



Memorandum

TO: PUBLIC SAFETY, FINANCE, AND STRATEGIC SUPPORT COMMITTEE **FROM: Anthony Mata**

SUBJECT: SEE BELOW **DATE: May 9, 2023**

Approved

Date

5/9/2023

SUBJECT: CITY INITIATIVES ROADMAP: POLICE DEPARTMENT REFORM AND OPERATIONAL IMPROVEMENT RECOMMENDATIONS STATUS REPORT

RECOMMENDATION

Accept the status report on the recommendations for reform and operational improvement being tracked by the Police Department.

BACKGROUND

On March 1, 2022, the City Council approved the San José Police Department's (Department) response to the reports by the CNA Corporation entitled, *Use of Force Assessment of the San José Police Department* and *21st Century Policing Assessment of the San José Police Department*.¹ In that response, the Department outlined the evaluation and follow-up as:

The Department will return to the PSFSS Committee in Fall 2022 to report on implementation of recommendations in Phase 1, provide additional analysis of recommendations not in Phase 1, and make a recommendation on how to and when to begin implementing additional recommendations in Phase 2.

On May 10, 2022, the City Manager's Office presented the Report of the Reimagining Public Safety Community Advisory Committee and Charter Review Commission Public Safety

¹ Details from this meeting can be found at:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=930009&GUID=060D9C80-983A-433E-ACB7-A059BA052FDA>

Recommendations to City Council.² In that memorandum, the City Manager's Office outlined the evaluation and follow-up as:

Staff will return with an analysis of the recommendations contained in the Reimagining Public Safety Community Advisory Committee report to a fall 2022 Public Safety, Finance and Strategic Support Committee meeting, along with a comprehensive review of all outstanding recommendations for reform and operational improvement being tracked by the Police Department.

To ensure all recommendations were evaluated within the context of existing workloads, assignments, budget, and staffing, the Department gathered a comprehensive list of all the open recommendations. These were consolidated into a single document entitled Recommendations List, which is included in Attachment A.

On November 17, 2022, the Department provided a report to the Public Safety, Finance, and Strategic Support (PSFSS) Committee on Police Department Reform and Operational Improvement Recommendations. At that meeting, the Committee accepted the report and provided additional direction for the Department to return with another update in six months.³ This memorandum provides a comprehensive update on all recommendations for reform and operational improvement, consistent with direction from the PSFSS Committee.

ANALYSIS

The Department has five goals: (1) promote public safety; (2) partner with our diverse community; (3) workforce diversity, wellness, and development; (4) continuous improvement and innovative service delivery; and (5) secure adequate resources. Based on these tenets, the Department is constantly seeking opportunities to partner with our community to promote public safety. To do so means continuous evaluation and development. In that spirit, the Department has received many recommendations for reform and operational improvement, generated both by the Department's own evaluation of its efforts and by recommendations from other Council-approved sources. Attachment A to this report provides a comprehensive list of all recommendations received by the Department for policy revisions, process redesign, training enrichment, technology modernizations, and enhancements to transparency.

² Details from the meeting can be found at:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=957965&GUID=3D15D780-7A88-43B3-9C22-3DDD0130D861>

³ Details from this meeting can be found at:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=987866&GUID=D4F606D8-20EB-41AE-B0FD-142536888B3E>

Overview

- The list of recommendations in Attachment A come from 11 sources.
- There are currently 536 recommendations tracked by the Department, 499 of which are managed by the Department and 37 of which are managed by the City Manager’s Office. The recommendations managed by the City Manager’s Office are denoted by an “X” in the CMO Management column on the Recommendations List.
- 254 of the 536 recommendations, or 47%, are completed.
- There are 199 recommendations remaining to be completed.
- There are 57 recommendations that will not be completed, or 11%.
- Most recommendations involve changing policy (286), followed by training (50) and community engagement (50).

Highlights

Since its last report the Department has made progress on a number of recommendations listed in Attachment A. Below is a summary of notable accomplishments since the Department last reported on progress in November 2022 as well as ongoing implementation efforts.

