual is protected by the 4th Amendment. 8) Endorsements for the general election of November 7, 2000.

CC: Richard Konda, Executive Director of the Asian Law Alliance. (No enclosures)

CC: Judge Thomas Hansen, Presiding Judge of The Santa Clara County Superior Court.

(No enclosures)

From: <u>Aram James</u>
To: <u>Diana Diamond</u>

Cc: <u>Planning Commission</u>; <u>Tanaka, Greg</u>; <u>Alison Cormack</u>; <u>Afanasiev</u>, <u>Alex</u>

Subject: No excuse for Tasers in law enforcement by attorneys Richard Konda & Aram James (must read for city council,

Ed Shikada, Andrew Binder et al)

 Date:
 Thursday, August 11, 2022 2:09:18 PM

 Attachments:
 Aram James (DJ-1-12-18) (00000003).pdf

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FRIDAY, JANUARY 12, 2018

- PERSPECTIVE -

There's no excuse for Taser use in our jails

Bv Aram James and Richard Konda

atchdogs across the country are organizing to oppose police practices that run contrary to community values and our constitutional rights. In Santa Clara County in the spring of 2017, Sheriff Laurie Smith, a longtime opponent of Tasers, in a surprising shift of policy, announced her plan to introduce Tasers into the Santa Clara County jails. Local civil rights organizations immediately began organizing to resist the sheriff's call for Tasers.

One of our first strategies was to ensure that members of the community were as fully informed as possible regarding the risks that Tasers pose to human life. We reviewed materials on Tasers and got ourselves current on the nuances of the issue. Next, we scheduled meetings over a seven-month period with key elected and non-elected officials who we felt could influence the sheriff's decision. This included members of the Santa Clara County Board of Supervisors who ultimately will vote to decide whether the sheriff will be allowed to purchase Tasers. We also met with the elected Santa Clara County district attorney, the Santa Clara County public defender and the county counsel. And most importantly, we met with the sheriff and her staff to open up a dialogue on this critical issue.

Here are some of the arguments and information we provided much of which came from a recent fivepart series by Reuters ("Shock Tactics: Inside the



New York Times News Service

Taser, the Weapon that Transformed Policing") and the Bar Association of San Francisco.

Taser-Related Deaths and Litigation

Critically important to convincing our sheriff of the inappropriateness of bringing Tasers to the jails is Reuter's recent finding that the death toll associated with Tasers is substantially more than previously reported by mainstream civil rights organizations like Amnesty International. Using rigorous journalistic standards, Reuters documented 1,005 deaths related to Taser use by law enforcement.

In addition, Reuters completed a thorough examination of the monies paid out by cities across the country in Taser related litigation. Reuters identified and reviewed 442 wrongful death lawsuits in which Tasers were a factor that may have caused death. "In 120 of the 442 cases or 27%, the Taser was the only force alleged in the claim; in the remaining 322 cases, the stun guns were alleged to have been part of a broader array of police force. More than three-fifths of the 366 of the concluded lawsuits against governments, or settlements for the plaintiffs: 220 settlements and 12 judgments. Reuters was able to determine payouts in 193 cases, totaling \$172 million paid by cities and their insurers. That dollar figure does not include three dozen cases in which settlements remained confidential or were unavailable." (Emphasis added.)

These findings regarding the cost of litigation should trouble any law enforcement agency, city or county contemplating the purchase of Tasers.

Taser Warnings

Historically the manufacturer had very few warnings regarding the safety of its weapon. Increasingly and in order to shift liability to cities and police departments, Taser now has a 4,500-word, seven-page warning. The warning advises users not to deploy the Taser in the area of the face, eyes, neck, chest, heart and the genitals. And not to Taser a variety of populations including the frail, mentally ill, pregnant women and those with heart problems. By warning police departments regarding the risk of death and serious injury when a Taser is improperly used, the manufacturer has effectively shifted liability from itself to police departments and municipalities.

Reuters also explored in detail the progression of Taser warnings that includes a comprehensive interactive guide.

The progression of increasingly restrictive warnings issued by Taser has led some police agencies to either shelve Tasers all together or not to purchase them

232, resulted in judgments or at all after having reviewed the extensive warnings. Ed Davis, former Boston police chief from 2006-2013, in ultimately declining to purchase Tasers for his department said the following: The warnings "made the weapon impractical to use, and it gave a lot of us the impression that we weren't getting the full story. I didn't want to take the risk. The potential litigation costs absolutely were a factor."

> The tragic death of Everette Howard, a young African-American student, is a case examined in the Reuter's series. One Taser blast by University of Cincinnati police officer Richard Haas, a certified Taser instructor, resulted in Everette Howard's death. "Haas fired his stun gun. One electrified dart hit below Howard's lower left chest, the other near his waist. The 18 year-old collapsed, unconscious, and was pronounced dead at the hospital." Haas subsequently said, "I did not in my wildest dreams expect this kid to die."

> As part of his role as a certified Taser trainer, Haas acknowledged that he had studied the Taser safety warnings over a 10-year period and noted that they had become more complex over the years. Ironically, the Taser blast that killed Everette Howard was the first time Haas had deployed a Taser in the field. He ultimately concluded, "it seemed like it was getting harder and harder to use the Taser." The University of Cincinnati ultimately settled the Howard's family wrongful death lawsuit for \$2 million. Taser was not sued in the matter.

> In another case explored by Reuters, Linwood Lambert was

tasered some 20 times by South Boston, Virginia, police officers. He died. There was substantial evidence that the three officers involved ignored the manufacturer's warning regarding the risk of repeatedly tasering victims. In addition, the officers ignored other warnings issued by the manufacturer. Under oath at a deposition, one of three officers involved, Corporal Tiffany Bratton, acknowledged that she was aware of the manufacturer's warnings. In a chilling statement, she said, "If I read and abided by every single warning ... I would not Taser anyone."

Catch-22

More and more attention is being paid by commentators to the fact that the use of Tasers is a Catch-22. Failure by police departments to follow closely the ever growing restrictions on the use of Tasers issued by the manufacturer has resulted in unnecessary deaths and a huge increase in the costs of litigation borne by municipalities. On the other hand, where police departments are closely complying with the manufacturer's complex warnings, they are finding it increasingly impractical to use Tasers. The Oakland Police Department has over 700 police officers on their force, all are armed with Tasers. The Bar Association of San Francisco Criminal Justice Task Force, Committee on Tasers contacted the Oakland Police Department to determine how frequently Tasers were deployed.

"To help answer some of the questions, the BASF also reached out to the Oakland Police Department (OPD) to determine how often Tasers are used, and how often they are effective. It is well known that LAPD reports 47% efficacy, but LAPD far exceeds the size of SFPD. The OPD which is closer in size to the SFPD, reported that in 2015 Tasers were deployed on just 37 occasions and 32 times in 2016. Oakland reported for each year, the efficacy was 50%." Other studies have confirmed that where warnings are complied with the use of Tasers drops dramatically. Similarly, numerous studies have confirmed that Tasers have an unacceptably high failure rate putting both the officers and intended victim at risk.

Moreover, Tasers are not effective. Michael Leonesio, a retired Oakland peace officer, provided answers to questions posed by the Bar Association of San Francisco. "Given the warnings issued by Taser International, does this diminish the weapon's efficacy and/or circumstances otherwise warranting Taser use[?] ... Answer: The latest manufacturer warnings and trainings, as well as the Courts and current case law decisions, have absolutely limited the circumstances when a TASER, can and/or, should be used. Combine this with the fact that the new generation weapons are generating only half the electrical output of the previous generations, and I question the current weapons' ability for consistent, reliable, subject incapacitation."

