



2024 Year End Report

The Office of the Independent Police Auditor
City of San José



**96 N. Third Street, Suite 150
San José , CA 95112**

In Memoriam



The Office of the Independent Police Auditor pays tribute to these two irreplaceable community leaders and one dedicated public servant.

VICTOR GARZA



Mr. Victor Garza passed away on June 6, 2024. Victor was a tireless advocate for opportunity and equity in education and employment for over 60 years. He was known throughout the valley as a champion for countless causes and initiatives. He was also the founder of La Raza RoundTable, where his life will always be remembered, and his legacy will continue to make a difference.

REV. JEFF MOORE



Reverend Jethroe (Jeff) Moore passed away on December 26, 2024. Rev. Moore was a Silicon Valley social justice powerhouse for over 40 years. In addition to his work in ministry, Rev. Moore was committed to activism and community service. One of his most powerful roles was that of President of the San José / Silicon Valley NAACP, which he held for over fifteen years. Rev. Moore's absence and impact will be felt for years to come.

LONG PHAM



San José Police Department Community Service Officer Long Pham passed away on August 3, 2024. CSO Pham was a dedicated officer who died in the line of duty after being struck by a drunk driver. He is remembered by his colleagues and by his family for his integrity, kindness, and readiness to help others.



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Mission And Vision

Mission

Provide independent oversight of police misconduct investigations, ensuring thorough reviews, informed policy recommendations, and active community engagement.

Vision

Become a national model for transparent, proactive, and community-centered civilian oversight, grounded in accountability, excellence, and public trust.



| Executive Summary

To the Honorable Mayor, members of the City Council, City Officials, members of the San José Police Department, and, most importantly, our community:

With gratitude, optimism, and a deep sense of purpose, I present the 2024 Year End Report from the Office of the Independent Police Auditor (OIPA).

We began this annual report by honoring two irreplaceable community leaders and one devoted public servant, all of whom dedicated their lives to improving the well-being of the San José community.

Appointed in May 2024, I'm honored to serve as your Independent Police Auditor (IPA). I bring over 40 years of experience in civilian oversight, law enforcement, prosecution, and the judiciary—as a former police officer, chief prosecutor, judge (pro tem), and oversight leader in cities like Fresno and Richmond. I came to San José ready to lead with integrity, objectivity, and transparency—not to figure it out as I go, but to help rebuild trust where needed.

When I arrived, the office was still finding its footing after major leadership turnover, limited staffing, and outdated policies. I want to acknowledge the work of Interim IPA Karyn Sinunu-Towery, who helped maintain stability during a difficult transition and established important timeline procedures that gave the office much-needed structure. Shortly after I stepped in, we faced additional staff departures. It wasn't an easy handoff—but even through the challenges, I saw potential.

We seized the opportunity to reset. We began reconnecting with the community, re-establishing ties with Internal Affairs, strengthening our team with new hires, and began restoring operational integrity. We evaluated internal processes, set clear expectations, and began drafting long-overdue standard operating procedures to bring clarity and consistency to the work.

This report reflects our renewed focus on our three pillars:

- Audit & Review – Ensuring internal investigations are complete, thorough, objective, and fair.
- Policy Recommendation – Offering well-informed recommendations to improve SJPd's practices and policies.
- Community Engagement – Keeping the community informed, involved, and empowered.



Executive Summary

We also embraced **Real-Time Auditing**—actively participating during investigations, not just reviewing them afterward. By attending interviews, asking questions, and clarifying issues in real time, we bring the community’s voice into the room where it matters most. This model, aligned with Measure G and evolving public expectations, marks a major step forward in oversight.

We’re proud of the ground we’ve regained, but we’re not complacent. Rebuilding a stable, effective, and professional office takes time—and we are fully committed to seeing it through with dignity, transparency, and resolve. As we move forward, we aim to reclaim our position as a pioneer and innovative leader in civilian oversight, just as we were when this office first set the standard in 1993.

On behalf of the OIPA team, thank you for reading this report, for engaging with our mission, and for holding all of us to the highest ideals of justice, fairness, and mutual respect.



Eddie J. Aubrey
Independent Police Auditor



Update-Civil Unrest 2020

BACKDROP: MAY-JUNE 2020 CIVIL UNREST

Following the murder of George Floyd*, San José experienced large-scale protests starting May 29, 2020. The demonstrations were a mix of peaceful gatherings and moments of civil unrest. In the span of just two weeks:

- 2,271 complaints were received about SJPD's conduct during protest responses.
- Complaints spanned a wide range: alleged excessive force, unconstitutional seizures, verbal misconduct, use of projectiles and tear gas.

YEAR-BY-YEAR SUMMARY

2020

- Mass Intake of Complaints: OIPA and IA coordinated to eliminate duplicates and categorize the 2,271 complaints.
- City Council directed the OIPA to provide information on police misconduct complaints arising from the protests.
- Six protest-related cases were closed and included in the 2020 report. Findings varied, but some included "Closed as Disagreed" where the OIPA disagreed with IA findings.

2021

- SJPD tolled twelve cases due to active litigation (delaying internal disciplinary timelines).
- Six additional cases were closed:
 - 3 cases were closed "Agreed at First Review"
 - 1 case "Agreed After Further Action"
 - 2 cases "Closed as Disagreed"

2022

- No new civil unrest incidents identified, but OIPA continued monitoring:
 - Civil litigation related to 2020 protests is delaying final resolution for some cases.

2023

- No new protest-related incidents identified.
- The OIPA worked with the defense bar to identify potential constitutional violations (e.g., unlawful seizures, uses of force) arising from prior or ongoing protest cases.

** Minneapolis police officer Derek Chauvin was convicted of 2nd degree murder in 2021*



Update-Civil Unrest 2020

2024

- Six cases remained tolled in 2024 due to ongoing litigation. However, in 2025, SJPD lifted the tolling status, and Internal Affairs investigations resumed on those cases.
 - Three separate and additional cases were closed
 - Cases were closed “Agree at First Review”

In recent years, San José has undertaken significant police reform efforts to modernize practices, enhance transparency, and strengthen community trust. Input from the OIPA, CNA, OIR Group, RiPS Advisory Committee, State and City Auditors, and others led to **539 consolidated recommendations**, which were reviewed by the Public Safety, Finance, and Strategic Support (PSFSS) Committee. Additionally, voters passed Measure G, expanding the OIPA’s authority. The City Council later provided direction on how this expanded authority should be applied.