- **Community Engagement Consultant.** The Department is in the process of hiring a Community Engagement Consultant, who will provide evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. As noted above, a total of 50 recommendations in Attachment A pertain to community engagement. The consultant will help the Department develop a Community Engagement Plan, which will assist the Department in making progress on the community engagement recommendations.
- **Implementation of Department-wide training.** Since our last report, the Department has completed the LGBTQ+ Awareness training, which was attended by every sworn member of the Department. The Department is currently providing officers with a training called “Why’d You Stop Me.” This 9-hour course teaches officers communications techniques to improve interactions between the police and the public. The Department’s next major undertaking is a multi-layered Racial Equity training, which will include both online courses and multiple in-person classes.
- **Language Action Plan.** The Department updated its Language Action Plan to provide Limited English Proficient (LEP) individuals with timely and meaningful access to available programs, services, and benefits. As part of the new plan, Department members will use internal resources prior to seeking external resources for LEP individuals.
- **Mobile Crisis Assessment Team (MCAT).** The Mobile Crisis Assessment Team is fully functional, deploying a team consisting of one sergeant and three officers every day of the

week. MCAT operates on a co-response model of deployment, which pairs specially trained officers with licensed mental health clinicians. The team responds to non-urgent follow-up requests and, when appropriate and safe, to in-progress calls for community members experiencing a mental health crisis.

- **Executive Force Review Committee.** The Executive Force Review Committee convenes regularly to review use of force incidents. The Committee is comprised of Department command officers, identified by the Office of the Chief, and specially trained in force analysis and decision-making under stress. The Committee analyzes force applied during an event, identifying any observed misconduct, identifying training opportunities, and documenting their analyses for review by the chain of command.

Recommendation Sources

This section provides a comprehensive list and description of all of the sources for recommendations in Attachment A. Please note that the quantity of recommendations provided by each source below may not coincide with the original number of recommendations recorded from that source. As the Department analyzed the recommendations, it was discovered some were identical or nearly identical. In those cases, the recommendations were combined into one record. For example, the CNA 21st *Century Policing Assessment* had eight separate recommendations to “create a consistent and ongoing methodology for determining the degree of public trust and legitimacy.” These were combined into one recommendation.

- The Office of the City Auditor has produced 16 audit reports involving the Department,⁴ from which there are 45 open recommendations.⁵ This category is referred to as **City Auditor** on the Recommendations List. The identifier numbering system for these indicate “audit number, recommendation number.” For example, “12-04, 30” refers to the fourth audit conducted in 2012 and the 30th recommendation from that audit.
- The Office of the Independent Police Auditor has produced annual reports since 1994, each containing recommendations for the Department.⁶ In 2021, the Year End Report, added 35 new recommendations to the preexisting list of 52 not implemented and 19 partially implemented Department recommendations, totaling 106 pending recommendations.⁷ This category is referred to as **IPA** on the Recommendations List. The identifier numbering system for these indicates “report year – recommendation number recommendation”. For

⁴ City Audit Reports can be found at: <https://www.sanjoseca.gov/your-government/appointees/city-auditor/audit-reports-4828/-sortn-DateIssued/-sortd-desc>

⁵ The Interactive Dashboard on the Status of Audit Recommendations can be found at:

<https://www.sanjoseca.gov/your-government/appointees/city-auditor/audit-recommendations>

⁶ IPA Reports can be found at: <https://www.sanjoseca.gov/your-government/appointees/independent-police-auditor/reports-articles-resources/archived-reports>

⁷ The Interactive Dashboard of All IPA Recommendations (1993 to Present) can be found at:

<https://www.sanjoseca.gov/your-government/appointees/independent-police-auditor/ipa-recommendations>

example, “2021-10.1” refers to the [IPA Year End Report 2021](#)⁸ and the first recommendation under the described recommendation #10.