Worth the Cost?

In June 2017, Taser expert Michael Leonesio, was called as an expert witness before the San Francisco Police Commission on the potential costs of outfitting all members of the SFPD with Tasers. "During his testimony, he estimated the first year in costs to San Francisco at \$8,000 to \$10,000 per officer which in-

cluded the purchase price, maintenance, training and oversight. Assuming a department size of 2,200 officers, the cost is between \$17.6 million and \$22 million." Clearly, the sheriff and the Santa Clara County Board of Supervisors need to consider the cost factors raised above before expending millions of tax payer dollars on a weapon that is increasingly seen as impractical to use.

Final Argument

Tasers kill on the average of one person per week in the United States. According to the Reuters series, nine out of 10 who die are unarmed. Tasers are unsafe to use in jails because of the substantial risk of injury or death to both inmates and correction officers. The strongest single piece of evidence of this lack of safety is the 1,005 Taser related deaths reported in the Reuters fivepart series on Tasers. Equally powerful evidence of why Tasers should be banned is the ever growing list of restrictions/warnings issued by the manufacturer themselves regarding the serious risks of injury and death related to the use of Tasers.

The millions that would be spent in arming the correctional officers in the jails with Tasers would be better spent on hiring more and better trained correctional officers. Finally, given the recommendations of the Santa Clara County Blue Ribbon Commission on Improving Custody Operations, the purchase and use of Tasers in the jails runs counter to the community's loud and repeated calls for a more humane approach to incarceration.

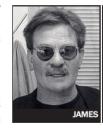
Call to Action

When your community is faced with a questionable police practice

be it the use of Tasers, inhumane jail conditions, unconstitutional surveillance tactics, racially discriminatory police enforcement; be confident that there is a way to organize your community to effectively challenge these issues. Meet early and often with the community and with your local elected officials. Provide them with the necessary information to fully educate them on the issues. Call on your local district attorney, who is the chief, law enforcement officer in every community, to support your efforts to challenge and end police practices that diminish public trust for local law enforcement. Remember police practices are not some obscure body of knowledge that we the community need sit back and passively accept. We can in fact make a difference.

Aram James is a retired Santa Clara County deputy public defender, a member of CJA and a co-founder of the Albert Cobarrubias Justice Project (ACJP), a grassroots legal advocacy organization located in San Jose.

Richard Konda is an attorney and executive director of the Asian Law Alliance and the Chairperson of the Coalition for Justice and Accountability ore and better trained correctional officers. Finally, given the commendations of the Santa Richard Konda is an attorney and executive director of the Asian Law Alliance and the Chairperson of the Coalition for Justice and Accountability challenged the use of Tasers by law enforcement for more than a decade.





Aram James From:

To:

Perron, Zachary; Enberg, Nicholas; Human Relations Commission; Planning Commission; Council, City; Winter Dellenbach; Shikada, Ed; chuck jagoda; Jeff Rosen; paloaltorenters@gmail.com; Jethroe Moore; Jay Boyarsky; Greer Stone; Pat Burt; ParkRec Commission; epatoday@epatoday.org; Rebecca Eisenberg; Vara Ramakrishnan;

Roberta Ahlquist

Subject: Cops Throw Away Porch Camera Evidence Of Them Saying N-Word

Date: Friday, August 12, 2022 5:32:39 PM

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https://youtu.be/pnAZ_zyqUI0

From: **Aram James**

To:

Winter Dellenbach; Shikada, Ed; Human Relations Commission; Council, City; Pat Burt; Greer Stone; Jason Green; Rebecca Eisenberg; Sean Allen; chuck jagoda; Binder, Andrew; Joe Simitian; Jeff Rosen; Sean james; Sean Webby; citycouncil@mountainview.gov; city.council@menlopark.org; Planning Commission; Council, City;

Jethroe Moore; wilpfpeninsulapaloalto@gmail.com; chuck jagoda

Subject: The approval of appointment for Andrew Binder on Monday heard the persistent question of transparency,

following City Manager Ed Shikada's closed-door process for interviewing and selecting Palo Alto's next police

chief. — Nextdoor

Date: Friday, August 12, 2022 5:46:49 PM

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From my neighborhood: https://nextdoor.com/p/3prhgqtKtrx3?utm_source=share&extras=NDU4MDU3NTA%3D

From: **Aram James**

To:

Tannock, Julie; Enberg, Nicholas; Human Relations Commission; Figueroa, Eric; robert.parham@cityofpaloalto.org; Figueroa, Eric; Filseth, Eric (Internal); paloaltofreepress@gmail.com; Planning

Commission; Jeff Rosen

Subject: From The Mercury News e-edition - Racism, antisemitism remain deeply engrained in society

Date: Friday, August 12, 2022 10:41:26 PM

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I saw this The Mercury News e-edition article on the The Mercury News e-edition app and thought you'd be interested.

Racism, antisemitism remain deeply engrained in society https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=0565e029-da31-4306-b081-6d9138bed61b&appcode=SAN252&eguid=1d2e0a63-63be-4eff-aa1d-8640fff49f72&pnum=27#

For more great content like this subscribe to the The Mercury News e-edition app here:

From: **Aram James**

To:

paloaltofreepress@gmail.com; Planning Commission; michael.gennaco@oirgroup.com; Human Relations Commission; Anna Griffin; Angie Evans; Diana Diamond; darylsavage@gmail.com; Kaloma Smith;

peninsula raging grannies@yahoo.com; chuck jagoda; Roberta Ahlquist; Joe Simitian; supervisor.ellenberg@bos.sccgov.org; supervisor.lee@bos.sccgov.org; ParkRec Commission

Subject: Will police reform in Yonkers leave along with the boss? | The Marshall Project

Date: Saturday, August 13, 2022 9:21:11 AM

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> FYI:

> https://www.themarshallproject.org/2022/07/14/we-spent-a-year-following-a-troubled-police-force-listen-to-whatwe-learned-about-reform

>

>

From: <u>Aram James</u>

To: Planning Commission; Council, City; Shikada, Ed; Human Relations Commission; city.council@menlopark.org;

Council, City; Winter Dellenbach; chuck jagoda; Jeff Rosen; Jethroe Moore; Greer Stone; Raj; Roberta Ahlquist;

<u>Joe Simitian</u>; <u>supervisor.ellenberg@bos.sccgov.org</u>; <u>supervisor.lee@bos.sccgov.org</u>; <u>Lewis. james</u>

Subject: Urgent! Request for endorsement Free Julian! Free Mumia! Free Palestine! Saturday, Sept 17

Date: Saturday, August 13, 2022 7:55:52 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Greetings all,

Please forward this out to as many people as you can. Also, if your organization can endorse, please do asap, even those of you who do not live in the San Francisco Bay Area.

in solidarity Donna

----- Forwarded message -----

From: **Jeff Mackler** <<u>jmackler@lmi.net</u>> Date: Thu, Aug 11, 2022 at 5:31 PM

Subject: Urgent! Request for endorsement Free Julian! Free Mumia! Free

Palestine! Saturday, Sept 17

To: Jeff Mackler < imackler@lmi.net >

Dear Friends.

We organizing a major Saturday evening, 7:00 pm September 17 rally at Berkeley's First Congregational Church.

The themes are: Free Julian! Free Mumia! Free Palestine! [The Julian, is Julian Assange]

We need your endorsement real soon. Endorsers will be listed on the major fliers and other advertisements. The condition for adding your name is simply that you will help promote this important event via your various lists.

Here are the confirmed speakers and presenters: Those with an asterisk will be via Zoom.