Every year, PSFSS provides an update on the status of those **recommendations**. The following is an update as of May 2024 which can also be found here: [PSFSS Report](#)

- 348 (65%) of 539 are completed
- 124 in progress or awaiting budget or staffing
- 67 (12%) will not be completed
- 258 involve change in policy
- 51 involve community engagement
- 50 involve training

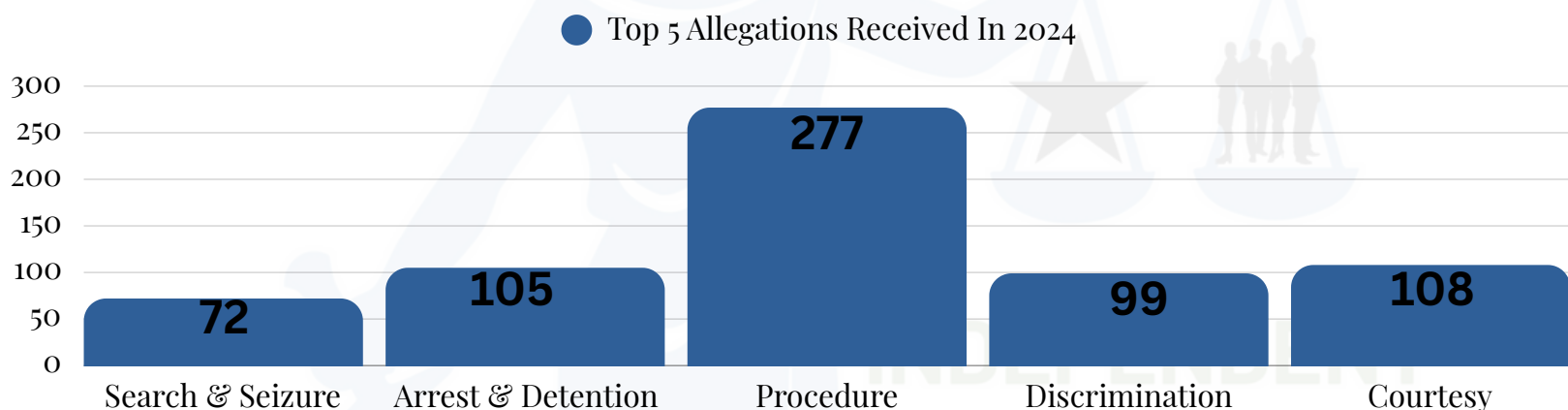
Results from 2024 reporting: The Early Intervention System (EIS) launched in early 2024. Mobile Field Force (MFF) Guidelines and Training were published in December 2023. Placeworks Inc. was contracted to support Community Engagement efforts. The Reimagining Committee and Racial Equity Action Leadership (REAL) group also expressed interest in expanding violence prevention initiatives.

OIPA is committed to renewing dialogue and rebuilding trust with community groups through meaningful engagement. We aim to revisit past concerns, foster genuine collaboration, and advance efforts to improve quality of life, accountability, and public confidence for all who live, work, and play in San José. Keeping the community informed and maintaining open communication are essential steps.



A Brief Look at 2024

373 Community Complaint Cases Filed



The graph above shows allegations received in 2024 only. Sustained findings cannot be determined until cases are closed, and several remain open past the year they're received.



Recommendations

OIPA's Power & Authority

Rebuilding with Purpose: 12 Recommendations for a Stronger Tomorrow

What we audit reveals patterns. What we recommend reshapes systems. Our 12 policy recommendations stem from real cases and lessons learned. They reflect our dedication to public safety, transparency, and accountability through better policy, smarter oversight, and forward-thinking strategies.

The [City Charter](#) empowers the Office of the Independent Police Auditor (OIPA) with the duty to audit and review misconduct complaint cases against members of the San José Police Department (SJPD). Under the power of the city charter, the OIPA can:

- review SJPD investigations of complaints against police officers, to determine if each investigation was complete, thorough, fair, and objective
- make recommendations about SJPD policies and procedures based on the OIPA's review of investigations of complaints against police officers
- conduct outreach to educate and assist the community on the OIPA's role and the complaint process

The OIPA analyzes SJPD misconduct investigations. The office studies the SJPD Duty Manual and procedures. OIPA analysts receive training on best police practices nationwide, interviewing techniques, and the interplay of technology in investigations. Members of the office also attend public safety and police oversight conferences, to stay current on emerging topics.

The office reviews countless hours of body-worn camera footage, hundreds of police and dispatch reports. The recommendations that follow come from observations made from actual cases the OIPA has analyzed and reviewed.

Note: OIPA refers to the Office of the Independent Police Auditor
IPA refers to the person appointed as the Independent Police Auditor



Recommendation # 1

Establish a Memorandum of Agreement (MOA) Between the OIPA and Internal Affairs (IA)

The OIPA recommends the creation of a formal MOA between the OIPA and the IA Unit of the SJPd. This agreement would establish clear operational protocols, define expectations, and further clarify shared timelines for both offices, especially regarding collaboration during investigations, communication about critical findings, and real-time auditing.

Enhancing Collaboration through a Memorandum of Agreement

This proposed MOA would enhance collaboration by creating a written, mutually agreed-upon framework for how the OIPA and IA interact during case reviews, interviews, and the overall investigative process. Currently, there is no comprehensive, jointly developed protocol that outlines how the offices should work together. The only existing standard operating procedure (SOP) for the OIPA office is from 1995—a skeletal document that is outdated, vague, and siloed from IA's modern procedures. In early 2024, a fundamental joint agreement was established that focused mainly on timelines and general joint processes.

Why It's Important:

- eliminate confusion and procedural inconsistencies between the offices;
- prevent misunderstandings or unnecessary tensions during time-sensitive investigations;
- establish rules of engagement and shared expectations for how each unit operates now and with future leadership, and;
- ensure that changes can be made collaboratively and with transparency through future amendments.

Developing a stronger working relationship between the OIPA and IA will allow each unit to understand the other's actions and the rationale behind them, fostering mutual respect and operational cohesion.



Recommendation # 2

Expand OIPA Timely Access and Participation in Officer-Involved Shooting (OIS) Responses

The OIPA recommends expanding its timely access and involvement during officer-involved shooting (OIS) responses to align with the access provided to Internal Affairs. This alignment will enable the OIPA to conduct audits that are comprehensive, timely, objective, and equitable.

Beginning in 2024, the OIPA resumed a policy to respond to the scene of OIS. The OIPA's access currently consists of a general on-scene briefing by the IA Lieutenant.

The OIPA is not granted access to incident scene, walkthroughs, post-incident briefings at the police department, immediate viewing of body-worn camera footage or other relevant video/audio evidence or police records, or access to immediately view/listen to officer interviews, which typically take place hours after the incident. However, the IA investigator, who responds to the scene, is granted full access. It is not until approximately three months after the incident that OIPA is provided access to the above evidence for review.

This limited access prevents the OIPA from receiving the same information that IA obtains within hours of the incident. While there does not appear to be any California state law that explicitly prohibits access for civilian oversight officials, such access is generally governed by discretionary decisions, local policies, agreements, and interpretations.

Why It's Important:

Without meaningful and timely access at the outset, any OIPA review becomes reactive and delayed, rather than active and collaborative. These changes would align the SJPD's commitment to transparency with best practices in oversight and public accountability. Additionally, it ensures OIPA can conduct meaningful, timely audits and receive the same information as Internal Affairs.



| Recommendation #3

Classify Officer-Involved Shootings, In-Custody Deaths, and Misconduct-Related Lawsuits as Department-Initiated Investigations

The OIPA recommends that officer-involved shootings (OIS), in-custody deaths (ICD), and civil lawsuits alleging officer misconduct be classified as Department-Initiated Investigations (DIIs). This classification ensures these cases follow the same formal Internal Affairs investigation and OIPA audit process established for DIIs..

While SJPD conducts internal investigations into OIS and ICD incidents, these do not trigger OIPA's formal audit process. OIPA may “review” OIS cases, but no clear procedure exists—unlike the defined process for DIIs. Similarly, ICD and civil lawsuits are not automatically reviewed unless tied to a community complaint, leaving oversight inconsistent and incomplete.

