

San José City Council

San José Police Department Less-Than-Lethal Use of Force Options Report

February 9, 2021
Item: 4.1



Presenter: Lieutenant Todd Lonac





Background

Council Direction

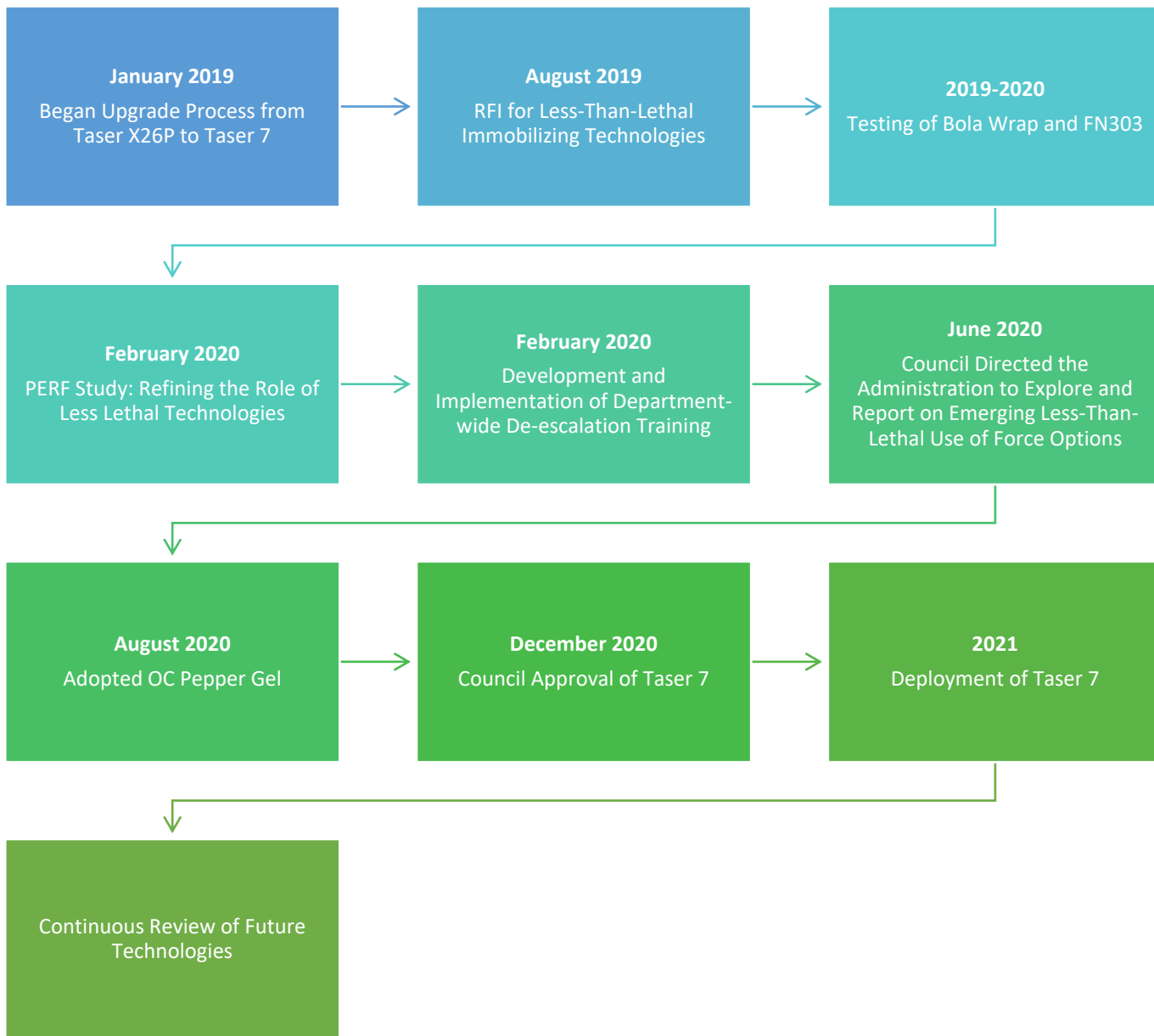
With approval of 2020-2021 Budget Message, the Administration was directed to explore and then report back on emerging less-than-lethal use of force options that could potentially reduce the need for police to rely upon the use of a baton, projectiles, or firearms.