Alice Walker, Pulitzer Prize novelist

Pam Africa Chair, International Concerned Family and Friends of Mumia Abu-Jamal

Mumia Abu-Jamal via phone or Zoom

Chris Hedges, Pulitzer Prize journalist*

Daniel Ellsberg, Pentagon Papers defendant*

Susan Schnall, National President, Veterans for Peace

Joe Lombardo, National Coordinator, United National Antiwar Coalition* Jeff Mackler, National Steering Committee, <u>Assangedefense.org</u>; Director,

Mobilization to Free Mumia Abu-Jamal

Nozomi Hayase, Author, WikiLeaks: The Global Fourth Estate

Vincent De Stefano, Coordinator, Assangedefrense.org; Amnesty International,

Los Angeles

Dennis Bernstein, Host, KPFA's Flashpoints

Rick Sterling, Journalist; Syria Solidarity Movement

Cynthia Papermaster, Code Pink/Women for Peace

Representative, Middle East Children's Alliance

Representative, Palestinian Youth Movement

Sponsors:

The Mobilization to Free Mumia Abu-Jamal

International Concerned Family and Friends of Mumia Abu-Jamal

Initial co-sponsors:

Middle East Children's Alliance

Courage Foundation/Assange Defense.org

Bay Area Committee to Defend Julian Assange

Veterans for Peace/nationally

Code Pink/SFBay Area

Vincent De Stefano, Board member, Amnesty International/Los Angeles

James Lafferty, Executive Director Emeritus/National Lawyers Guild/Los

Angeles

United National Antiwar Coalition

Oscar Grant Committee

Dennis Bernstein, Host, KPFA's Flashpoints

Popular Resistance

Please let me know if you are available to help at the event.

In solidarity and event coordinator, Jeff Mackler, National Steering Committee, <u>Assangedefense.org</u>; Director, Mobilization to Free Mumia Abu-Jamal 510-387-7714

__

[&]quot;Nobody in the world, nobody in history, has ever gotten their freedom by appealing to the moral sense of the people who were oppressing them."

Assata Shakur

2 books you must read:

"Against Our Better Judgement: The hidden history of how the U.S. was used to create Israel" by Alison Weir

http://www.againstourbetterjudgment.com/

"State of Terror: How Terrorism Created Modern Israel" by Thomas Suarez http://thomassuarez.com/SoT.html

Free Palestine!

Right of Return to Palestine for all Palestinians!

Free all political prisoners!

Leonard Peltierwww.WhoIsLeonardPeltier.infoMumia Abu-Jamalwww.FreeMumia.com

Ruchell Cinque Magee http://denverabc.wordpress.com/prisoners-dabc-supports/political-

prisoners-database/ruchell-cinque-magee/

Russell Maroon Shoatz https://russellmaroonshoats.wordpress.com/

Mutulu Shakur

Julian Assange

http://mutulushakur.com/site/
https://assangedefense.org

The Holy Land Five:

Shukri Abu Baker Ghassan Elashi Mufid Abdulqader Abdulrahman Odeh Mohammad Elmezain

 $\frac{https://www.mintpressnews.com/the-trial-and-conviction-of-the-holy-land-foundation-five/237440/$

and thousands more

End Solitary Confinement

https://prisonerhungerstrikesolidarity.wordpress.com

California Prison Focus http://newest.prisons.org/our story

End United \$tates of Amerikkka invasions and occupations U.S. Government and UN Occupation Force Soldiers - Hands off Haiti! http://www.haitisolidarity.net/

Donna Wallach

DonnalsAnActivist@gmail.com

Skype: palestinewillbe Twitter: @PalestineWillBe

(cell) 408-569-6608

--

2 books you must read:

"Against Our Better Judgement: The hidden history of how the U.S. was used to create Israel" by Alison Weir

http://www.againstourbetterjudgment.com/

"State of Terror: How Terrorism Created Modern Israel" by Thomas Suarez http://thomassuarez.com/SoT.html

Other important websites to visit

http://www.ifamericansknew.org

http://www.councilforthenationalinterest.org/new/

https://wearenotnumbers.org/

End the Blockade/Siege on Gaza!

Tear down the Apartheid Walls in West Bank & Gaza! End the War Criminal Israeli collective punishment on the Palestinian people!

End the illegal Apartheid Israeli Occupation of all of Palestine!

Right to Return to their homes and land in Palestine for all Palestinians!

End all U.S. aid to Israel

Free Palestine! Long Live Palestine!

Support Boycott, Divestment, Sanctions (BDS) & Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) Campaigns!

http://www.bdsmovement.net

http://www.WhoProfits.org

http://www.pacbi.org

Support Solidarity with Gaza Fishers

https://sgf.freedomflotilla.org/

https://freedomflotilla.org/

https://sgf.freedomflotilla.org/category/we-are-not-numbers

Support ISM volunteers in West Bank and Gaza Strip!

http://www.palsolidarity.org

Donna Wallach

<u>cats4jazz@gmail.com</u> Skype: palestinewillbe Twitter: @PalestineWillBe

(h) 408-289-1522 (cell) 408-569-6608

Aram James From:

To:

Pat Burt; Tom DuBois; Alison Cormack; Filseth, Eric (Internal); Greer Stone; epatoday@epatoday.org; Shikada, Ed; Winter Dellenbach; Council, City; Human Relations Commission; Linda Jolley; Joe Simitian; Jeff Rosen; Jay Boyarsky; Jethroe Moore; Sean Allen; Rebecca Eisenberg; Roberta Ahlquist; wilpfpeninsulapaloalto@gmail.com;

paloaltorenters@gmail.com; Planning Commission

Subject: Liberal Hypocrisy is Fueling American Inequality. Here's How. | NYT Opinion

Date: Saturday, August 13, 2022 10:48:18 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

> https://youtu.be/hNDgcjVGHIw

>

From: Palo Alto Free Press To: **Aram James**

Perron, Zachary; Tannock, Julie; Human Relations Commission; Winter Dellenbach; Sean Allen; chuck jagoda; Figueroa, Eric; michael.gennaco@oirgroup.com; Foley, Michael; Planning Commission; ParkRec Commission; Cc:

city.council@menlopark.org

Subject: Re: A lying undercover agent arrested 46 people, most of them black, on drug...

Date: Sunday, August 14, 2022 8:38:24 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

This should be no surprise to anyone....Its a common occurrence sadly....

Sent from my iPad

> On Aug 13, 2022, at 8:58 PM, Aram James <abjpd1@gmail.com> wrote:

>

> https://youtu.be/g3r4999Z4a8

From: slevy@ccsce.com
To: Steve Levy

Subject: A Welcome Uptick in Housing Permits

Date: Monday, August 15, 2022 4:44:13 PM

Attachments: Numbers-Aug2022-Welcome-Uptick-in-Housing-Permits.pdf

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Hi All,

This is the first in a new series of Numbers in the News.

The report looks at housing permits thru June of 2022 and compares those to previous periods.

It covers the state, five major regions and counties within them.

If the pace through June is continues, the state will record the largest number of permits since 2006, though in most regions still well below their new housing targets.

The report ends with some personal comments.

Steve

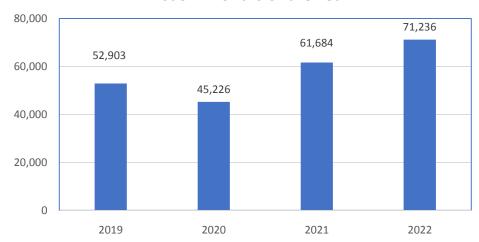
650-814-8553

August 2022

A Welcome Uptick in Housing Permits

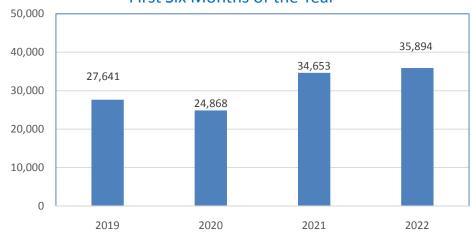
California recorded 71,236 residential building permits in the first six months of 2022—a 15.5% increase over the 2021 comparable figure of 61,684. The state is on pace to record the largest number of housing permits since 2006, though the level is still below the state's target for correcting the persistent recent undersupply of housing.

