



COUNCIL AGENDA: 10/5/2021  
FILE: 21-2134  
ITEM: 3.3

## Memorandum

**TO:** CITY COUNCIL

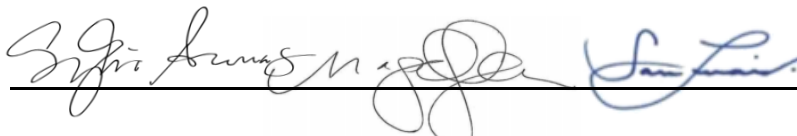
**FROM:** Councilmember Sylvia Arenas  
Councilmember Magdalena Carrasco  
Mayor Sam Liccardo

**SUBJECT:** SEE BELOW

**DATE:** October 1, 2021

Approved

Date

 10/01/2021

**SUBJECT: CODE ENFORCEMENT MANAGEMENT CONTROLS AUDIT REPORT**

### RECOMMENDATION

1. Accept the Code Enforcement Management Controls Audit Report and;
2. Direct the City Manager to consult with an external human services agency and other County and/or City agencies nearby that perform similar functions to develop a training workplan, for both Planning, Building, and Code Enforcement and Police Departments, as part of the Massage Program Procedures that are currently being developed and referenced in the Administration response for Recommendation #7 to include:
  - a. Human trafficking shifting trends and patterns
  - b. Trauma informed approach
  - c. Red flags and protocol for referrals and reporting suspected abuse
3. Direct the City Manager to reflect any procedural changes produced through Massage Program Procedures to amend the Police Department Duty Manual and align the open recommendations of the Code Enforcement Management Controls Audit Report with the action items in the Gender Based Violence Response and Strategy Workplan, where appropriate.
4. Direct the City Manager to strengthen the City's existing partnerships with community advocate agencies, such as, Asian Americans for Community Involvement's Asian Women's Home, Community Solutions, Next Door Solutions to Domestic Violence, and YWCA by developing or expanding MOUs for referral and joint response services to improve the response and strategy to protect survivors of human/sex trafficking.
5. Decline to hire a consultant to revise the Code Enforcement Officers ethics training.
6. Direct the City Manager to return to Council, either through an Information Memo or report to a Council Committee with:
  - a. A report out on any cross-training that can be introduced among inspectors and supervisors to help close the backlog of inspections as noted on Page 50 of the audit.

- b. A report out on performance targets introduced into the cannabis and massage programs to help supervisors monitor inspector workload and program effectiveness as suggested on Page 42 of the audit.

## **BACKGROUND**

Thank you to Joe Rois, the Auditor's Office, Police Chief Anthony Mata, and the San José Police Department, Chris Burton, and the Planning, Building, and Code Enforcement Department for their partnership to produce and respond to the audit request from the Mayor, Councilmember Arenas, and Councilmember Carrasco last year following the disturbing news about the sexual assault, extortion, and bribery charges against William Gerry, a former Code Enforcement employee.

This audit brings forward recommendations to address gaps of accountability and alignment with the City's commitment to support survivors of gender-based violence, including human/sex trafficking. Human trafficking, also referred to as modern slavery, has no place in our City disguised as businesses. The result of the audit revealed the stark reality that survivors were exploited by both their trafficker and a former City code enforcement officer, someone whose role was to enforce City code with the end goal to protect and ensure residents safety and well-being.

To address and close the gaps in services and implement lasting system improvements to ensure this never happens again, the City and our Departments must work together with community advocate agencies and an external human services agency to improve training and transparency within the Massage Program Procedures to prevent human/sex trafficking. It is critical for PD and PBCE inspectors to recognize red flags of abuse and report suspected cases of gender based-violence, including human/sex trafficking and child sexual/abuse, during calls for services and business/home inspections. It is critical that we use every tool available to us to support survivors, including using the existing best practice of the intersectionality tool when appropriate to identify the intersectionality of sexual assault, domestic violence, and human trafficking but to also promptly provide a joint response alongside community advocates.

This training workplan should also be developed and implemented alongside community advocate agencies and consider the feasibility of bi-annual refresher trainings to provide updates on shifting trends and patterns for the SJPD's Human Trafficking Unit and PBCE inspectors. For example, in previous reports to PSFSS Committee, it was reported that illicit massage businesses shifted from personal care businesses, which were closed during the shelter-in-place Public Health Order, that shifted operations to residential brothels.

To ensure that the Massage Program Procedures improvements are implemented and continue to work towards making system improvements, we must take this clear violation of the City's principles seriously and strengthen our City policies to uphold the "3P" paradigm—prosecution, protection, and prevention—as the fundamental framework used around the world to combat human trafficking. In addition, a fourth "P"—for partnership—with our community advocate

agencies serves as another essential prong to achieve progress across the 3Ps and combat human trafficking<sup>1</sup> and modern slavery.

### **BROWN ACT**

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.

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<sup>1</sup> <https://2009-2017.state.gov/j/tip/3p/index.htm>