Additionally, SJPD may “toll” these investigations while civil litigation is pending delaying any formal audit. While legally permitted, it should remain the exception—not standard practice. Prompt investigations are essential to identifying potential misconduct, uncovering systemic concerns, and informing necessary policy or training reforms, regardless of legal timelines. Serious incidents like these deserve prompt, structured oversight—without waiting for a complaint to be filed.

Classifying OIS, ICD, and misconduct-related lawsuits as DIIs would:

- Ensure that these matters provide a consistent and auditable process,
- Align OIPA’s role with the procedures established under the DII framework,
- Eliminate ambiguity around when and how OIPA reviews these serious incidents.
- Integrate with the community’s expectations under Measure G,
- Unify with the City’s agreement with the SJPOA permitting OIPA audits of DIIs.

Why It’s Important:

Civil lawsuits can reveal potential misconduct early and often reflect concerns similar to those raised in community complaints. Classifying OIS, ICD, and civil lawsuits as Department-Initiated Investigations (DIIs) ensures they follow a formal, transparent, timely, and objective review process. This promotes accountability, safeguards officer due process, reduces City liability, and strengthens public trust.



Recommendation #3

Continued

Building on Oversight Improvements from Recommendations #2 and #3:

Recommendation #2 ensures that OIPA receives timely access to information in the immediate aftermath of an OIS—laying the groundwork for a complete, thorough, and objective review.

Recommendation #3 ensures that a structured audit process applies to these serious events, governed by clear procedures and timelines, rather than informal or complaint-driven mechanisms.

Neither recommendation appears to require changes to the City ordinance and should be recognized as policy choices, not legal mandates. Rather, both would be implemented through internal policy adjustments and administrative agreements.

Together, these changes establish a proactive, consistent, and accountable oversight model that reinforces the City's commitment to transparency, fairness, and continuous improvement in policing.



Recommendation # 4

Update the SJPD Duty Manual to Reflect “Serious Misconduct” Categories under Senate Bill 2

The OIPA recommends that the SJPD update its Duty Manual to reflect the nine specific categories of “**serious misconduct**” identified under Senate Bill 2 (SB 2) passed in 2021 and codified under Penal Code 832.7. Any act of serious misconduct may result in the state decertifying a police officer. These include:

- dishonesty
- abuse of power
- excessive or unreasonable force
- sexual assault
- bias
- acts that violate the law
- participation in a law enforcement gang
- failure to cooperate with an investigation
- failure to intercede

While some categories are specifically addressed in existing policies, others are only implicitly covered (e.g., under “Conduct Unbecoming”), and certain serious issues—such as dishonesty, abuse of power, and sexual assault—lack specific dedicated policy sections that replicate the Penal Code. This creates ambiguity and can result in inconsistent disciplinary outcomes.

Further, the ability to compare internal findings to state-level standards for decertification (via POST) reinforces the SJPD’s role in upholding professional integrity and due process.

Why It’s Important:

Alignment of SJPD’s internal standards with state decertification criteria will reinforce a consistent, legally grounded disciplinary process. This clarity benefits future labor negotiations and ensures that both SJPD and OIPA reflect shared legal and community expectations in their policies.



Recommendation # 5

Reinforce the Consistent Use of Open-Ended Questions in Internal Affairs Interviews

The OIPA recommends that IA investigators regularly use open-ended questions as a standard practice during interviews with officers. The questions – "What happened when you arrived?", rather than, "Did you approach from the east side of the house?", – elicit a more robust, independent, and detailed account.

This approach is particularly important in real-time auditing scenarios, where the OIPA participates in interviews alongside IA and can observe and ask direct questions. When questions are leading or overly scripted, they may undermine the fairness and objectivity of the investigation. Worse, they can produce incomplete narratives that fail to reflect the officer's actual memory or reasoning.

This recommendation complements others (particularly #3) by improving the integrity of the evidence gathering process, ultimately leading to more defensible and transparent findings.

Why It's Important:

Open-ended questions help officers provide full, detailed accounts in their own words, improving investigative quality. Leading or closed questions can shape responses and limit the understanding of what truly occurred.



Recommendation # 6

Clarify Off-Duty and Take-Home Vehicle Use Policies

The OIPA recommends that the Police Department enhance and clarify policies regarding the off-duty use of department vehicles, particularly unmarked or marked take-home cars.

Specifically, the policy should clearly define:

- what enforcement actions are permitted while off duty in a take-home vehicle
- storage and garage security requirements for such vehicles
- documentation and reporting responsibilities following any off-duty incident
- expectations for timely reporting and follow-up after such incidents
- body-worn camera policies, exceptions, or modifications.

Real-time auditing has revealed that off-duty incidents may lack sufficient documentation and can fall into procedural gray areas.

A clearly written, robust, and consolidated policy would reduce ambiguity, promote consistent enforcement, and support officer accountability while operating outside of standard duty hours.

These policy updates should either be clearly cross-referenced with existing Duty Manual sections or consolidated into a single, dedicated policy. In either case, the requirements should be emphasized to all personnel assigned unmarked vehicles to ensure full understanding and compliance.

Why It's Important:

A dedicated, well-defined policy on off-duty vehicle use promotes accountability, reduces confusion, and limits liability for both officers and the department. It ensures consistent documentation and reporting, supports effective audits, and aligns the SJPd with best practices used by other agencies.



Recommendation # 7

Prohibit Disabling Department-Issued Technology

The OIPA recommends prohibiting the unauthorized disabling or tampering of SJPd issued technology and equipment. This is critical to ensure operational integrity, officer accountability, and public trust. Department-issued systems such as GPS tracking, mobile data computers (MDCs), body-worn cameras (BWCs), vehicle telemetry, department cell phones, etc. are essential tools that support officer safety, enable efficient dispatch and supervision, and allow for transparent oversight of field activity.

Without a clear and enforceable policy, disabling critical tracking systems could impede a supervisor's ability to verify an officer's location during an incident, investigate misconduct, or respond effectively to emergencies. In some situations, this may not only jeopardize accountability but also pose risks to officer safety and community response times.

Unauthorized tampering or deactivation of equipment—particularly when done to conceal location or conduct—can reasonably be construed as a form of dishonesty, which is one of the defined categories of **“serious misconduct”** under Senate Bill 2 (SB 2) and could serve as grounds for state decertification.

Why It's Important:

Adopting a clear and enforceable policy addressing this conduct will close a critical accountability gap, align internal policies with SB 2, and provide a consistent standard for conduct, supervision, and accountability. It also complements broader efforts to modernize and clarify the Department's approach to dishonesty and digital accountability, as outlined in Recommendation #4.



Recommendation # 8

Require Possession and Use of Department-Issued Cell Phones While On-Duty

The OIPA recommends that officers be required to carry and use SJPd issued cell phones while on duty, as this enhances transparency, reinforces accountability, and ensures that department-related communications are properly retained, monitored, and accessible for internal oversight and legal compliance. Currently, there is no policy mandating officers to carry or use their department-issued cell phones during work hours.