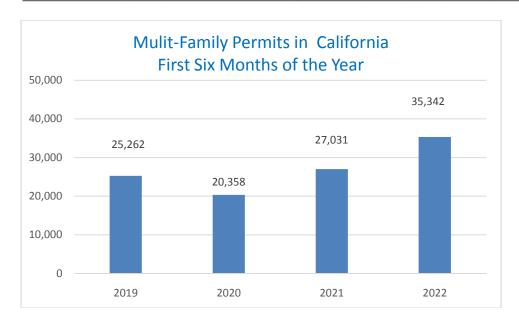
Residential Building Permits in California First Six Months of the Year



In 2022 the permits were evenly split between single-family and multi-family units though the split varies substantially among individual counties and regions.

Single-Family Permits in Caliofornia First Six Months of the Year





Regional Overview

Data from the California Homebuilding Foundation (CHF) and the Construction Industry Research Board (CIRB) show that all regions participated in the 2022 uptick in housing permits.

Regional Housing Building Permits First Six Months of the Year

Southern					
California	2019	22,101	San Francisco Bay Area	2,019	13,201
	2021	25,350		2,021	13,511
	2022	28,470		2,022	14,838
San Diego	2019	3,924	Sacramento Region	2,019	4,705
	2021	4,958		2,021	6,551
	2022	6,015		2,022	8,268
San Joaquin					
Valley	2019	6,520	Rest of State	2,019	2,452
	2021	7,937		2,021	3,377
	2022	8,480		2,022	5,165
California	2019	52,903			
	2021	61,684			
	2022	71,236			

Source: CHF and CIRB

All regions also posted increases compared to the first six months of 2019 though the gains varied by region with the lowest % gain in the Bay Area.

Southern California Trends

Riverside County accounted for most of the increase between 2021 and 2022 followed by Los Angeles and San Bernardino counties. Orange County is the only Southern California county that trails 2021 permit levels at mid-year. Southern California communities are in the process of updating their Housing Elements in response to California Housing and Community Development Department (HCD) review and numerous letters outlining deficiencies in their original draft updates.

Southern California Housing Building Permits First Six Months of the Year

	Year	Permits			
Los Angeles	2019	10234	Orange	2019	4313
	2021	12428		2021	4460
	2022	13556		2022	3650
Riverside	2019	4398	San Bernardino	2019	2266
	2021	4157		2021	3465
	2022	6405		2022	3984
Ventura	2019	890	Southern California	2019	22101
	2021	840		2021	25350
	2022	875		2022	28470

Source: CHF and CIRB

Bay Area Trends

The Bay Area recorded modest gains in housing permits in the first six months of 2022 with decreases in the East Bay offset by gains on the peninsula led by Santa Clara County and gains in the North Bay.

More increases seem likely as there are stories every week about new housing proposals and approvals.



Bay Area communities are finishing their draft Housing Element updates this year and will then respond to expected responses from HCD requesting revisions.

Bay Area Housing Building Permits First Six Months of the Year

	Year	Permits		Year	Permits
Alameda	2019	3309	Contra Costa	2019	1546
	2021	3592		2021	2070
	2022	2344		2022	1455
Marin	2019	149	Napa	2019	99
	2021	118		2021	170
	2022	200		2022	561
San					
Francisco	2019	1995	San Mateo	2019	945
	2021	1294		2021	732
	2022	2399		2022	1242
Santa Clara	2019	2527	Solano	2019	612
	2021	2650		2021	864
	2022	3589		2022	1026
Sonoma	2019	1216	Bay Area	2019	13201
	2021	972		2021	13511
	2022	1331		2022	14838

Source: CHF and

CIRB

Sacramento Region Trends

The Sacramento region has seen a sharp increase in housing permits since 2019. The 2022 level is only slightly below the annual level for the region in their 6th cycle RHNA needs determination. Of course, total permits could still fall short of the requirements for units affordable to low- and moderate-income residents as is true in all regions.

Part of the increase in permits is probably the result of Bay Area residents moving to the less expensive region as work from home opportunities increased. Regional home prices and rents have increased recently though still below levels in the Bay Area and Southern California.

The majority of the permit increases were in Sacramento and Placer counties.



Sacramento Region Housing Building Permits First Six Months of the Year

	Year	Permits			Year	Permits
El Dorado	2019		288	Placer	2019	1038
	2021		248		2021	2280
	2022		279		2022	2713
Sacramento	2019		2615	Sutter	2019	69
	2021		3435		2021	40
	2022		4224		2022	95
Yolo	2019		446	Yuba	2019	249
	2021		494		2021	54
	2022		539		2022	418
Sacramento						
region	2019		4705			
	2021		6551			
	2022		8268			

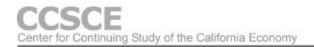
Source: CHF and CIRB

San Joaquin Valley Trends

San Joaquin Valley housing permits have trended up modestly since 2019. For the first six months of 2022, the region has a similar permit level to the Sacramento region though the Valley population is much higher.

Valley regional planning agencies are among the last to get their 6th cycle RHNA needs determinations and are among the last areas to update their Housing Elements. The 2022 permit level if continued will be below the Valley's annual permit target though less so than in the Bay Area and Southern California.

Permit increases in San Joaquin County (adjacent to the Bay area) and Tulare County have offset small declines in Fresno, Kern and Merced counties so far in 2022.



San Joaquin Valley Region Housing Building Permits First Six Months of the Year

Thru June	Year	Permits		Year	Permits
Fresno	2019	1452	Kern	2019	1648
	2021	2215		2021	1281
	2022	1989		2022	1109
Kings	2019	226	Madera	2019	299
	2021	110		2021	604
	2022	147		2022	543
Merced	2019	502	San Joaquin	2019	1311
	2021	647		2021	1756
	2022	452		2022	2240
Stanislaus	2019	325	Tulare	2019	757
	2021	485		2021	839
	2022	487		2022	1513
San Joaquin					
Valley	2019	6520			
	2021	7937			
	2022	8480			

Source: CHF and CIRB

Comments

The future of housing permit growth faces strong but opposing forces.

In the short-term the recent increase in permit levels goes counter to 1) rising costs for producing housing, rising mortgage interest rates, a potential economic slowdown of unknown depth and length and continued high home prices and rents.

However, there are strong positive forces. Property owners and public agencies are increasingly seeing opportunities in converting underutilized or vacant office and retail space to housing as well as more opportunities to convert unneeded public properties like parking lots to housing.

And even in the short-term new housing proposals are seen weekly despite the obstacles mentions above.

The RHNA targets, recent state laws and a series of court decisions are prompting more cities to take the housing requirements seriously and take steps in zoning, development standards and reducing application review time.



Funding and city rules are still barriers to greatly increasing the number of subsidized units for low-income residents.

Events in 2023 will shed more light on how quickly permit levels will increase throughout the state.