- On January 18, 2017, the [University of Texas at El Paso](#) released a report entitled [San José Police Department Traffic and Pedestrian Stop Study](#).⁹ This report included 6 multifaceted recommendations, of which five remain open. This report is referred to as **UTEP** on the Recommendations List.
- On September 15, 2020, the Department presented a report to City Council entitled [Police Department Preliminary After Action Report for the Public Protests, Civil Unrest, and Law Enforcement Response from May 29 – June 7, 2020](#).¹⁰ This report included 41 recommendations and is referred to as **Internal AAR** on the Recommendations List.
- On March 1, 2022, the OIR Group presented a report to City Council entitled [Independent After Action Regarding the Events of May 29 – June 7, 2020](#).¹¹ This report included 32 recommendations and is referred to as **OIR AAR** on the Recommendations List.
- On March 1, 2022, the CNA Corporation presented a report to City Council entitled [Use of Force Assessment of the San José Police Department](#).¹² This report included 48 recommendations and is referred to as **CNA U of F** on the Recommendations List.
- On March 1, 2022, the CNA Corporation presented a report to City Council entitled [21st Century Policing Assessment of the San José Police Department](#).¹³ This report included 124 recommendations and is referred to as **CNA 21st CP** on the Recommendations List.

⁸ IPA Year End Report can be found at:

<https://www.sanjoseca.gov/home/showpublisheddocument/89389/637983396074570000>

⁹ San José Police Department Traffic and Pedestrian Stop Study can be found at:

<https://www.sjpd.org/home/showpublisheddocument/50/637236117306270000>

¹⁰ Details from this meeting can be found here:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=790213&GUID=60C7A176-EB69-4D46-815B-D3D9154FD206>

¹¹ Details from this meeting can be found here:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=930009&GUID=060D9C80-983A-433E-ACB7-A059BA052FDA>

¹²Use of Force Assessment of the San José Police Department can be found at:

<https://sanjose.legistar.com/View.ashx?M=F&ID=10534656&GUID=4A3087A9-620E-42CD-ADF4-AB00C83EDCC1>

¹³21st Century Policing Assessment of the San José Police Department can be found at:

<https://sanjose.legistar.com/View.ashx?M=F&ID=10534650&GUID=E35D9ADD-D51B-48A7-9A2D-64E7CD8E66D7>

- On April 26, 2022, the California State Auditor released a report entitled [*Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct*](#).¹⁴ This report included 14 recommendations and is referred to as **State Audit** on the Recommendations List.
- On May 10, 2022, the Office of the City Manager presented a report to City Council entitled [*Report of the Reimagining Public Safety Community Advisory Committee and Charter Review Commission Public Safety Recommendations*](#).¹⁵ This report included 73 recommendations from the Reimagining Public Safety Community Advisory Committee and 43 recommendations from the Youth Council, totaling 116 recommendations. These are referred to as **RIPS** and **RIPS YCR** respectively on the Recommendations List.
- On December 8, 2022, the City Auditor issued a report to City Council entitled [*Firearms Regulations: A Report from the City Auditor Issued in December 2022*](#).¹⁶ The purpose of the report was to assess and offer recommendations regarding the City's firearm regulatory processes and policies, including a review of trends in firearm violence in the city.

¹⁴ Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct can be found at: <https://www.auditor.ca.gov/pdfs/reports/2021-105.pdf>