A formal policy requiring the use of department-issued cell phones for all work-related tasks ensures that official business is conducted exclusively through secure, department-managed devices, where there is no expectation of privacy. The policy should also clarify that department phones are intended solely for business purposes—with allowance for de minimis personal use—and must be made available upon request during internal investigations or legal reviews.

Why It's Important:

This recommendation protects both the Department and its personnel by setting expectations up front, ensuring compliance with state public records laws, and discourages off-the-record communication. It also complements Recommendation #7 by reinforcing digital accountability across all platforms officers use while on duty.



Recommendation # 9

Define “Minor Transgression” to Guide Use of Supervisory Referrals

The OIPA recommends that the department clearly define the term “minor transgression”, as referenced in Policy Section C1707.5, for consistent and equitable application of Supervisory Referrals.

Under current policy a Supervisory Referral is a community complaint involving a minor transgression that may be best handled informally by the officer’s supervisor and chain of command, provided the violation is unlikely to result in formal discipline.

However, the term “minor transgression” remains undefined, leading to inconsistent handling of various types of conduct deemed minor—such as discourtesy or minor policy violations. This leads to the question of what a minor policy violation is. In some cases, these incidents result in informal counseling; in others, they are classified as formal complaints with sustained findings and disciplinary action.

Additionally, this lack of clarity requires IA to speculate on whether informal or formal disciplinary action may be imposed by the officer’s supervisors, introducing subjectivity into IA’s decision—despite IA not being responsible for determining discipline. (Spotlight cases 1 & 2)

Why It’s Important:

A clear definition would support better alignment between IA and the OIPA in determining whether an allegation qualifies as a Supervisory Referral. It would also help ensure fairer outcomes, promote equity, encourage appropriate use of counseling, support officer accountability, and reinforce consistent application of progressive discipline.



Recommendation # 10

Provide Written Materials Following Execution of Search Warrants or Property Damage Incidents

The OIPA recommends that officers provide written materials to residents when executing a search warrant or after property damage to inform residents of pertinent information..

In alignment with public transparency goals, these materials should include:

- contact information for follow-up
- instructions on how to retrieve seized property
- how to file a reimbursement claim
- a summary of general process after a warrant is served

Currently, individuals are directed to visit the City's website, wait for follow-up instructions, or contact a detective—resulting in confusion, delays, and frustration.

Why It's Important:

High-impact police actions, such as search warrants or incidents involving property damage, can leave residents uncertain about what steps to take next. Providing clear, written information at the time of the event helps individuals understand their options, access their property, and seek reimbursement if appropriate. This simple but meaningful gesture promotes transparency, builds trust, and demonstrates respect for the community in the aftermath of a disruptive event.



Recommendation # 11

Affirm Continued Use of Real-Time Auditing as an OIPA Best Practice

The OIPA recommends that SJPD formally affirm its support for the continued use of OIPA's use of **real-time auditing** as an effective and collaborative, model for civilian oversight

This process includes:

- Joint interviews and direct questioning of sworn officers*
- Live review of ongoing investigations
- Collaborative ongoing discussions about allegations
- Streamlined resolution of straightforward cases
- Access and review of all Internal Affairs investigative reports involving sworn officers—including both community member complaints and Department-Initiated Investigations (pursuant to Measure G) along with a temporary agreement with the SJPOA*

While aspects of this access are mandated under Measure G, other portions are currently governed by side letters in the SJPD-POA contract—set to expire at the end of June 2025* – This recommendation seeks a statement of support for a model that has proven to improve the quality and integrity of investigations and build trust between IA and the OIPA

Why It's Important:

By acknowledging that **real-time auditing** is working, the SJPD signals to the community, the City Council, and internal stakeholders that collaboration through community partnerships ensuring equity for all is not only possible, it's preferable.



Recommendation # 12

Expand OIPA Authority to Review All Use-of-Force Incidents

The OIPA recommends expanding the Independent Police Auditor's scope—under the authority granted by Measure G (2021) as other duties consistent with the Charter—to include review of **all** SJPd use-of-force incidents, **not just those involving death or great bodily injury**.

Currently, OIPA's access to lower-level use-of-force incidents is limited to statistical summaries. This restriction prevents review of critical evidence—such as police reports, use-of-force reports, and body-worn camera footage—which is accessible for higher-level incidents under Measure G.

Expanding this access would allow the OIPA to:

- assess the reasonableness and necessity of force in all incidents
- identify department-wide and officer-specific patterns, behaviors, or systemic issues (This may support the Early Intervention System launched by SJPd in early 2024, which is not currently accessible to OIPA.)
- review escalation and de-escalation of force
- provide data-driven recommendations for training, policy, and accountability
- promote greater public transparency and trust

Why It's Important:

Independent review of all levels of force—especially lower-level force, which occurs far more often—ensures consistent oversight and early detection of problematic patterns. This broader scope would strengthen accountability, improve officer support systems, reinforce constitutional policing standards, and build public confidence in law enforcement.

Note: Further legal discussion may be needed.

www.sanjoseca.gov/ipa



What Is An Audit?

The OIPA is authorized to review both community-initiated complaints and department-initiated investigations. This is called an **audit - an independent, “real-time” review** of any misconduct investigation involving police officers conducted by SJPD’s Internal Affairs. The OIPA monitors the investigation as it unfolds to ensure it is complete, thorough, objective, and fair.

OIPA achieves this by:

- reviewing all Body-Worn Camera videos
- examining all reports and event details
- requesting additional allegations be considered
- requesting that officers be added to the investigation and interviewed
- *conducting “co-interviews” and asking direct questions to the officer*
- agreeing or disagreeing with SJPD’s findings
- appealing findings to the Chief or City Manager
- recommend changes base on audits results

Currently two actions trigger an audit:

1. A community-initiated complaint, authorized by ordinance, and
2. Department-initiated investigations, authorized by Measure G, and agreed upon through a side-letter with SJPD/SJPOA.*

*(*Side letter agreements between the City and SJPD-POA, expiring June 30, 2025)*

When there is no community or department-initiated complaint, the OIPA may conduct a 'review' but currently lacks an established, formal process to conduct an audit of the following: *(To remedy this, see recommendation #3)*

- Officer Involved shootings (OIS)
- In-custody deaths (ICD)
- Civil lawsuits



Real-Time Auditing

Oversight, Evolved: Real-Time Auditing Explained

Traditionally, oversight meant looking back. In this model, we're stepping into the room as investigations unfold. Real-time auditing is the process of actively monitoring and reviewing law enforcement activities, investigative procedures, or critical incidents as they occur or within a short window thereafter, rather than waiting for the conclusion of an internal review or final report. This approach enables timely identification of procedural deficiencies, policy concerns, or accountability issues.

Real-time auditing may include direct observation, access to live or early-stage records (e.g., body-worn camera footage, CAD data, initial police reports), and immediate analysis to inform oversight decisions or recommendations.

Real-Time Auditing *How It Works*



IDENTIFICATION

Triggered by community member complaint or department initiated investigation



MONITORING & REVIEW

Promptly reviews evidence, suggests allegations; participates in interviews



ANALYSIS

Reviews IA investigations & conducts independent analysis



RESPONSE

IPA findings reported to IA and/or Chief

A process for oversight of law enforcement activities as they occur or shortly thereafter, rather than retrospectively

Why Real-Time Auditing Matters

- **Ensures integrity** of internal investigations before narratives become fixed or evidence is lost.
- **Enables timely input**, policy discussions, or public communication.
- **Strengthens community trust**, showing that oversight is present and active in real time, not passive.