From: <u>Aram James</u>

To: Council, City; Dave Price; Emily Mibach; Braden Cartwright; Shikada, Ed; Binder, Andrew; Enberg, Nicholas;

Tannock, Julie; ladoris cordell; Winter Dellenbach; Jeff Rosen; Jethroe Moore; Sean Allen; Jay Boyarsky; Raj; michael.gennaco@oirgroup.com; Planning Commission; chuck jagoda; ParkRec Commission; Rebecca Eisenberg;

Vara Ramakrishnan; Joe Simitian; Josh Becker; Cindy Chavez; Lewis. james

Subject: PAPD working weaponized canine free since June 2022.

Date: Monday, August 15, 2022 7:15:43 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

.....

> August 15, 2022

>

> California Public Records Request for any video footage of a canine attack that is alleged to have occurred in October 2021 —the dog handler alleged to have released the canine on the alleged victim is alleged to have been officer or agent Nicholas Enberg.

>

> Per the Daily Post piece of Thursday August 11 (by Braden Cartwright) both PAPD canines are now retired —but there is NO PLAN to permanently shut down the use of weaponized canines used to attack community members like Joel Alejo in June 2020, that resulted in a \$135,000 settlement and unknown attorney fees.

>

> Based on information I received yesterday by a community member walking by my house —while I was outside —this person after seeing the signage on my fence including a sign reading NO CANINE UNITS —spontaneously blurred out the name Enberg — I responded I was familier with Officer Enberg —the person went on to say: that someone they know had been attacked in October of 2021 (well after the Alejo matter) by a weaponized canine released by Officer Nicholas Enberg.

>

> The person advised that there exists video footage of the incident —that tonight I am asking Police Chief Andrew Binder to release(assuming of course that the information I received was accurate). And assuming the PAPD is in possession of video footage of the incident.

>

> Per the person the injuries were substantial and the person attacked by the canine is seeking Justice. Per the person the DA has not acted on the case. I left a message with the District Attorney today — no response yet—to see what the DA knows about the case, if anything.

>

> I emailed officer Enberg last night regarding whether he wished to speak with me about something. He responded that we could in fact talk but so far we have not been able to set up a time to speak.

>

- > The person who was walking by my house was accompanied by another walker they were in a rush —so I did not receive the name of the attorney handling the case or the journalist the person mentioned who is apparently writing about the incident. I did give the person who spoke to me my email
- > address and hope that person reaches out to me with additional information in the near future. I have contacted a member of the local press in hopes they can assist in investigating this matter.

>

> I would be extremely disappointed if it turns out the PAPD has been in possession of video footage of this alleged incident and has NOT released to the press and community.

>

> Sincerely,

>

> Aram James

From: <u>Aram James</u>

To: Rebecca Eisenberg; Council, City; gmah@sccoe.org; Winter Dellenbach; Human Relations Commission; Shikada,

Ed; Council, City; Joe Simitian; Cindy Chavez; chuck jagoda; Jeff Rosen; Binder, Andrew; Jay Boyarsky; Greer Stone; Josh Becker; Greg Tanaka; Anna Griffin; Ann Ravel; Linda Jolley; Planning Commission; ParkRec

Commission

Subject: ADD YOUR NAME: Say NO to Voter Suppression

Date: Sunday, August 21, 2022 6:58:32 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Aram,

I wanted to make sure you saw this update on GOP voter suppression efforts.

So many folks have already <u>added their name</u> to condemn the GOP's most recent attempts to subvert our elections, and it's incredible to see the groundswell of support we have to protect our democracy.

If you agree that we must defeat voter suppression, add your name to join us, join Dr. Shirley Weber, California's Secretary of State, today.

ADD YOUR NAME

Onward,

Dr. Shirley Weber California Secretary of State

(The original email is below.)

Add your name to condemn these Republican attacks on democracy — join Dr. Shirley Weber, California's Secretary of State, today >>

Aram,

I'm about to ask you to sign our petition condemning voter suppression. But first, I want to tell you my story, and my family's story. Because this is personal for me.

I was born in Hope, Arkansas. My father was a sharecropper, and he and his father before him were denied the right to vote. It was well known that if a Black man attempted to vote, they could be killed.

My family was run out of town by a lynch mob after a dispute with a white farmer. California was distant and strange, but it felt far enough away to be safe.

When we settled in, my mother volunteered as a poll worker and would go on to run a polling place right out of our home in the South L.A. projects. **My parents never took for granted what it meant to be able to vote.**

Add your name, Aram, to join me, Dr. Shirley Weber, in condemning Republican efforts to corrupt our democracy. As your Secretary of State, I will always fight modern-day Jim Crow voter suppression.

ADD YOUR NAME

California must be a leader in protecting our democracy.

We've expanded vote by mail, helped people with criminal convictions regain the right to vote, and worked tirelessly to keep our elections safe, fair, and accessible. As Secretary of State, I will continue to call out voter suppression and other threats.

From Republican efforts to overturn the election on January 6 and beyond to the racist voter ID laws and gerrymandering

designed to limit the power of Black voices, we know that Republicans are trying to corrupt our democracy because they can't win fair and square at the polls. I will give everything I have to honor my family's legacy and protect your right to vote.

Add your name here to let me know you're with me. >>>

ADD YOUR NAME

Thank you,

— Dr. Shirley N. Weber Secretary of State of California

Paid for by Shirley Weber for Secretary of State 2022. FPPC # 1435477. Does not equal endorsement.

Daily Kos, PO Box 70036, Oakland, CA, 94612.

Sent via <u>ActionNetwork.org</u>. To update your email address, change your name or address, or to stop receiving emails from Daily Kos, please <u>click here</u>.

From: <u>Aram James</u>

To: <u>Stump, Molly; Council, City; Clerk, City; Shikada, Ed</u>

Cc: Winter Dellenbach; Planning Commission; ParkRec Commission; michael.gennaco@oirgroup.com;

paloaltofreepress@gmail.com

Subject:California Public Records RequestDate:Wednesday, August 17, 2022 8:27:01 PM

Attachments: <u>image002.png</u>

image003.png image004.png image007.png

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

August 18, 2022

Hi Molly,

I've yet to hear anything on the below public records request filed on August 7, 2022. Please update me on the status of my CPRA request when your time permits.

Best regards,

Aram James

415-370-5056

August 7, 2022

Pursuant to The California Public Records Act please provide the following documents:

- 1. Any and all documents reflecting the total legal cost/legal fees to the City of Palo Alto for defending the Gustavo Alverez case. Costs include the actual settlement amount and any outside legal fees and any and all additional fees to defend the Gustavo Alverez case.
- 2. Any and all documents reflecting the total cost to the city in defending the Julio

Arevalo case. This includes the cost of the actual settlement, outside legal fees and and any all other fees related to the defense of the Julio Arevalo case.

3. Any any all documents reflecting the cost to the city of defending the Joel

Alejo case. This is includes the actual settlement in the case, the cost to hire outside council and all other costs to the city of defending the Joel Alejo case.

4. Any and all documents related to the HR and IPA investigations of Captain Zack Perron since 2004 related to the alleged racist comments made by Captain Zack Perron to then officer Marcus Barbour.

Sincerely,

Aram James Abjpd1@gmail.com 415-370-5056



www.cityofpaloalto.org











This message contains information that may be confidential and privileged. Unless you are the addressee, you may not use, copy or disclose the message or any information contained in the message. If you received the message in error, please notify the sender and delete the message.

From: <u>Aram James</u>

To: <u>Binder, Andrew; Enberg, Nicholas</u>

Cc: Stump, Molly; Shikada, Ed; Dave Price; Emily Mibach; Emily Mibach; ladoris cordell; Council, City; Planning

Commission; Human Relations Commission; Lewis. james; Sean Allen; Jethroe Moore; Jeff Rosen; Raj;

peninsula raging grannies@yahoo.com; Roberta Ahlquist

Subject: Time to ban canines in Palo Alto

Date: Wednesday, August 17, 2022 10:55:21 PM

8-18-2022

Hi Andrew, (PAPD Chief Andrew Binder)

Thanks for sending this article, dated 10-12-2021, my way, see below in Chief Binder's email to me dated 8-16-22, and thanks for letting me know that the OIR will be reviewing, and reporting, on this canine incident, in the near future.

