

2017 IPA Year End Report

PRESENTATION TO CITY COUNCIL, MAY 22, 2018

INDEPENDENT POLICE AUDITOR AARON B. ZISSER

Acknowledgments

1. IPA staff
2. SJPD
3. Mayor, City Council, City Manager, City Attorney's Office
4. IPAAC and broader community



Overview of Presentation

1. New Structure of Report
2. IPA Approach
3. IPA Community Engagement
4. Auditing Process and Overview of Statistics
5. Highlights from Substantive Sections

New Report Structure

Report (in addition to overview of process and stats):

1. **Use of Force**
2. **Crisis Intervention**
3. **Equal Treatment – Race and Language Access**
4. **Equal Treatment – Sex**
5. Arrest, Detention, Search, and Seizure
6. Community Policing
7. Neglect of Duty
8. **Accountability Process (Internal Affairs)**
9. Body-Worn Cameras
10. Scope of Independent Oversight



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City of San José



IPA Approach

1. Transparency, accountability *and change*
2. Arm's-length collaboration with SJPD
3. Changes to IPA practices



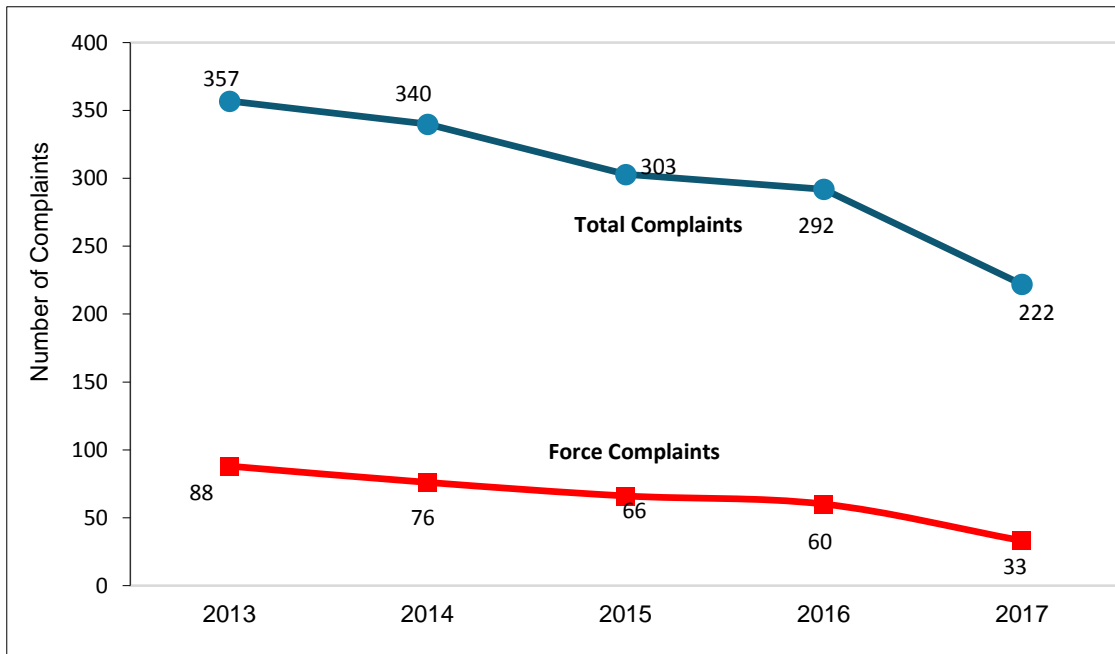
IPA Community Engagement

Purposes of outreach

1. **Educate** community about complaint process and other IPA resources
2. **Listen** / inform policy recommendations
3. **Build** trust and relationships in the community



Auditing Process and Stats: Intake and Classification



Officers Receiving	2013	2014	2015	2016	2017
1 Complaint	218	205	198	200	176
2 Complaints	53	58	49	64	39
3 Complaints	18	11	19	14	7
4 Complaints	9	8	6	5	2
5 Complaints	0	3	2	1	1
Total Officers receiving complaints	298	285	274	284	225

Auditing Process and Stats: Findings and Discipline

Discipline from Citizen Complaints	2016	2017
Training	2	3
Training & Counseling	15	12
Documented Oral Counseling (DOC)	9	18
DOC and Training	1	0
Letter of Reprimand (LOR)	1	5
All Suspensions	2	2
Settlement Agreement	0	1
Total Discipline Imposed	30	41

Key Stat: 16% of closed complaints (37 out of 226) resulted in at least one sustained allegation.