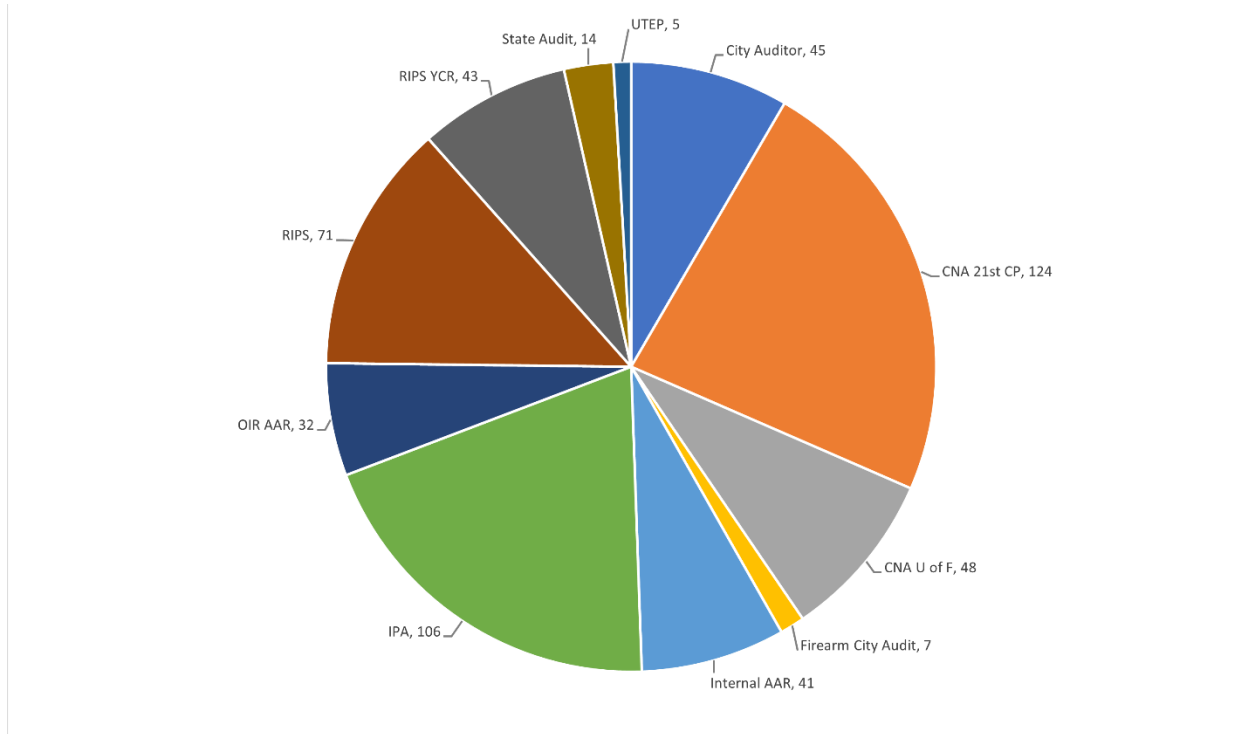
¹⁵ Details from the meeting may be found here:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=957965&GUID=3D15D780-7A88-43B3-9C22-3DDD0130D861>

¹⁶ Firearms Regulations: A Report from the City Auditor Issued in December 2022 can be found at:

<https://sanjose.legistar.com/LegislationDetail.aspx?ID=5990578&GUID=05B49732-1EAB-471E-B225-4F27D9D37464&Options=ID|Text|&Search=audit>

