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Statement From the Chief Regarding Officer Misconduct

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Earlier this week, through an unrelated Criminal Investigation into one of our officers, Internal Affairs Investigators discovered that the officer had sent disgusting text messages that demonstrated racial bias. Immediately, Internal Affairs initiated a separate proactive administrative investigation. These messages came to light in the last few days and hours and that officer is no longer employed with the City.

The former officer is Mark McNamara. He had been with the department for 6 years and was involved in an officer involved shooting at a La Victoria Taqueria in Downtown San José on March 27, 2022.

These texts were uncovered because of systems I put into place over a year ago, including a personal commitment that only officers who live up to our standards and values wear a San José PD badge.

There is zero tolerance for even a single expression of racial bias at the San José Police Department. The messages were found due to the expansion of our Internal Affairs Unit's efforts to thoroughly investigate all questionable conduct and is why we have made investments in a new early warning system. I made it clear last year when I expanded our investigation systems that we would be proactive and transparent in identifying patterns of policy violations. This is the promised accountability resulting from that work.

During the course of the investigation, it was also determined that a current employee who was on the receiving end of some of the messages engaged in other concerning dialogue with the former officer. That employee was immediately placed on administrative leave pending an internal investigation.

My directive to identify issues early and elevate investigations into employee misconduct is working. Our relentless

commitment to discover and expel any officer who violates the public trust and our Department's values gives me the confidence that this incident is not a sign of a larger issue.

At this time, I am prohibited by law from providing certain additional details, but I am providing this disclosure in real time. I can also say that criminal charges have not been filed nor are anticipated at this time.

As public servants, we hold ourselves to the most rigorous standards and values in our profession. Any serious incident involving a sworn member of this department rightly causes community concern, however, I am committed as your Police Chief that I will rid our ranks of individuals who act in a manner counter to the mission and values of our department.

If any employee's racial bias rears its ugly head, rest assured that I will take immediate action to ensure they are not part of this organization. I am extremely proud of the 99.9% of officers whose achievements and dedication to this community are unmatched and I will not let the actions of a few officers cloud the extraordinary work being done in our city every day.

- Chief of Police Anthony Mata

"I stand with Chief Mata and all the officers of the San Jose Police Department who serve our community. There is no room for racial bias in our City. Our community and workforce deserve better," states City Manager Jennifer Maguire. "In an organization of close to 7,000 full-time equivalent employees, it is paramount that we safeguard our community from any person who does not hold themselves to the highest professional standards and has not adhered to our policies."

"There is nothing more sickening than a person in power abusing their position," said Mayor Matt Mahan "I will sleep better tonight knowing that this individual is no longer carrying a badge and gun. Assuming these allegations are upheld, he should face the full consequences of his actions. Despite this officer's reprehensible conduct, we have the best police department in the nation and to keep it that way, we are going to fire any employee who does not show appropriate respect for every resident. This mutual respect is the foundation of a successful public safety effort — and we are going to work every day to keep building it. I want to thank City Manager Jennifer Maguire, Chief Mata and the department's leadership for uncovering these racist text messages and moving swiftly to hold this individual accountable and immediately sharing this information with the public in the spirit of full transparency."

The attached text messages are difficult to read.

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