This “sustained rate” up from 11% last year and is the highest sustained rate in years.

Use of Force: SJPD Data Dashboard

1. Dashboard as a useful tool for public

2. Police Strategies, LLC, analysis

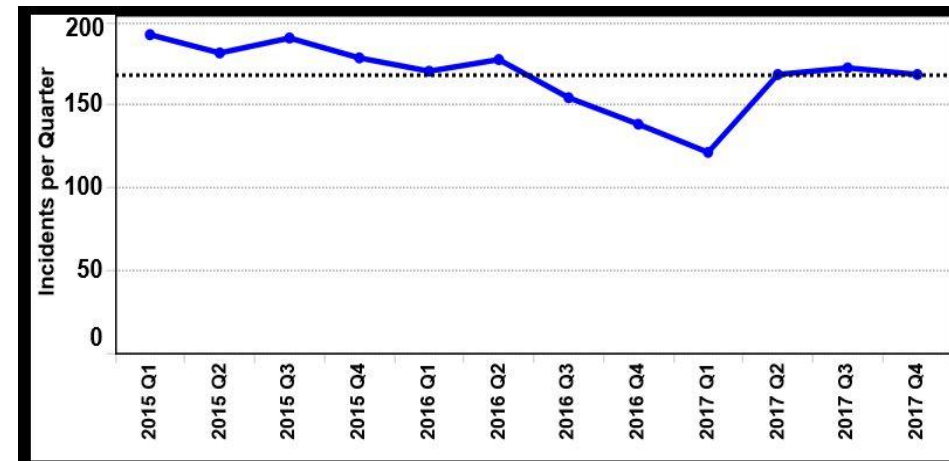
- **Overall:** 50% lower than other cities studied; but average ratio of force per arrest
- **Injuries:** 50% higher (per use of force); fractures 5 times higher
- **Weapons:** Above average in impact and projectile weapons (as % of uses of force)

3. Data limitations

- Reportable uses of force
- Reliance on officers' narratives

4. Dashboard limitations → preliminary

- Force only vs. all contacts
- Aggregated vs. underlying records
- Three separate dashboards: Demographics share dashboard w/ e.g., crime and resistance, but not w/ injury, weapons/tactics