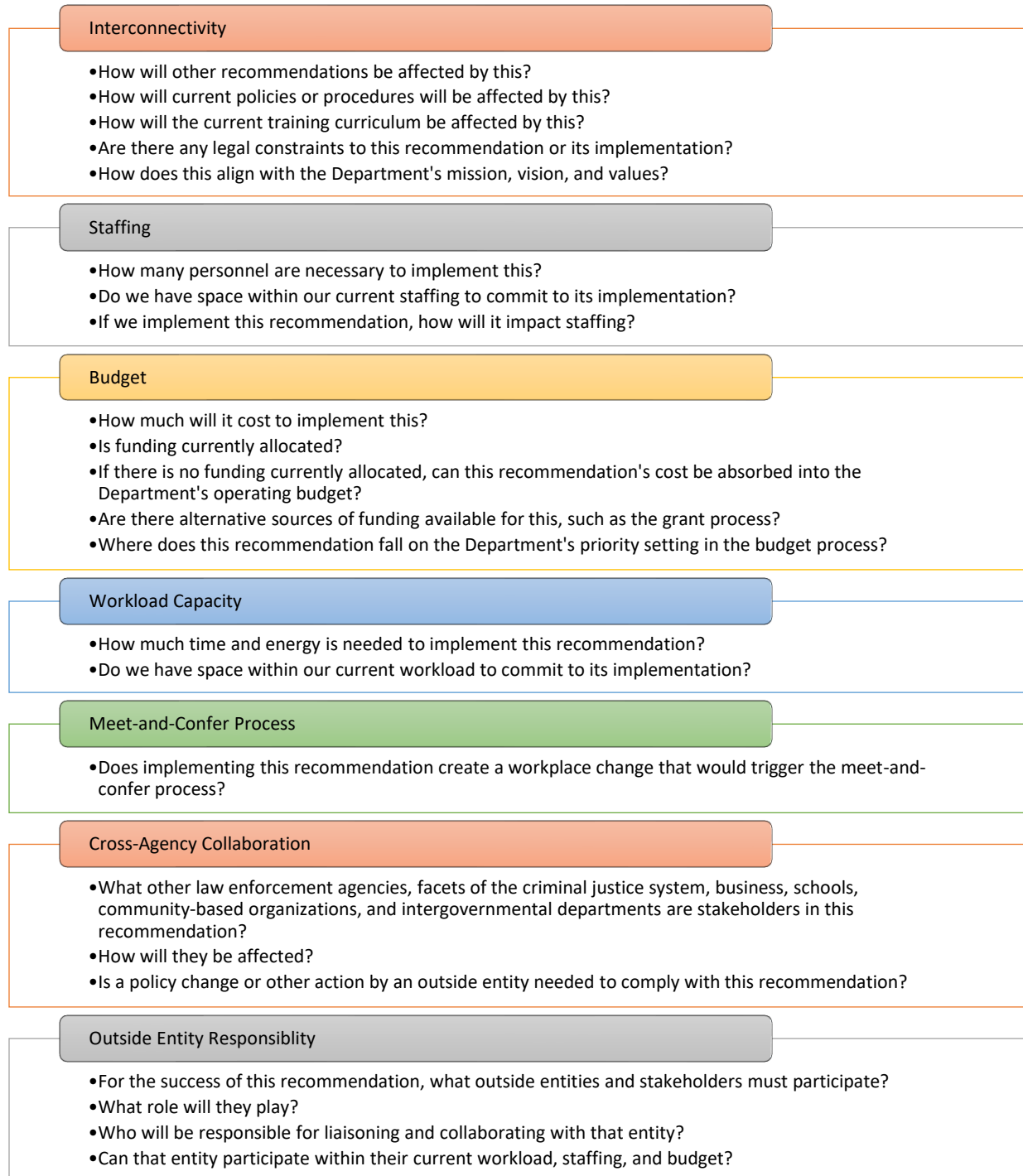
Table 1: Recommendations by Source



Priority Determination

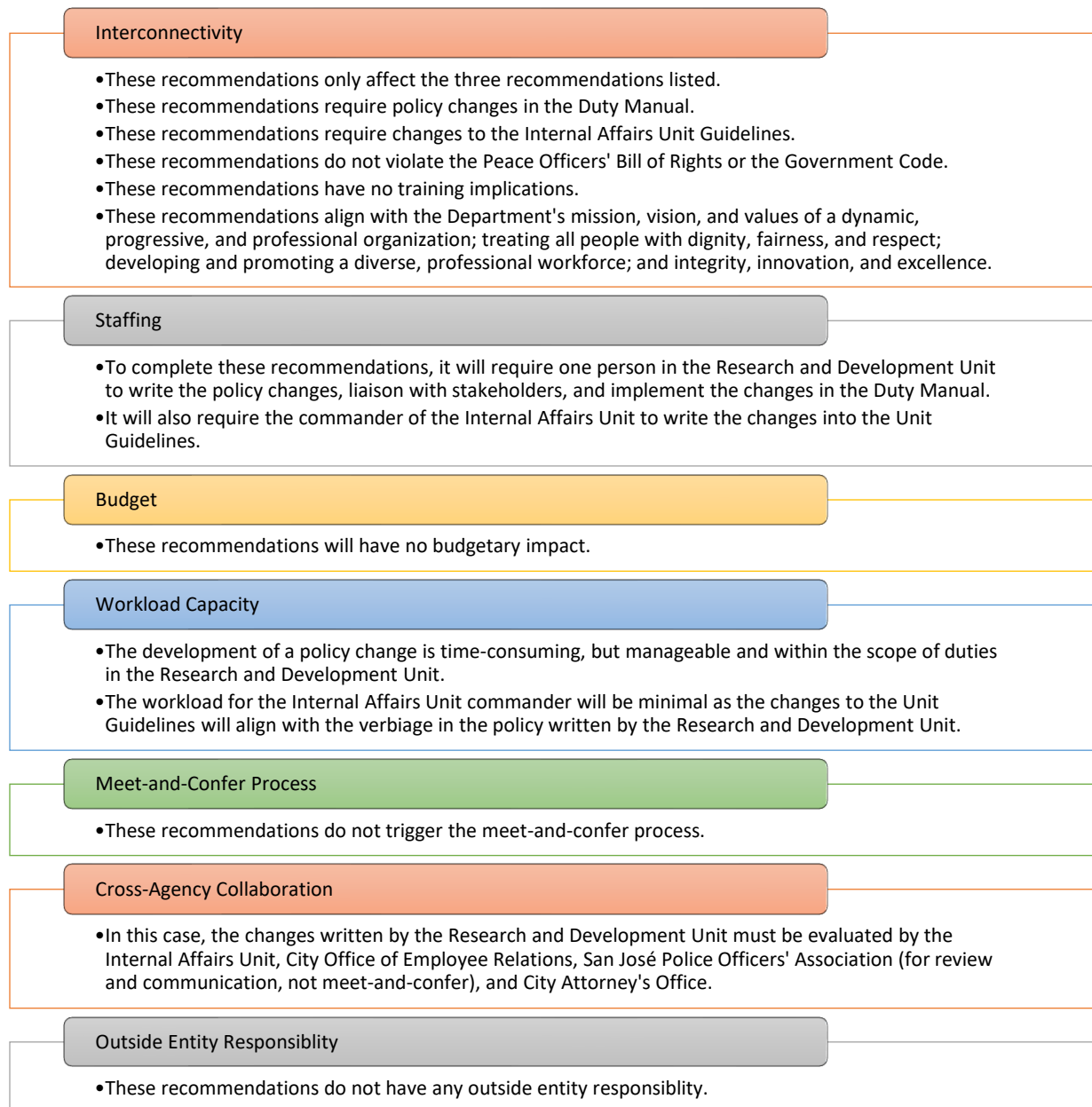
When recommendations are received, they undergo a priority determination process looking through seven lenses; 1) interconnectivity, 2) staffing limitations, 3) budget constraints, 4) workload capacity, 5) meet-and-confer process, 6) cross-agency collaboration, and 7) outside entity responsibility. The following figure provides a sampling of the questions asked under each lens during the priority determination process.

Figure 1: Priority Determination Sample Questions



Using these criteria, the Department then develops a preliminary plan of action for each recommendation. For example, recommendations IPA #2011-15, IPA #2021-10.1, and CNA 21st CP #1.1.3 all discuss allowing the Internal Affairs Unit to make sustained findings for allegations, rather than having them return to the chain of command for sustained findings. The following graphic illustrates the decision-making process for categorization of these recommendations.

Figure 2: Review of Recommendations IPA #2011-15, IPA #2021-10.1, and CNA 21st CP #1.1.3



Based on the above analysis, Department staff determined these recommendations could fall into the *Currently in Progress* category as they may be accomplished within the Department's current workload, staffing, and budget. Once that determination was made, staff developed the plan of action to achieve these recommendations. In this case, the Department is developing a policy that will allow Internal Affairs investigators to provide recommended findings at the conclusion of their investigation. These findings will then be provided to the Department member's chain of command for review and recommended discipline, if applicable.

