MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF SANTA CLARA, CALIFORNIA,
THE CITY OF SAN JOSE, CALIFORNIA, AND
THE CONSULATE GENERAL OF MEXICO IN SAN JOSE, CALIFORNIA

WHEREAS, the County of Santa Clara, the City of San Jose, and the Consulate General of Mexico in San Jose, California, have a longstanding history of collaboration and cooperation in projects and programs that benefit residents and workers in the County of Santa Clara; and

WHEREAS, the County of Santa Clara ("County") includes, but is not limited to, its Board of Supervisors, the Office of the District Attorney, the Sheriff’s Office, and the Office of Human Relations; and

WHEREAS, the City of San Jose ("City") includes, but is not limited to, its City Council, and the San Jose Police Department; and

WHEREAS, the Consulate General of Mexico in San Jose, California ("Consulate General"), is the official representative of the United Mexican States government to the people and authorities of its consular district: the Counties of Santa Clara, San Benito, Santa Cruz, and Monterey; and

WHEREAS, in accordance with international law, and the permission of the government of the United States of America, the Consulate General of Mexico has among its functions the responsibility for promoting the well-being of the Mexican communities residing in the consular district; and

WHEREAS, the County, City, and Consulate General recognize that there are hate incidents, hate violence, and hate crimes to Mexican nationals which occur within the County of Santa Clara which are not reported to local agencies or law enforcement; and

WHEREAS, the County, City, and Consulate General further recognize that hate incidents, hate violence, and hate crimes to Mexican nationals are not reported due to fear of retaliatory actions by government agencies; and

WHEREAS, the County, City, and Consulate General agree to collaborate in promoting protocols to report, investigate, and prosecute hate incidents, hate violence, and hate crimes, and to assure reporting parties they will not be subject to retaliatory actions; and

WHEREAS, this Memorandum of Understanding is not intended to, and does not, create any contractual rights or obligations with respect to the signatories, their entities, agencies, or offices, or any other parties, and may be terminated by any party at any time; and

WHEREAS, the Consulate General of Mexico in San Jose, California, and representatives acting on behalf of the Consulate General in this Memorandum of Understanding do not waive any kind of Consular or Diplomatic immunity that they are entitled to according to
the applicable international laws, which may include, but not limited to, agreements, treaties, and conventions;

NOW, THEREFORE, BE IT RESOLVED, that the County of Santa Clara, the City of San Jose, and the Consulate General of Mexico in San Jose, California, agree to work collaboratively to promote protocols to report, investigate, and prosecute hate incidents, hate violence, and hate crimes, and to assure reporting parties they will not be subject to retaliatory actions, as follows:

The County of Santa Clara will, through the:

1. Board of Supervisors, promote the County’s zero tolerance policy on hate crime;
2. Office of Human Relations, provide initial training to the staff of the Consulate General of Mexico on the history, characteristics, community impact, and rights of victims of hate violence in California and throughout the United States;
3. Sheriff’s Office, investigate victim/witness reports of hate crime, and, where appropriate, make referrals to the Office of the District Attorney;
4. Office of the District Attorney, prosecute perpetrators of hate crime to the full extent of the law;
5. Above agencies, meet and confer with the Consulate General of Mexico regarding County issues and concerns related to the prevention, investigation, and prosecution of hate violence directed toward Mexican nationals.

The City of San Jose will, through the:

1. City Council, promote the City’s zero tolerance policy on hate crime;
2. San Jose Police Department, investigate victim/witness reports of hate crime, and, where appropriate, make referrals to the Office of the District Attorney;
3. Above agencies, meet and confer with the Consulate General of Mexico regarding City issues and concerns related to the prevention, investigation, and prosecution of hate violence directed toward Mexican nationals.

The Consulate General of Mexico will:

1. Endorse the County’s and City’s policies on zero tolerance of hate crime, the investigation and prosecution of hate crime, and support of the victims and witnesses of hate violence;
2. Endorse the mission of the Office of Human Relations’ Network for a Hate Free Community;
3. Encourage Consulate General staff participation in training on the legal definition and characteristics of hate violence, the rights of victims and witnesses, the investigation and prosecution process, the City’s and County’s policies of zero tolerance of hate crime, and how to collect data from victims/witnesses to assist with the determination of a possible hate crime or incident;
4. Encourage victim/witness contact with the appropriate law enforcement agencies for follow up investigation of hate crimes;
5. Encourage victim/witness contact with the Office of Human Relations for follow up on hate incidents if the victim/witness is reluctant to contact law enforcement agencies;
6. Obtain written consent from the victim/witness of hate violence prior to referral to law enforcement agencies or to the Office of Human Relations;
7. Collect information of reported incidents on a document provided by the Office of Human Relations for the purpose of informal communication with the County.

COUNTY OF SANTA CLARA

GEORGE SHIRAKAWA
President, Board of Supervisors

CITY OF SAN JOSE
a municipal corporation

NORBERTO DUENAS
Deputy City Manager

CONSULATE GENERAL OF MEXICO
in San Jose, California

HON. CARLOS PONCE MARTINEZ
Consul General

APPROVED AS TO FORM:

CARL B. MITCHELL
Senior Deputy City Attorney

ATTEST:

Lynn Regadanz
Interim Clerk of the Board

APPROVED AS TO FORM AND LEGALITY:

LARRY A. KUBO
Deputy County Counsel