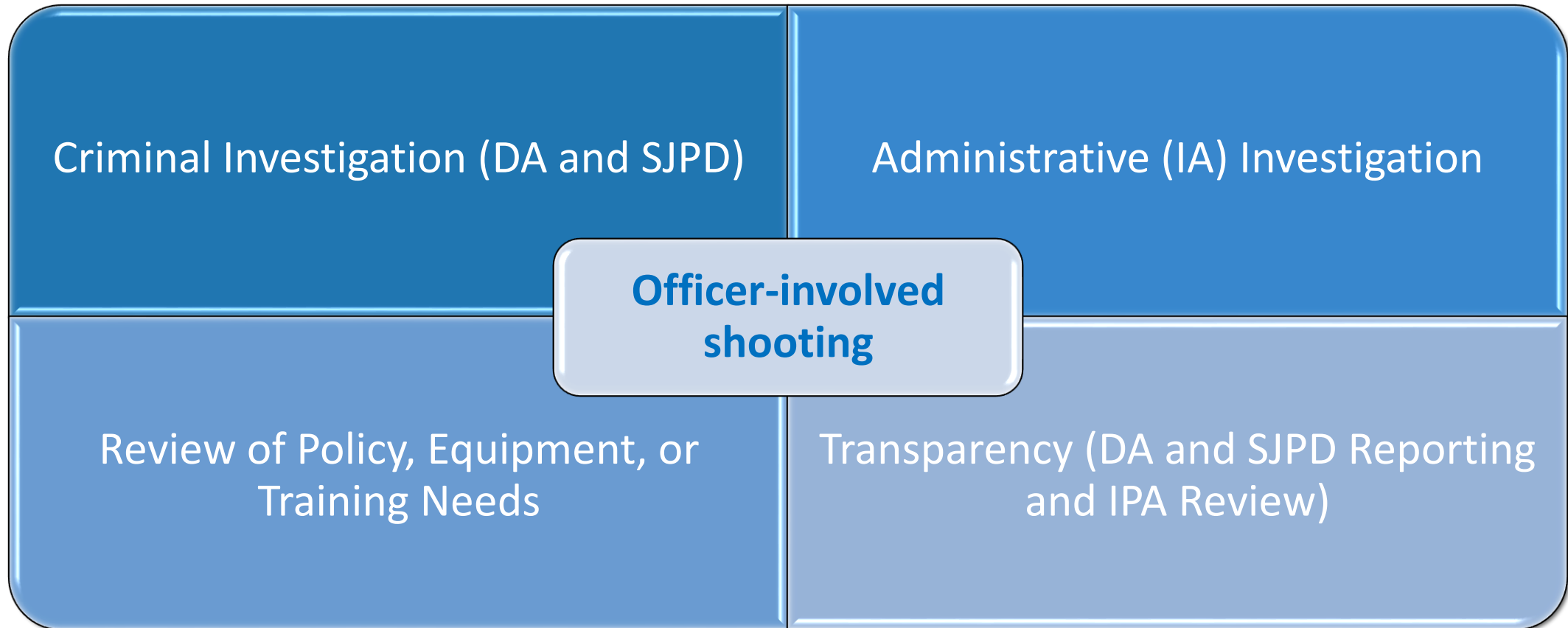
Use of Force: Documentation and Review

Case summary: The supervisor did not respond to review a subordinate's use of force because of other higher priority matters and because the force was minimal. Procedure allegation SUSTAINED.