I really don't think it should be necessary for me to pursue the video footage of this incident by way of the CPRA. Why don't you exercise your discretion as police chief and sit down with me and officer Enberg, if he wishes to be present, and watch the video together?

Per the person who was walking by my house, Mr. Alexander Joseph Furrier, the alleged victim of the canine attack back in October of 2021, has apparently secured a civil attorney regarding the canine bite portion of the incident.

Can you provide me with any information in this regard? Name of the lawyer secured by Mr. Furrier?

Has the city been served with a complaint or lawsuit in this matter?

Did this particular incident, in your view, need to be resolved with the use of a canine? Or given that the defendant was drunk and noncompliant could several officers on the scene have been able to take the alleged victim into custody without the canine bitting Mr. Furrier multiple times?

I UNDERSTAND U HAVE HIRED A NEW CANINE HANDLER WITHOUT FIRST CONSULTING THE COMMUNITY. I REALIZE YOU HAVE A LOT OF UNILATERAL AUTHORITY TO MAKE YOUR OWN CALLS. LIKE THE GREAT CALL TO NO LONGER ENCRYPT POLICE RADIOS IN PALO ALTO. BUT WE(the community) SHOULD TAKE THE HIGH ROAD AND BAN CANINES IN PALO ALTO. CANINES HAVE BEEN USED DISPROPORTIONATELY ON AFRICAN AMERICANS SINCE THE BIRTH OF THIS NATION AND BEFORE. CORRECT ME IF I'M WRONG, BUT YOU ADVISED ME THAT WITH TWO CANINE HANDLERS AND TWO CANINES THE ANNUAL BUDGET FOR THE CANINE UNIT IS APPROXIMATELY \$500,000 A YEAR. IN MY VIEW THE \$500,000 PER YEAR WOULD BE MUCH BETTER SPENT ON MENTAL HEALTH WORKERS, PSYCHIATRIC EMERGENCY RESPONSE TEAMS, SOCIAL WORKERS., ETC.

Andrew, I hope we can discuss the canine issue before you take the drastic step of reestablishing a canine unit in Palo Alto.

Please read this series (link below) on how dangerous canines are to the health and safety of our community both here in Palo Alto and across this country. We can no longer close our eyes to the truth:

https://www.themarshallproject.org/2020/10/15/mauled-when-police-dogs-are-weapons

Best regards,

Aram James

415-370-5056

On Aug 16, 2022, at 9:56 AM, Binder, Andrew < <u>Andrew.Binder@cityofpaloalto.org</u>> wrote:

Aram - Your CPRA request below will be handled through the CPRA process but as you await our response, here's some info on the case you are referring to below -

https://padailypost.com/2021/10/12/man-arrested-for-battery-and-hate-crimes-following-fight-downtown/ Also, consistent with our revised scope of services with the IPA, this case was sent to OIR for review and you should expect to see it on the upcoming IPA report coming out shortly - andrew

----Original Message----

From: Aram James abjpd1@gmail.com> Sent: Monday, August 15, 2022 7:37 PM

To: Binder, Andrew < Andrew. Binder@CityofPaloAlto.org > Cc: Enberg, Nicholas < Nicholas. Enberg@CityofPaloAlto.org > Subject: PAPD working weaponized canine free since June 2022.

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Hi Andrew.

Please call me with any comments or concerns you have with my memo.

Thanks, aram

California Public Records Request for any video footage of a canine attack that is alleged to have occurred in October 2021 — the dog handler alleged to have released the canine on the alleged victim is alleged to have been officer or agent Nicholas Enberg.

Per the Daily Post piece of Thursday, August 11 (by Braden Cartwright) both PAPD canines are now retired —but there is NO PLAN to permanently shut down the use of weaponized canines used to attack community members like Joel Alejo in June 2020, that resulted in a \$135,000 settlement and unknown attorney fees.

Based on the information I received yesterday from a community member walking by my house —while I was outside —this person after seeing the signage on my fence including a sign reading NO CANINE UNITS —spontaneously blurred out the name Enberg — I responded I was familiar with Officer Enberg —the person went on to say: that someone they know had been attacked in October of 2021 (well after the Alejo matter) by a weaponized canine released by Officer Nicholas Enberg.

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Per the person the injuries were substantial and the person attacked by the canine is seeking Justice. Per the person, the DA has not acted on the case. I left a message with the District Attorney today — no response yet—to see what the DA knows about the case if anything.

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walker, they were in a rush —so I did not receive the name of the attorney handling the case or the journalist the person mentioned who is apparently writing about the incident. I did give the person who spoke to me my email address inhopes that person reaches out to me with additional information in the near future. I have contacted a member of the local press in hopes they can assist in investigating this matter.

I would be very disappointed if it turns out the PAPD has been in possession of video footage of this alleged incident and has NOT released the footage to the press and community.

Sincerely,

Aram James

To: Council, City; Rebecca Eisenberg; Sean Allen; Jethroe Moore; Winter Dellenbach; Joe Simitian; Planning

Commission; paloaltofreepress@gmail.com; ParkRec Commission; paloaltorenters@gmail.com

Subject: January 6th hearings

Date: Friday, August 19, 2022 12:12:14 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Add your name to condemn these Republican attacks on democracy — join Dr. Shirley Weber, California's Secretary of State, today >>

ADD YOUR NAME

Aram,

I'm about to ask you to sign our petition condemning voter suppression. But first, I want to tell you my story, and my family's story. Because this is personal for me.

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My family was run out of town by a lynch mob after a dispute with a white farmer. California was distant and strange, but it felt far enough away to be safe.

When we settled in, my mother volunteered as a poll worker and would go on to run a polling place right out of our home in the South L.A. projects. **My parents never took for granted what it meant to be able to vote.**

Add your name, Aram, to join me, Dr. Shirley Weber, in

condemning Republican efforts to corrupt our democracy. As your Secretary of State, I will always fight modern-day Jim Crow voter suppression.

ADD YOUR NAME

California must be a leader in protecting our democracy.

We've expanded vote by mail, helped people with criminal convictions regain the right to vote, and worked tirelessly to keep our elections safe, fair, and accessible. As Secretary of State, I will continue to call out voter suppression and other threats.

From Republican efforts to overturn the election on January 6 and beyond to the racist voter ID laws and gerrymandering designed to limit the power of Black voices, we know that Republicans are trying to corrupt our democracy because they can't win fair and square at the polls. I will give everything I have to honor my family's legacy and protect your right to vote.

Add your name here to let me know you're with me. >>>

ADD YOUR NAME

Thank you,

— Dr. Shirley N. Weber Secretary of State of California

Paid for by Shirley Weber for Secretary of State 2022. FPPC # 1435477. Does not equal endorsement.

Daily Kos, PO Box 70036, Oakland, CA, 94612.

Sent via $\underline{\text{ActionNetwork.org}}$. To update your email address, change your name or address, or to stop receiving emails from Daily Kos, please $\underline{\text{click here}}$.