Priority Categorization

Like the above scenario, every recommendation is evaluated and falls into one of the following categories for prioritization:

- *1 = Currently in Progress*: These are recommendations for which the Department is currently undertaking some action. This may be researching a topic, writing a proposal, reformatting policy, or collaborating with an outside entity. These are not complete but are being addressed within the Department's current workload. There are currently 104 recommendations in this category.
- *2 = Agree, but Not Started*: These are recommendations with which the Department agrees but has not started taking action to research or implement. A preliminary plan of action is developed through cursory analysis. However, when the recommendation moves into the *Currently in Progress* status, the Department's plan of action may change based on the Priority Determination factors listed above. There are currently 95 recommendations in this category.
- *3 = Disagree*: These are recommendations with which the Department disagrees and will not be implementing. There are currently 57 recommendations in this category.
- *C = Completed*: These are recommendations the Department has completed. There are currently 254 recommendations in this category.
- *M = Maintain*: These are recommendations in which the Department was told to continue a current practice. There are currently 26 recommendations in this category.
- *R = Needing Review*: When recommendations are received, they fall into this category, pending review by the Department's staff for priority determination and a preliminary plan of action. There are currently no recommendations in this category.

Pending Recommendations

To better understand the overarching type of recommendation, the Department divided them into 15 Types based on what the recommendation intends to accomplish.

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	Currently in Progress	Agree, but not Started	Disagree	Completed	Maintain	Needing Review	Total	%
Alternative Approach	4	6	2	2	2	0	16	3%
Community Engagement	35	5	1	8	1	0	50	9%
Department Member Wellness	0	0	0	3	0	0	3	1%
External Analysis or Review	1	13	0	2	0	0	16	3%
Facilities Improvement	0	2	1	3	0	0	6	1%
Internal Analysis or Review	2	3	0	8	2	0	15	3%
Legislative Advocacy	0	0	1	3	0	0	4	1%
New or Additional Equipment	2	3	1	1	0	0	7	1%
Oversight	1	0	5	1	0	0	7	1%
Policy Change	49	27	35	162	13	0	286	53%
Recruiting & Hiring	0	5	1	10	1	0	17	3%
Staffing	1	2	1	3	1	0	8	1%
Technology Improvement	0	3	2	9	1	0	15	3%
Training	6	20	0	21	3	0	50	9%
Transparency	3	6	7	18	2	0	36	7%
Total	104	95	57	254	26	0	536	

Funding

The 2022-2023 Operating Budget includes a \$787,800 allocation for the implementation of the Police Reform Workplan. Of this amount, \$143,472 is being used to fund a Senior Analyst position in the Police Department to implement body-worn camera compliance audits¹⁷; \$320,000 is being used to fund racial equity training for the Police Department¹⁸; \$50,000 has been used to purchase software to facilitate responses to Public Records Act requests for police records¹⁹, \$100,045 is being used to fund the creation of a Community Engagement Plan for the Police Department,²⁰ and \$3,480 was used to pay outstanding translation for the Reimagining Public Safety process. Of

¹⁷ As directed by the City Council under item 4.3 on the September 13, 2022 City Council agenda.

¹⁸ This training is pursuant to direction provided by the City Council at the June 12, 2020 City Council meeting under item 3.1.

¹⁹ As directed by the City Council under item 3.1 on the June 16, 2020 City Council agenda.

²⁰ The Community Engagement Plan will be used to advance multiple police reform recommendations concerning Police/Community relations. Reform recommendations included within the scope of this plan are noted as such in the attached Recommendations List.

the \$787,800 budgeted, approximately \$616,997 has been committed and \$170,803 remains available.

The 2022-2023 Operating Budget also includes \$324,000 in overtime funding to train police lieutenants in the fundamentals of the Incident Command System. This training was recommended by the OIR Group's Independent After Action Report for the City's response to the George Floyd protests in May and June of 2020. Completion of this training ensured that lieutenants are capable of serving as Incident Commanders in the event of civil unrest or other emergencies.