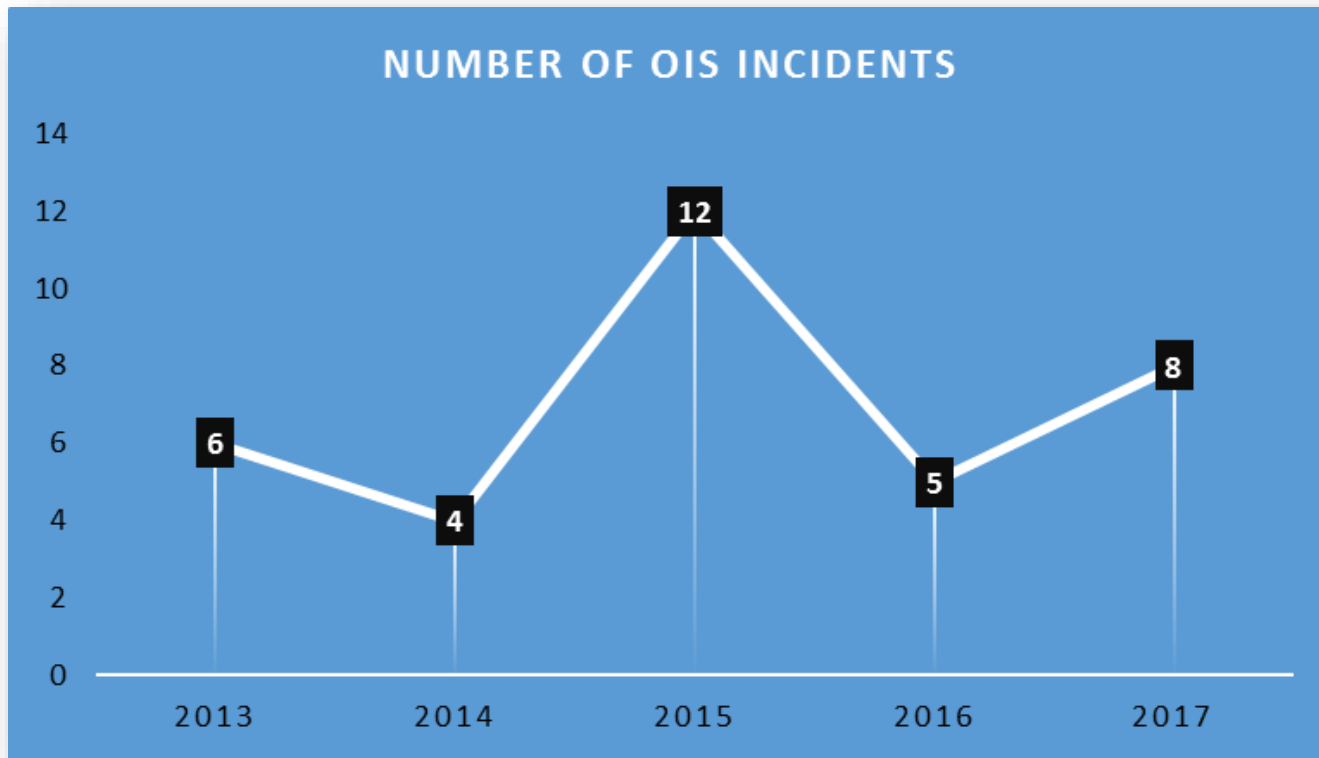
Case summary: A supervisor punched the complainant in the face while taking him into custody. The supervisor did not contact his own supervisor regarding the punches. Two Procedure allegations SUSTAINED.

Case summary: An officer failed to adequately report the display of his Taser during an arrest. Procedure allegation SUSTAINED.

Use of Force: Officer-Involved Shootings



Use of Force: Officer-Involved Shootings



1. **Race:** Five OISs involved persons of color
2. **Weapons:** Two OISs involved individuals armed with a firearm
3. **Officer experience:** Two OISs involved officers with two years of experience
4. **Key Stat: 75% of OISs (6 out of 8) in 2017 involved individuals with a history of mental health needs**

Crisis Intervention: CIT Training

1. **4,182 calls for service** that required CIT-trained officers
2. **CIT training: Key Stat: 153 officers received CIT training in 2017. Just over a third of officers had not received CIT training by the end of 2017.**
3. **Data collection:** SJPD is studying ways to evaluate its CIT program's effectiveness.

Policy Recommendation: SJPD should require officers to undergo periodic refresher Crisis Intervention Training.

SJPD RESPONSE: The CIT Coordinator plans on putting together a bi-monthly training bulletin on different mental illnesses along with resources, etc. . . .

Crisis Intervention: “5150” Holds

A person must, as a result of a mental health disorder, be: 1) a danger to himself/herself, 2) a danger to others, or 3) gravely disabled.

Whether to order a hold: Complaints allege that officers improperly order a 5150 hold, while others allege that officers improperly *fail* to order a 5150 hold

Policy Recommendation: [A]n individual who is resisting being detained for a 5150 W&I commitment . . . should be transported to Emergency Psychiatric Services, not to the jail. . . . Officers should, whenever appropriate . . . decline to cite and/or arrest the individual for . . . resisting or obstructing police . . .

SJPD RESPONSE: [Officers will be encouraged to transport the subject, or facilitate a medical transport, to EPS, when practical.]



Equal Treatment: Race

Case summary: The complainant, a Black male, was riding his bike to work when he was pulled over for not having a front bike light. He immediately put his hands up. When the complainant asked officers about their conduct, one officer responded that, because of the Black Lives Matter movement, officers needed to be more concerned for their safety.