This Report

As part of this item, the Council has been provided:

- **A memorandum** that describes new less-than-lethal options that have been considered and the Department's training efforts.
- **A report from the Police Executive Research Forum (PERF)** that examines state of the art less-than-lethal use of force options. (Attachment A)
- **A matrix** that provides a comprehensive description of the less-than-lethal options used or considered by SJPD. (Attachment B)





Recently Adopted Less-Than-Lethal Options

Pepper Gel



- Increased accuracy
- Allows greater distance, a key component of de-escalation
- Reduced cross contamination
- Greater stopping power

Taser 7



- Increased accuracy
- Allows greater distance, a key component of de-escalation
- Allows second shot
- Increased data collection
- Integrated with Axon Body Worn Camera



Less-Than-Lethal Options Considered But Not Adopted

FN303



- No improvement over current less-than-lethal munitions
- Increased training and maintenance costs
- Requires CO2 canister refill stations

Bola WRAP



- Failure points in real-world dynamic events
- LAPD has also field tested Bola WRAP and report limited success.

PERF Report

- Many new and emerging less-than-lethal technologies have limitations. They must be used at close range which is problematic, because one key of de-escalating incidents is for officers to keep a safe distance.
- The overarching theme of the report is that officers' most effective tools for resolving many incidents are often (1) critical thinking skills and (2) communication skills.
- Tools should support officers' use of distance, cover, and time to protect themselves and the public.
- Less-than-lethal tools should not require that officers significantly close the gap between themselves and a subject for the tool to be effective.
- Tools should complement an agency's de-escalation strategies, tactics, and training.
- Technology alone cannot address the challenges that police officers face in handling critical incidents.



Training

- **September 2015** - Use of Force Committee established
 - Department's use of force policies reviewed and revised
- **August 2016** - Tactical Conduct Policy (L 2602.5)
 - Requires officers to evaluate urgency to respond with force, actual threat posed by the suspect, availability of cover, concealment, and distance to create time for de-escalation and use of CIT
- **2016** - The Department began integrating de-escalation concepts into all force and tactics training (later mandated by SB 230 on January 1, 2021)
- **2016** - Increased Academy use of force training to 16 hours (12-hour state mandate)
- **2019** - Increased Academy training hours focused on de-escalation to 16 hours (previously 12 hours)
- **2020** - Added 8 additional hours of de-escalation instruction for Academy
- **2021** - Senate Bill 230 mandated the de-escalation policies and changes already made by the Department for all California agencies.



Next Steps

- Two-hour Bias-Based Policing Refresher Course (21-22 CPT)
- Second round of De-escalation Training (21-22 CPT)
- Increased training on physical control holds
- Developing / POST certifying a course on reducing incidents of deadly force used on drivers of vehicles
- Examining ways to integrate de-escalation concepts in other traditionally non-related topics (e.g., Domestic Violence)



Conclusion

- No single less-than-lethal tool can address all the challenges facing today's police officers.
- SJPD must avoid over-reliance on technology, at the expense of strong communications, solid tactics, and sound decision-making.
- Officers must be trained to understand that less-than-lethal weapons are not a strategy for resolving critical incidents, but a part of the plan.
- SJPD needs to continue to hire diverse and educated officers, who possess critical thinking skills, so they can determine what tool or tactic will best resolve incidents without force or the lowest force level possible, based on varying factors.
- SJPD needs to invest in additional training beyond POST's minimum standards.
- A use of force review will be conducted in the coming months, led by a consultant overseen by the Independent Police Auditor in coordination with the Administration. Any recommendations will be brought forward to the Council, as appropriate.



Questions?