INDEPENDENT
POLICE
AUDITOR



Real-Time Auditing

Complaint Life Cycle



COMPLAINT LIFE CYCLE



AI generated infographic

Complaint or DII

Anyone can file a complaint about police misconduct—citizens, non-citizens, tourists, police officers, or the police department itself through a Department-Initiated Investigation (DII).

There are no age limits, and complaints can be submitted online, by phone, in person, anonymously, or on behalf of someone else.

Complaints may be filed with either the Office of the Independent Police Auditor (OIPA) or the San José Police Department’s Internal Affairs (IA) Division.

IA Reviews and Classifies

- IA conducts an initial review by identifying involved officers, gathering reports, and reviewing body-worn camera footage.
- IA classifies the complaint and decides if it will be handled at the officer level or sergeant level.
- Officer-level cases (“informal”) do not involve officer interviews; decisions are based on BWC and reports.
- Sergeant-level cases (“formal”) include officer interviews, with decisions based on BWC and interview findings.
- IA also determines whether to investigate the complaint or classify it as a non-misconduct issue. The IPA reviews and monitors all classifications.



Real-Time Auditing

Officer Level Investigation

In an officer level case, the investigating officer will:

- review all body worn footage and other digital evidence
- collect all associated reports
- determine the appropriate allegation(s)
- document the investigation in a written report

IA will notify the OIPA when the IA investigation is complete and allow time for the OIPA to review it.

Once IA completes the case, the OIPA audits officer level cases by:

- reviewing the complaint and all allegations
- reviewing all body-worn camera videos
- reading all related police reports
- reading the IA investigating report
- evaluating whether the investigation was thorough, complete, fair, and unbiased
- presenting the case to the IPA at an OIPA audit meeting

Conclusion or Further Review:

- If the OIPA believes more information is needed, it can request the case be reclassified to a sergeant-level formal investigation, so the officer(s) can be interviewed.
- If the OIPA agrees with IA's findings and has no concerns, the case can be closed with no further action.

COMPLAINT LIFE CYCLE



AI generated infographic



Real-Time Auditing

Sergeant Level Investigation

At this stage, the investigation is usually assigned to a supervisor (Sergeant) in IA, but it may be assigned to the officer's supervisor in their assigned Bureau, such as Field Operations, Investigations, Administration, or Technical Services. Most complaints involve officers from the Bureau of Field Operations (BFO). *For simplicity, 'IA' will refer to either Internal Affairs or the Bureau conducting the investigation.* The initial review will include:

- collection of BWC footage and evidence;
- collection of all associated reports;
- determination of the appropriate allegation(s);

After the initial review, the OIPA has 14 days to:

- review all allegations
- review all body-worn camera videos, police reports, and any other relevant evidence.
- identify appropriate allegations.

If the OIPA identifies other potential violations, additional allegations can be requested and additional officers be included. However, IA has full discretion on whether to add any requested allegations modifications to the case.

Interviews

When the case is classified at a Sergeant level, interviews are scheduled and conducted with the accused officers and any witness officers if needed.

During the interview the OIPA representative can ask direct questions to the officer.

COMPLAINT LIFE CYCLE



AI generated infographic



Real-Time Auditing

Internal Affairs Report

Sergeant Level Investigations

When IA has concluded their investigation, a report is written.

- If the report concludes that by a preponderance, no misconduct has occurred, the case is sent to the OIPA for an official audit.
- If the report concludes that misconduct likely occurred, the case is forwarded to the officer's supervisor in their assigned Bureau for review, recommendations, or disciplinary action.

OIPA Audit

OIPA Analysts conduct case audits by:

- attending and reviewing all interviews conducted
- examining all police reports and any other documentary evidence
- analyzing all body-worn camera videos
- researching and investigating each allegation of misconduct
- evaluating the IA investigation as to whether the it was thorough, complete, fair, and unbiased
- presenting their conclusions to the IPA for a decision
- if the IPA has concerns about the case, it may request that IA conduct additional review

COMPLAINT LIFE CYCLE



AI generated infographic

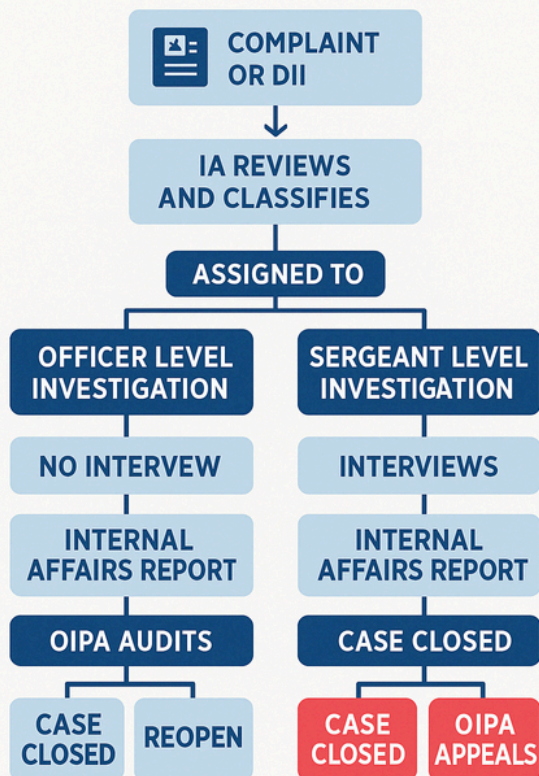


Real-Time Auditing

Complaint Life Cycle

Sergeant Level Investigations

COMPLAINT LIFE CYCLE



AI generated infographic

OIPA Audit cont'd

- If the IPA determines that all options have been exhausted and the case should be closed, it may be concluded with one of the following findings: *Agree*, *Agree after Further Review*, or *Close with Concerns*.
- If the IPA disagrees with the findings and believes misconduct occurred, the IPA can appeal.

IPA Appeal Process

Appeal the decision to the Office of the Chief of Police.

After review, discussion, and/or presentation of written memorandums, if the IPA and the SJPd are unable to reach an agreement, the IPA may then:

- Escalate the appeal to the City Manager, who serves as the final decision-maker, or
- Close the case with a “Disagree” designation, indicating the IPA's continued disagreement with the Department’s findings without an appeal to the City Manager.



Spotlight Cases

Oversight in Action: Real Cases, Real Impact

Behind every statistic is a story. This section highlights notable cases the OIPA audited in 2024. Each case summary is based on a real case that was investigated by IA and audited in real time by the OIPA. They highlight moments where OIPA intervention made a difference, ensuring fairness, flagging concerns, and helping restore community confidence. Oversight isn't theoretical - it's practical, it's essential, and it works.