Another officer later commented that it was good the complainant was working, as a lot of people just sit around waiting for a check from the government. The complainant believed the comment was based on a stereotype. UNFOUNDED for Bias-Based Policing → IPA disagreed.

Case summary: The BWC footage revealed an officer describing the landlord using several stereotypes related to Asians. His decisions during the interaction appeared to be “very one-sided.” The officer handcuffed the landlord, threatened jail, and forced her to return a rental deposit in cash to her tenant. SUSTAINED for Bias-Based Policing.

Equal Treatment: Race

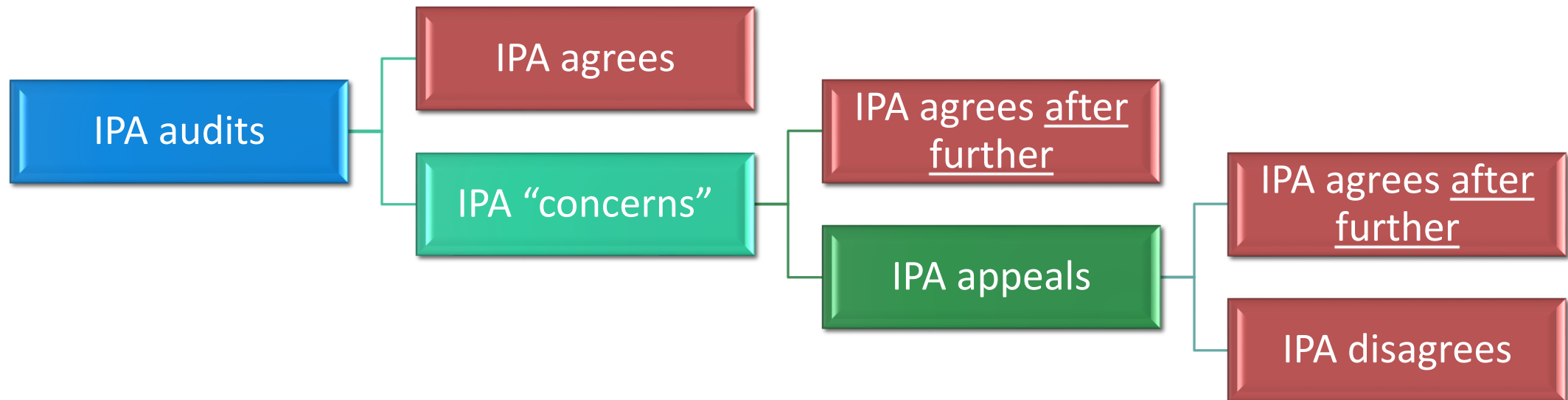
- **Training:** Fair and Impartial Policing training – nearly all officers trained
- **Complaints:** The number of citizen complaints regarding Bias-Based Policing has stayed steady over the years, despite decrease in complaints overall
- **Sustained cases:** Two sustained BBP cases in 2017 (race and disability)
- **Language Access:** Policy recommendation

Equal Treatment: Domestic Violence

1. **Complaints: Key Stat: 10% of citizen complaints arose from a domestic violence incident**
2. **Serious cases:**
 - a. 3 of the 28 homicides in FY 2016-2017
 - b. 50%+ of cases are initially categorized as felonies
 - c. 121 cases of serious bodily injury or weapon in first half of 2017
 - d. 30% of cases are initially categorized as violations of a restraining order
3. **Resources:** Loss of nearly \$900,000 in federal grant for enforcement and services
4. **Staffing: Key Stat: One sergeant and two officers handle more than 3,300 cases a year**



