

October 24, 2014

United States Attorney
Honorable Melinda Haag
Northern District of California
Federal Courthouse
450 Golden Gate Avenue, 11th Floor
San Francisco, CA 94102

Dear U.S. Attorney Haag,

I write regarding a letter sent to you by San Jose Mayor Chuck Reed dated October 22, 2014 in which he urges you to commence an investigation of the San Jose Police Officer's Association. As a San Jose Councilmember who serves on the City Council with Mayor Reed, I want to provide some context that may illuminate the purpose of his letter.

San Jose is currently in the middle of a mayoral race, which will be decided at the November 4th election. Mayor Reed is not standing for reelection, but his record in office has become the central point of disagreement between his two potential successors. The debate centers on a pension reform ballot measure, championed by Mayor Reed and passed by San Jose voters in 2012, which implemented benefit reductions for City employees. Since the passage of this measure, San Jose has experienced increasingly severe recruitment and retention problems across multiple City departments.

The recruitment problem is especially severe in the Police Department. The number of police officers in the Department is declining because the City is unable to hire new officers fast enough to keep up with resignations. A shrinking Police Department makes it difficult for the City to respond to public concern about crime, which has increased markedly over the past few years. As a result, the two mayoral candidates have waged a debate as to whether Mayor Reed's pension reforms are responsible for the shrinking Police Department. One candidate argues that the pension reforms are one cause of the recruitment problem, while the other defends Mayor Reed's record. Various arguments are offered in defense of pension reform, but one of the most popular is that the City's recruitment problems result not from benefit reductions, but from the Police Officer's Association chasing away new recruits.

Given this context, it's hardly necessary to point out that Mayor Reed's letter may have something to do with the politics of the impending mayoral election. Tellingly, he states his intent to ask the City Council to appoint an independent investigator to look into the matter on November 4th, which is Election Day.

Most of the time it is trivial to point out that politicians act out of political motives, but in this instance I find Mayor Reed's behavior particularly troubling. Public corruption is a grave matter which should be treated with appropriate seriousness by San Jose's leaders, not made the subject of a political stunt. It is irresponsible, in my opinion, to ask that the limited resources available for investigating serious official misconduct be used to serve a dubious end. Moreover, I believe the Mayor has an obligation to safeguard San Jose's credibility in his dealings with other government agencies. If he desires to make frivolous or politically motivated requests of other public officials, he should have the courtesy to bring the matter before the City Council first, so that his colleagues have an opportunity to express to him concerns such as those I discuss in this letter.

I will close by apologizing for your involvement in this matter. The Mayor's approach is not representative of all San Jose elected officials.

Sincerely,



Donald Rocha
District 9 Councilmember
City of San Jose