To:

Perron, Zachary; Sean Allen; Binder, Andrew; Winter Dellenbach; Joe Simitian; Shikada, Ed; Tannock, Julie; Enberg, Nicholas; Council, City; Planning Commission; Jethroe Moore; Jeff Rosen; Rebecca Eisenberg; ParkRec

Subject: "Banditos" Hearing: Dead rats left near LASD members" homes for cooperating with investigations, witness says

Date: Friday, August 19, 2022 10:19:26 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

https://www.foxla.com/news/banditos-hearing-dead-rats-left-near-lasd-members-homes-for-cooperating-withinvestigations-witness-says

From: <u>Aram James</u>

To: Pat Burt; Linda Jolley; Council, City; Shikada, Ed; Human Relations Commission; Binder, Andrew; Winter

Dellenbach; Planning Commission; chuck jagoda; Donald Mendoza; Joe Simitian; Josh Becker; Jeff Rosen; Jay

Boyarsky

Subject: From The Mercury News e-edition - Newsom's office blasts Oakland's handling of large homeless camp

Date: Saturday, August 20, 2022 8:57:01 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

I saw this The Mercury News e-edition article on the The Mercury News e-edition app and thought you'd be interested.

Newsom's office blasts Oakland's handling of large homeless camp https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=78dcc642-1bc9-43d8-8e27-2afa545ae11d&appcode=SAN252&eguid=af950cca-9d84-497d-8e67-2e82f6a0f9e9&pnum=4#

For more great content like this subscribe to the The Mercury News e-edition app here:

Shikada, Ed; Pat Burt; Planning Commission; Perron, Zachary; Human Relations Commission; Sean Allen; Winter Dellenbach; Council, City; Rebecca Eisenberg; Roberta Ahlquist; Tannock, Julie; Figueroa, Eric; Foley, Michael; To:

Enberg, Nicholas; epatoday@epatoday.org; Greg Tanaka

Subject: Re: Whole Foods Fired Employees For Wearing BLM Apparel - YouTube

Date: Saturday, August 20, 2022 4:31:42 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

> On Aug 20, 2022, at 3:36 PM, Sean Allen <sallen6444@yahoo.com> wrote:

>

> https://m.youtube.com/watch?v=P37nVcn9yjI

>

 From:
 slevy@ccsce.com

 To:
 Steve Levy

 Subject:
 Fwd: Air travel uptick

Date:Sunday, August 21, 2022 1:52:15 PMAttachments:Numbers-Aug2022-Air-Travel-Picking-Up.pdf

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Hi All,

First i have tried to clean the lists so no one is getting multiple emails. Hope I got everyone.

Next up is a state economic update. You all saw the food news on Friday about jobs growth. The update will look at the regional and industry trends as well.

For today I pass along an update on air passenger trends.

Some airports are now equal to or surpassing pre-pandemic travel levels. Bay Area airports and LAX are farther from full recovery in part as they have the most international travel, which was the hardest hit during the pandemic.

Steve

August 2022

Air Travel Picking Up

The number of passengers at California's major airports has increased in recent months. The gain is led by airports that mainly serve domestic travel while airports serving international travel are seeing strong recent increases in travel volumes but are farther behind 2019 passenger totals.

The 4 major Southern California airports (LAX, OC, BUR and ONT) had the largest increase over 2021 passenger levels for the first months of 2022 (77.2%) but still trailed 2019 volumes by more than 20%. The three major Bay Area airports (SFO, OAK and SJC) saw a strong increase in 2022 but trailed 2019 levels by the most of any region (27.8%).

The San Diego and Sacramento airports are the closest to matching prepandemic travel volumes.

All of the data comes from airport websites.

Air Passengers First Six Months of Year (Millions)

	2019	2020	2021	2022	22 vs 19	22 vs 21
Southern California	53.7	22.5	23.3	41.3	-23.1%	77.2%
San Francisco Bay Area	33.0	16.1	13.9	23.9	-27.8%	71.8%
San Diego	12.1	5.3	5.8	10.0	-17.1%	72.8%
Sacramento Region	2.7	1.3	1.7	2.5	-8.4%	46.9%

Source: Airport websites

Air travel picked up in June and with two more summer months, air travel volumes will likely get closer to pre-pandemic levels. San Diego airport surpassed June 2019 passenger volume in June 2022 and Sacramento airport was close to 2019 volumes. For Southern California and Bay Area airports June 2022 was closer to pre-pandemic levels than the six month totals.

Air Passengers in June (Millions)

	June 2019	June 2020	June 2021	June 2022	22 vs 19	22 vs 21
Southern California San Francisco Bay	10.0	1.4	6.4	8.2	-17.9%	27.6%
Area	6.1	1.5	2.4	4.8	-21.5%	101.7%
San Diego	1.0	0.6	0.5	1.2	20.7%	126.8%
Sacramento Region	0.5	0.1	0.4	0.5	-3.8%	15.3%

One of the reasons that Southern California and Bay Area airports are farther behind 2019 passenger levels is that they are the main airports for international travel, which has only very recently started to recover. A comparison of June international volumes at SFO, LAX and SJC is shown below and even with the growth in June 2022, volumes are well below 2019 levels.

International Air Passengers in June (Millions)

	June	June	June	June
	2019	2020	2021	2022
SFO	1.49	0.04	0.27	1.04
LAX	2.36	0.13	0.76	1.62
SJC	0.83	0.03	0.43	0.37

Southern California Airport Trends

Compared to 2019 Orange County, Burbank and Ontario airports had similar passenger volumes in the first six months of 2022. All of the Southern California declines compared to 2019 came from LAX, in part as discussed above from declines in international travel.

Air Passengers First Six Months of Year (Millions)

Southern California Airports	2019	2020	2021	2022	22 vs 19	22 vs 21
LAX	43.0	17.7	18.0	30.6	-28.8%	70.5%
OC	5.3	2.2	2.6	5.2	-1.2%	99.5%
BUR	2.7	1.3	1.1	2.8	0.7%	160.4%
ONT	2.6	1.4	1.7	2.7	2.7%	60.3%

All Southern California airports except Los Angeles International exceeded their 2019 passenger volumes in June 2022.

19.0%

		Air Passengers in June (Millions)					
	June	June	June	June			
	2019	2020	2021	2022	22 vs 19	22 vs 21	
LAX	8.04	1.03	4.89	6.12	-23.9%	25.2%	
OC	0.92	0.18	0.73	1.00	8.8%	37.1%	
BUR	0.52	0.09	0.36	0.54	4.2%	51.0%	

0.14

Bay Area Airport Trends

0.48

ONT

All of the Bay Area airports remain well below 2019 in passenger volumes for the first six months of the year, though all show substantial gains compared to the first six months of 2021.

0.43

0.51

7.1%

Air Passengers First Six Months of Year (Millions)

San Francisco Bay Area	2019	2020	2021	2022	22 vs 19	22 vs 21
SJC	7.4	3.1	2.6	5.1	-31.7%	94.6%
SFO	19.1	10.4	8.1	13.8	-27.7%	71.2%
OAK	6.5	2.6	3.2	5.0	-23.5%	54.7%

On the other hand, all Bay Area airports trailed 2019 passenger levels in June 2022.

Air Passengers in June (Millions)

	June	June	June	June		
	2019	2020	2021	2022	22 vs 19	22 vs 21
SJC	1.41	0.19	0.76	1.07	-24.0%	41.9%
SFO	3.48	1.04	0.81	2.67	-23.4%	230.4%
OAK	1.22	0.26	0.82	1.06	-13.3%	29.9%

Comments

While passenger levels have been increasing throughout the state's major airports, there are headwinds causing uncertainty as to how quickly they can recover from here.



Numbers in the News

Many airlines are reducing flight schedules and COVID cases, while declining recently, are still high enough to discourage some travelers.

On the positive side, it is likely that the conditions that reduced international travel will continue to abate and those travel levels will increase.