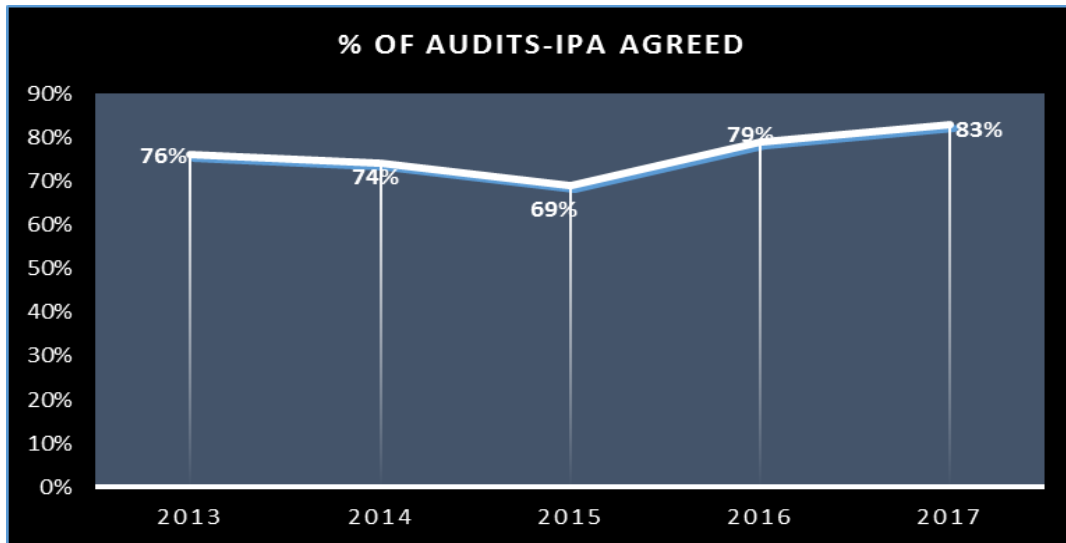
Accountability Process



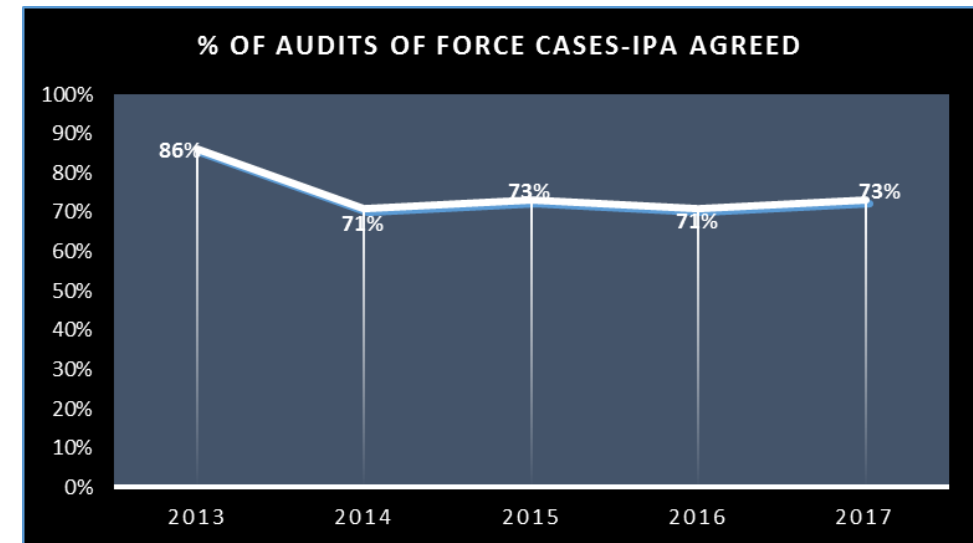
Accountability Process

How often does IPA agree with IA's initial investigation?

ALL COMPLAINTS



FORCE COMPLAINTS



Accountability Process

Basis for IPA “concerns” to IA

1. Not identifying subject officers
2. Not interviewing officers / asking all necessary questions
3. Not identifying / investigating all allegations
4. Not identifying applicable policy
5. Not weighing witness credibility / applying correct standard of proof

Some IPA concerns / appeals have resulted in sustained findings

1. Not taking a report for alleged violation of restraining order
2. Not inventorying seized vehicle’s contents
3. Improper seizure of and citation for medical marijuana
4. Unlawful entry into home

Questions?

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