Finally, with the Council approval of the 2023-2024 Mayor's March Budget Message funding for a violence prevention program focused on domestic violence has been included in the City Manager's 2023-2024 Proposed Operating Budget. This proposal was inspired by Recommendation 9 in the final report of the Reimagining Public Safety Community Advisory Committee ("Reimagining Committee," hereafter). The 2023-2024 Proposed Operating Budget includes \$400,000 for a Community-Based Violence Solutions program focused on domestic violence. This funding is in the Office of the City Manager and will be overseen by the City Manager's Office of Administration, Policy, and Intergovernmental Relations in collaboration with other City departments. It can be found in the City-Wide Expenses section of the Proposed Budget.

Future Plan

Going forward, the Department will continue to work toward implementation of the items listed as *Currently in Progress* on the attached Recommendation List. Whenever possible, the Department will also move items from *Agree, but Not Started* into *Currently in Progress* based on the Priority Determination described above, with an emphasis on Community Engagement items.

It's also important to note that, as part of the City's ongoing work to advance police reform efforts, staff in the City Manager's Office are holding ongoing meetings with members of the Racial Equity Action Leadership (REAL) Coalition to discuss the City's approach to advancing recommendations made by the Reimagining Committee (the REAL Coalition includes several former members of the Reimagining Committee and has taken a lead role in advocating for implementation of the Committee's recommendations.) Through this engagement, staff has identified three priority projects for the coming year that will advance Reimagining Committee recommendations. These projects are summarized below.

- **Community-Based Solutions to Domestic Violence:** As noted above, the 2023-2024 Proposed Operating Budget includes \$400,000 for a Community-Based Solutions to Domestic Violence program, pursuant to direction received through the City Council's approval of the Mayor's March Budget message. This project was inspired by Recommendation 9 from the Reimagining Committee's final report, which proposed engaging residents across the community to prevent violence through community trainings

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and provision of community-based services and resources. If funding is approved by the City Council through final adoption of the 2023-2024 Operating Budget, staff will develop an implementation plan for this project and will commence implementation in the next fiscal year. Staff will continue to work closely with the REAL Coalition and other community partners as this project advances, to ensure and that community has a voice in the development of this program.

- **911 Call Analysis:** The Mayor's March Budget Message recommended and the City Council approved direction to initiate an analysis of 911 calls received by the Police Department. The purpose of this analysis is to identify calls that might be assigned to alternative responders (including in partnership with the County and other service providers) and to evaluate potential staffing and cost implications. This project aligns with several Reimagining Committee recommendations which focus on developing alternative service models, in particular for responding to mental health issues (Recommendation 1) and homeless individuals (Recommendation 3). Staff will develop a work plan for pursuing this direction and identify opportunities for alternative responders.
- **Local Government Violence Prevention Research:** The Reimagining Committee and the REAL Coalition have expressed interest in expanding the City's efforts at violence prevention, and have pointed to innovative approaches currently being pursued by other local government agencies across the Country. In order to pursue this idea, staff proposes to include an item on the August-December 2023 PSFSS Committee Work Plan that would provide a research report on violence prevention programs currently being pursued by other local governments agencies, as a way to identify opportunities to expand the City's efforts in this area.

In order to keep the PSFSS Committee and the public informed of progress on the efforts outlined above and on progress on the entire Recommendation List, staff will plan to report back to the PSFSS Committee on a yearly basis. The next report is planned for Spring 2024.

COORDINATION

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.



Anthony Mata
Chief of Police

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For questions regarding Police Department recommendations, please contact Lieutenant Paul Hamblin, San José Police Department, Research and Development Unit at paul.hamblin@sanjoseca.gov.

For questions regarding other City Department recommendations, please contact Peter Hamilton, Assistant to the City Manager, at peter.hamilton@sanjoseca.gov.

Attachment A: Recommendations List