Case Summary #1

During foot patrol, two officers towed several vehicles for vehicle code violations. A community member approached them and protested the towing of the vehicles. The community member filed a complaint specifically alleging these four violations, (two on each officer): (1) that officers towed vehicles from private property and (2) failed to activate their body-worn cameras (BWC). **IA investigated the complaint at the Officer level and Exonerated the officers on all of the allegations.**

However, during the OIPA audit of the BWC and its related transcript, **it revealed one officer used inappropriate and unprofessional language.** Though this issue was transcribed and could easily be viewed from the body-worn camera, **IA had not flagged it as misconduct. The OIPA recommended an additional allegation on one officer for discourtesy under Duty Manual C1308. The case was reopened, and IA ultimately issued a Supervisory Referral for that allegation, acknowledging the need for corrective guidance.**

Key takeaway: This case highlights the importance of independent oversight. Without the OIPA's review, the discourtesy would have gone unaddressed. Because of the OIPA's intervention, the department took appropriate accountability and corrective action.



Spotlight Cases

Case Summary #2

IA received an anonymous email from a current San José Police officer, reporting a potentially inappropriate comment made during a department training session. The scenario involved a Black male adult role player wearing a hoodie and carrying a knife. **During the discussion about reasons he was carrying a knife, one officer allegedly joked, “He could have been going to cut some watermelon.”** According to the complaint, the comment made several attendees uncomfortable.

IA interviewed or obtained statements from all 12 officers present. The allegation was reviewed under Department Duty Manual, C1311 (Workplace Harassment/Discrimination). **IA initially issued a Not Sustained finding, citing insufficient evidence of a policy violation.**

Following an in-depth review by the OIPA, it was determined the officer’s comment was inappropriate based on the facts gathered and relevant legal standards. **At the OIPA’s request, the case was reopened. After further analysis, the original Not Sustained finding was withdrawn and replaced with a Supervisory Referral, acknowledging the need for corrective guidance.** The OIPA concurred with this updated outcome and closed the case.

Key Takeaway: This case demonstrates the vital role of independent oversight. Through OIPA review, a potentially hurtful incident that would have otherwise gone unaddressed, resulted in appropriate accountability and action.



Spotlight Cases

Case Summary #3

Responding to a domestic violence call, officers arrested a suspect. The arrestee filed a complaint in which he alleged that during the arrest he was assaulted and that officers said he was being stopped because he is African American. IA investigated and an allegation for bias-based policing based on race which was determined to be Unfounded. An allegation for Courtesy was Sustained. Allegations for Force were Exonerated.

The OIPA audited the case and the IA investigation noted that during the arrest, **an officer said, "We decided to stop a Black man for no reason."** Later, when the officer was asked if he was being sarcastic when he made that statement, he said he was not.

Reportable force was used when the Complainant was being arrested. In his interview, the officer said that force was used because the Complainant was attempting to flee. However, the OIPA found that the body-worn camera footage did not support this assertion.

An additional interview of the officer was conducted by command staff. However, OIPA was not invited to this interview and could not ask relevant questions. As a result, the investigation was not complete, thorough, objective, or fair, and OIPA closed the case as **Close as Disagree.**

Key Takeaways: This case highlights the critical role of the OIPA in auditing investigations conducted not only by Internal Affairs, but also by command staff further up the chain of review. It also emphasizes the importance of the OIPA's active participation in the interview process at every stage of the investigation.



Spotlight Cases

Case Summary #4

Two officers stopped a parked vehicle for window tint and no front license plate. The vehicle occupant was sitting in his car on a work zoom call at the time. The occupant exited the vehicle after mishearing the officer's command to stay in the car. Multiple officers then handcuffed the occupant. The occupant was searched and issued a ticket for his vehicle code violations. The occupant later filed a complaint citing multiple misconduct allegations, including unlawful search and unprofessional comments.

IA investigated the complaint and agreed policy violations likely occurred. OIPA concurred. The case was forwarded to the Bureau of Field Operations (BFO), which recommended Exoneration after a follow-up interview—one that OIPA was neither notified of nor allowed to observe.

Upon auditing, OIPA appealed to the Chief of Police. While IA's investigation was sound, concerns arose with BFO's review. Both IA and OIPA agreed there was no lawful basis for the detention or search. Justifications like "expired registration" and a "hunch" were unsupported by policy.

During interviews, an officer admitted asking if the driver was "on America's Most Wanted" or had "dead babies in the back"—comments BFO dismissed as "communication tactics." OIPA disagreed.

Following OIPA's appeal, the Chief changed three findings from Exonerated to Sustained and acknowledged OIPA should have been present for the follow-up interview.

Key Takeaways: This case highlights the critical role of the OIPA in auditing investigations conducted not only by Internal Affairs, but also by command staff further up the chain of review. It also emphasizes the importance of the OIPA's active participation in the interview process at every stage of the investigation.



Spotlight Cases

Case Summary #5

Officers initiated a vehicle stop on a vehicle with no front license plate. The vehicle continued to drive for approximately a quarter mile and then turned into a parking lot and stopped. Officers then approached the vehicle and the driver informed the officers that he had a concealed carry permit and had his firearm on him. He was removed from the vehicle, disarmed and detained in handcuffs. The driver was cited for no front license plate and window tint. The driver filed a complaint for being stopped, for being removed from the vehicle and handcuffed, and for the manner in which one of the officer's handled the Complainant's firearm. The complaint was investigated at the **Officer level**. All three allegations (arrest and detention, handcuffing, handling of weapons) were found to be within policy.

The OIPA audited the investigation and agreed with some of the findings . However, the OIPA believed more information was needed for the handling of weapons. The OIPA audit also noted that one officer failed to activate his body worn camera at the start of the incident. **The OIPA requested that IA reopen the case to reconsider the allegation for handling of weapons and consider adding an additional allegation based on the failure to activate body-worn camera. IA agreed** to the OIPA's request and reopened the case.

After a second investigation which included interviews for both officers, allegations for mishandling of weapons and when to activate body work camera were both Sustained. The OIPA agreed to Close as Agree After Further.

Key Takeaways: This case illustrates that OIPA audits are instrumental in ensuring that IA investigations at every level are fair, thorough, accurate, and unbiased. When more information is needed or additional allegations should be considered, the OIPA provides a safeguard to ensuring that each complaint and allegation is considered. This case also highlights how IA and the OIPA work collaboratively to get this important work accomplished.



Spotlight Cases

Case Summary #6

Two officers responded to a domestic violence call. When officers arrived, both parties alleged the other was the aggressor. Officers arrested the wife for felony domestic violence. The woman's brother filed a complaint that the officers had arrested the wrong person. The Complainant stated that he was a witness through a video call and that the husband had been the aggressor. (The District Attorney rejected the case.)

The complaint was investigated by IA, with one officer being investigated for arrest and detention. The officer's actions were found to be within policy.

The OIPA audited the investigation and requested that the case be reopened for further investigation. The OIPA asserted that it was very difficult to assess even the arrest and detention allegation because the case was not fully investigated at the **Officer level**. The Complainant's sister was facing a felony charge and the officers declined to interview a witness. **The OIPA requested an allegation be added for the investigation. IA agreed to the OIPA's request and reopened the case, adding two more subject officers and five additional allegations.**

In the final result of a sergeant-level investigation, four allegations of misconduct were Sustained against three officers.

Key Takeaways: The OIPA is instrumental in ensuring thorough investigations. If the OIPA had not pushed for this case to be reopened, the officers would not have been held accountable or received training.