It is too soon to know what the circumstances will be for the Thanksgiving and winter holidays.

To:

Binder, Andrew; Council, City; Winter Dellenbach; Shikada, Ed; Human Relations Commission; Joe Simitian; Jeff Rosen; Jethroe Moore; Sean Allen; Rebecca Eisenberg; Enberg, Nicholas; Josh Becker; Vara Ramakrishnan; chuck jagoda; Jay Boyarsky; Greer Stone; Perron, Zachary; Cindy Chavez; citycouncil@mountainview.gov; city.council@menlopark.org; Wagner, April; Planning Commission; ParkRec Commission; Pat Burt

Time to say No to Tasers in Palo Alto Subject: Date: Sunday, August 21, 2022 3:14:54 PM Attachments: Aram James (DJ-1-12-18) (00000003).pdf

CAUTION: This email originated from outside of the organization. Be cautious of opening

attachments and clicking on links.

Pat Burt; Planning Commission; Shikada, Ed; Council, City; Winter Dellenbach; Human Relations Commission; Linda Jolley; chuck jagoda; Binder, Andrew; Rebecca Eisenberg; Council, City; Lydia Kou; Cormack, Alison; Joe To:

Simitian; Greer Stone; Jeff Rosen; Jay Boyarsky; Greg Tanaka; Roberta Ahlquist;

wilpfpeninsulapaloalto@gmail.com

Subject: From the archives of Aram James August 2013 (past time to end homelessness in Palo Alto) article for city

council attention for item # 4 of the consent calendar-proposed safe parking program at the First Congregational

Church (1985 Louis Road)

Date: Monday, August 22, 2022 9:14:30 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

https://www.mercurynews.com/2013/08/02/aram-james-car-dwelling-ban-would-demonize-the-homeless/amp/

To:

Council, City; Enberg, Nicholas; Shikada, Ed; Binder, Andrew; Winter Dellenbach; Jeff Rosen; Jethroe Moore; Rebecca Eisenberg; Sean Allen; Jay Boyarsky; Jeff Rosen; Greer Stone; Joe Simitian; Josh Becker; Raj; Vara Ramakrishnan; Cindy Chavez; Jadoris cordell; Perron, Zachary; Pat Burt; Planning Commission

Subject: Enberg involved in another dog bite case Date: Monday, August 22, 2022 11:33:10 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

https://padailypost.com/2022/08/22/man-files-claim-against-the-city-after-he-was-bitten-by-apolice-dog/

Shared via the Google app

From: <u>Aram James</u>

To: <u>Planning Commission</u>; <u>ParkRec Commission</u>

Subject: Fwd: Mayor says eight Antioch police officers on leave for investigation that began in spring

Date: Tuesday, August 23, 2022 10:52:24 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Sent from my iPhone

Begin forwarded message:

From: Aram James <abjpd1@gmail.com> Date: August 23, 2022 at 10:09:11 PM PDT

To: Zachary Perron <zachary.perron@cityofpaloalto.org>, Sean Allen <sallen6444@yahoo.com>, Jethroe Moore <moore2j@att.net>, Winter

Dellenbach <wintergery@earthlink.net>, City Council

<city.council@cityofpaloalto.org>, Andrew Binder

<andrew.binder@cityofpaloalto.org>, Joe Simitian

<joe.simitian@bos.sccgov.org>, Ed Shikada <ed.shikada@cityofpaloalto.org>,

Jeff Rosen < irosen@dao.sccgov.org>, Nicholas Enberg

<Nicholas.Enberg@cityofpaloalto.org>, Jay Boyarsky

<jboyarsky@dao.sccgov.org>, Rebecca Eisenberg

<rebecca@privateclientlegal.com>, Greer Stone <gstone22@gmail.com>, Josh

Becker <becker.josh@gmail.com>, chuck jagoda <chuckjagoda1@gmail.com>,

Cindy Chavez < cindy.chavez@bos.sccgov.org>, Vara Ramakrishnan

<vara@acm.org>, Pat Burt <pat@patburt.org>, CityCouncil

<city.council@cityofpaloalto.org>, citycouncil@mountainview.gov,

julie.Tannock@cityofpaloalto.org, paloaltofreepress@gmail.com,

michael.gennaco@oirgroup.com

Subject: Mayor says eight Antioch police officers on leave for investigation that began in spring

https://www.mercurynews.com/2022/08/22/mayor-says-eight-antioch-police-officers-being-investigated

From: <u>Aram James</u>

To: Planning Commission; ParkRec Commission; Winter Dellenbach

Subject: Expert: Stun guns are far from being a 'nonlethal' alternative to bullets

Date: Wednesday, August 24, 2022 3:04:48 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

https://sfbayview.com/2015/12/expert-stun-guns-are-far-from-being-a-nonlethal-alternative-to-bullets/

Aram James From:

To:

Perron, Zachary; michael.gennaco@oirgroup.com; Foley, Michael; Human Relations Commission; Foley, Michael; nick.enberg@cityofpoalto.org; Tannock, Julie; Shikada, Ed; Winter Dellenbach; Council, City; Planning Commission; Council, City; Binder, Andrew; chuck jagoda; Jeff Rosen; Jethroe Moore; Rebecca Eisenberg; Jay

Subject: Black Cop Kicked Out For Reporting Police Misconduct

Date: Wednesday, August 24, 2022 6:20:58 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

https://youtu.be/qeOCEYMyb80

From: Palo Alto Free Press
To: Aram James

Cc: Foley, Michael; Figueroa, Eric; Enberg, Nicholas; Tannock, Julie; Pat Burt; Council, City; Shikada, Ed; Binder,

Andrew; Winter Dellenbach; Human Relations Commission; Joe Simitian; Raj; Jethroe Moore; Rebecca Eisenberg; Vara Ramakrishnan; Sean Allen; Planning Commission; chuck jagoda; Josh Becker; Jay Boyarsky; Perron.

Zachary, ladoris cordell; Cecilia Taylor, ParkRec Commission, Wagner, April; Roberta Ahlquist

Subject: Re: Neo-Nazi Gets 15 Years For Attacking Black DJ At Bar

Date: Wednesday, August 24, 2022 6:55:57 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Fifteen years to life? I would Imagine.

Now....let us imagine, if this was a white reserve cop working part time at a bar, and a black man came in and committed the same crime!

That black man would undoubtedly spend the rest of his life in prison.

You probably don't get the point and that's why it's so tragic because, its preventable....

Our judicial system, Is beyond an overhaul... The inequity of Justice on the issue of races should be held in contemp.

Mark Petersen-Perez
Editor-in-chief
Palo Alto Free Press
Reporting internationally from Nicaragua

Sent from my iPad

> On Aug 24, 2022, at 7:10 PM, Aram James <abjpd1@gmail.com> wrote:

>

> https://youtu.be/0sVL2RAgl4I

> >

To:

Foley, Michael; Figueroa, Eric; Enberg, Nicholas; Tannock, Julie; paloaltofreepress@gmail.com; Pat Burt; Council, City; Shikada, Ed; Binder, Andrew; Winter Dellenbach; Human Relations Commission; Joe Simitian; Raj; Jethroe Moore; Rebecca Eisenberg; Vara Ramakrishnan; Sean Allen; Planning Commission; chuck jagoda; Josh Becker; Jay Boyarsky; Perron, Zachary; ladoris cordell; Cecilia Taylor; ParkRec Commission; Perron, Zachary; Wagner,

April; Roberta Ahlquist

Subject: Neo-Nazi Gets 15 Years For Attacking Black DJ At Bar

Date: Wednesday, August 24, 2022 6:10:58 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

https://youtu.be/0sVL2RAgl4I