Audit Findings

2024 was a year of transition for the OIPA. Following the departure of the Independent Police Auditor and Assistant Police Auditor in 2023, a new Police Auditor was appointed in 2024, and a new Assistant Auditor in 2025. Despite these changes and staffing shortages, the OIPA continued to deliver strong results.



The OIPA conducted **165** subject officer interviews with the SJPD Internal Affairs Division.



The office completed **282** fair, thorough, and objective case audits on police misconduct cases.



OIPA investigated and closed **944** allegations of police officer misconduct.



298 Unique SJPD officers were investigated in 2024



In 2024, **414** complaints were filed against SJPD, including **373** from community members. OIPA audited or reviewed **355** cases completed by IA.



Case Dispositions

During an audit the complaint can go through several stages of review. Usually the first stage occurs when the Internal Affairs (“IA”) investigator receives the police reports, dispatch records and body-worn camera information. The IA investigator will make a determination on the appropriate finding and send that case over to the OIPA to review. If after that review, the IPA agrees with the findings then the case is closed.

However, in some cases, the OIPA does not agree with the initial internal affairs finding. In those cases the OIPA can request additional investigative work be conducted or OIPA can request the findings to an appropriate outcome.

The OIPA can also request additional police officers be interviewed, and request additional allegations be investigated. If the OIPA and the Police Department agrees after further discussions or investigative work then the case will be closed as “Closed as Agree After Further”

In cases where the OIPA and the San José police department cannot agree on the outcome of a case finding. Then the case can be closed as “Disagree”. This occurred 3 times in 2024.

| Audit Determinations | Audits | % |
|------------------------------------|--------|-----|
| Agreed at First Review | 256 | 91% |
| Agreed After Further Investigation | 23 | 8% |
| Disagreed | 3 | 1% |
| Total Audits Completed 2024 | 282 | |

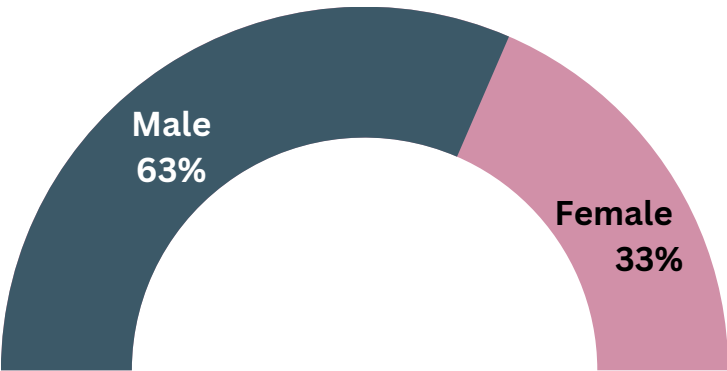
| Subject Officers Interviewed | Subject Officer Invitations |
|------------------------------|-----------------------------|
| 165 | 171 |

In 2024, the OIPA kept track of how many subject officer interviews the office attended. For 2024 OIPA was invited to 171 interviews. The OIPA attended 165 interviews and participated by asking questions in many of them.

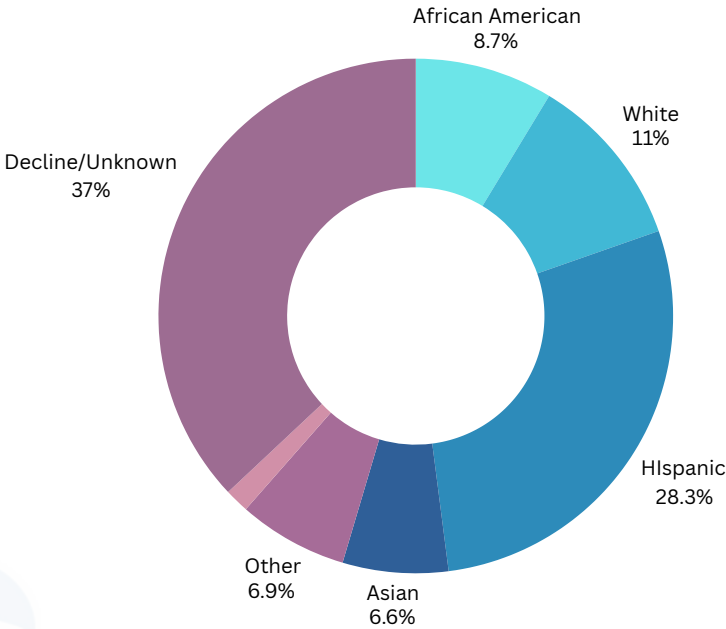


Demographic Data

Complainants By Gender



Complainants By Race



Complainants By Age

| Age | Complainants |
|------------------|--------------|
| Under 18 | 5 |
| 18-20 | 7 |
| 21-29 | 35 |
| 30-39 | 75 |
| 40-49 | 77 |
| 50-59 | 45 |
| 60-69 | 23 |
| 70-and over | 9 |
| Declined/Unknown | 65 |

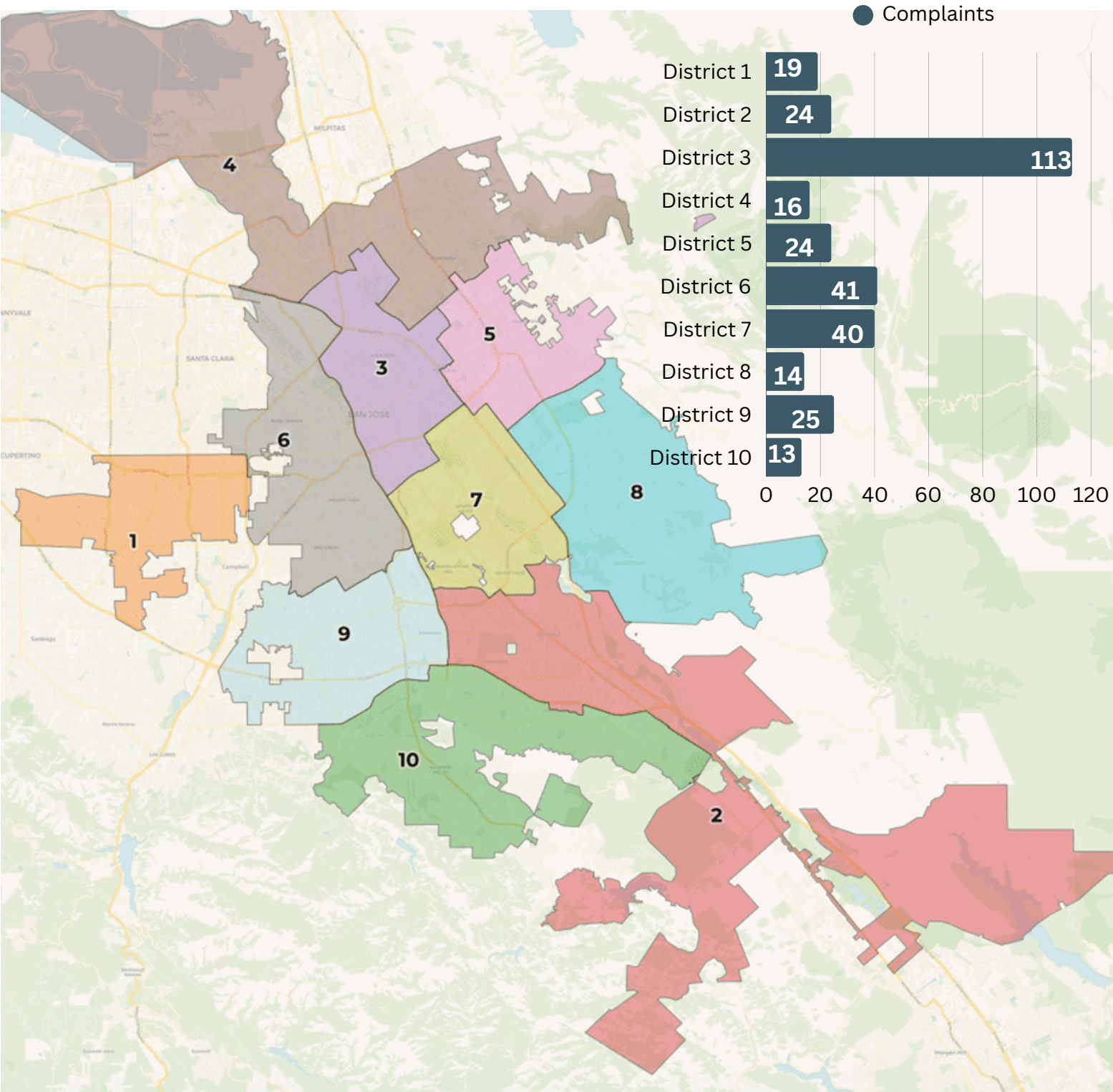
Complaints Source



The above graph shows how many community members filed their complaint with Internal Affairs over the Office of the Independent Police Auditor.

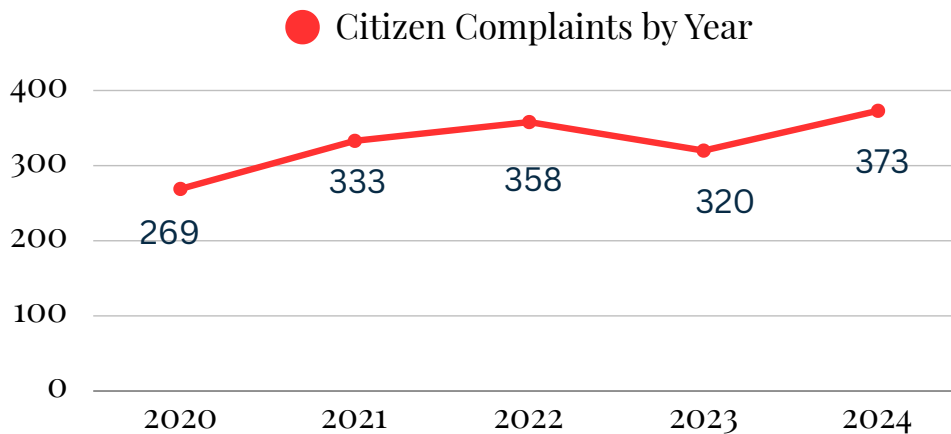


Complaints by District





Complaints Filed by Community Members



In 2024, community complaints against San José police officers increased by 16.5% compared to 2023.

Types of Misconduct

At the end of 2024, SJPD had 1,043 filled police officer positions. Of these, 45 were recruits, leaving 998 officers available for full duty.

The 373 community complaints resulted in 666 separate allegations involving 298 officers—meaning **29% of officers had at least one complaint filed by a community member.**

The most common allegation types were procedural violations (33%), Fourth Amendment violations (27%), discourtesy (16%), and biased based policing (15%).

*4th Amendment violations include: Arrest or Detention, Search or Seizure.

| Allegations Received | No. of Allegations |
|----------------------------|--------------------|
| Procedure | 218 |
| Courtesy | 108 |
| Arrest or Detention | 105 |
| Bias Based Policing | 99 |
| Search or Seizure | 72 |
| Force | 54 |
| Conduct Unbecoming | 7 |
| Workplace Discrimination | 3 |
| Neglect of Duty | 0 |
| Total Allegations Received | 666 |



Complaint Trends by Officer

The table below shows the number of complaints individual San José Police officers received. 207 members received 1 complaint. 55 officers received 2 complaints. 23 members received 3 complaints. **In 2024, 13 officers received 4 or more complaints and 2 of those officers received 6 or more complaints.**

| Number of Officers | Number of Complaints Received |
|--------------------|-------------------------------|
| 207 | 1 Complaint |
| 55 | 2 Complaints |
| 23 | 3 Complaints |
| 7 | 4 Complaints |
| 4 | 5 Complaints |
| 1 | 6 Complaints |
| 1 | 7 Complaints |
| Total: 298 | |

The chart below is a tally of the total number of complaints that were alleged against police officers.

| Complaint Classification | No. of Total Complaints In 2024 | Definitions |
|--------------------------------|---------------------------------|---|
| Community Complaints | 263 | A complaint of misconduct filed by a Community Member |
| Department Initiated Complaint | 41 | A complaint of misconduct filed by the SJPD |
| Policy Complaints | 4 | A complaint about a policy that was followed correctly, but believed to be unfair or inappropriate. |
| Non Misconduct Concerns | 34 | A complaint about concerns that do not rise to the level of a policy violation |
| Decline to Investigate | 35 | A complaint that includes facts clearly impossible or factually unreasonable |
| Other | 37 | Complaints involving officers from another agency, not SJPD officers |
| Total | 414 Complaints | |



Complaint Trends by Officer

The table below shows the experience levels of officers who received misconduct complaints in 2024, notably:

- **Most complaints were filed against officers in their first 4 years of service.**
- **Officers with 16 or more years accounted for those receiving five or more complaints in 2024.**

| Officer Years of Experience | 0-1 | 2-4 | 5-6 | 7-10 | 11-15 | 16+ | Total Number of Officers Receiving Complaints |
|---|-----|-----|-----|------|-------|-----|---|
| Number of Complaints | | | | | | | |
| 1 Complaint | 24 | 55 | 41 | 44 | 11 | 32 | 207 |
| 2 Complaints | 1 | 12 | 4 | 17 | 9 | 12 | 55 |
| 3 Complaints | 0 | 2 | 5 | 6 | 3 | 7 | 23 |
| 4 Complaints | 0 | 0 | 0 | 0 | 3 | 4 | 7 |
| 5 Complaints | 0 | 0 | 0 | 1 | 1 | 2 | 4 |
| 6 Complaints | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| 7 Complaints | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Total Number of Officers Receiving Complaints | 25 | 69 | 50 | 68 | 27 | 59 | 298 |

| Years Experience | Subject Officers | SJPD Sworn Officers | Percentage of the Department |
|------------------|------------------|---------------------|------------------------------|
| Academy* | 0* | 45* | 0% |
| 0-1 | 25 | 63 | 40% |
| 2-4 | 69 | 170 | 41% |
| 5-6 | 50 | 178 | 28% |
| 7-10 | 68 | 188 | 36% |
| 11-15 | 27 | 88 | 31% |
| 16 + | 59 | 309 | 19% |
| Total | 298 | 998 | 30% |

The table to the left shows the number of officers who were the main subjects of misconduct investigations in 2024, along with their years of experience.

- **Officers with 0-4 years of experience had the highest number of complaints in 2024.**

*Academy recruits were not included in the total

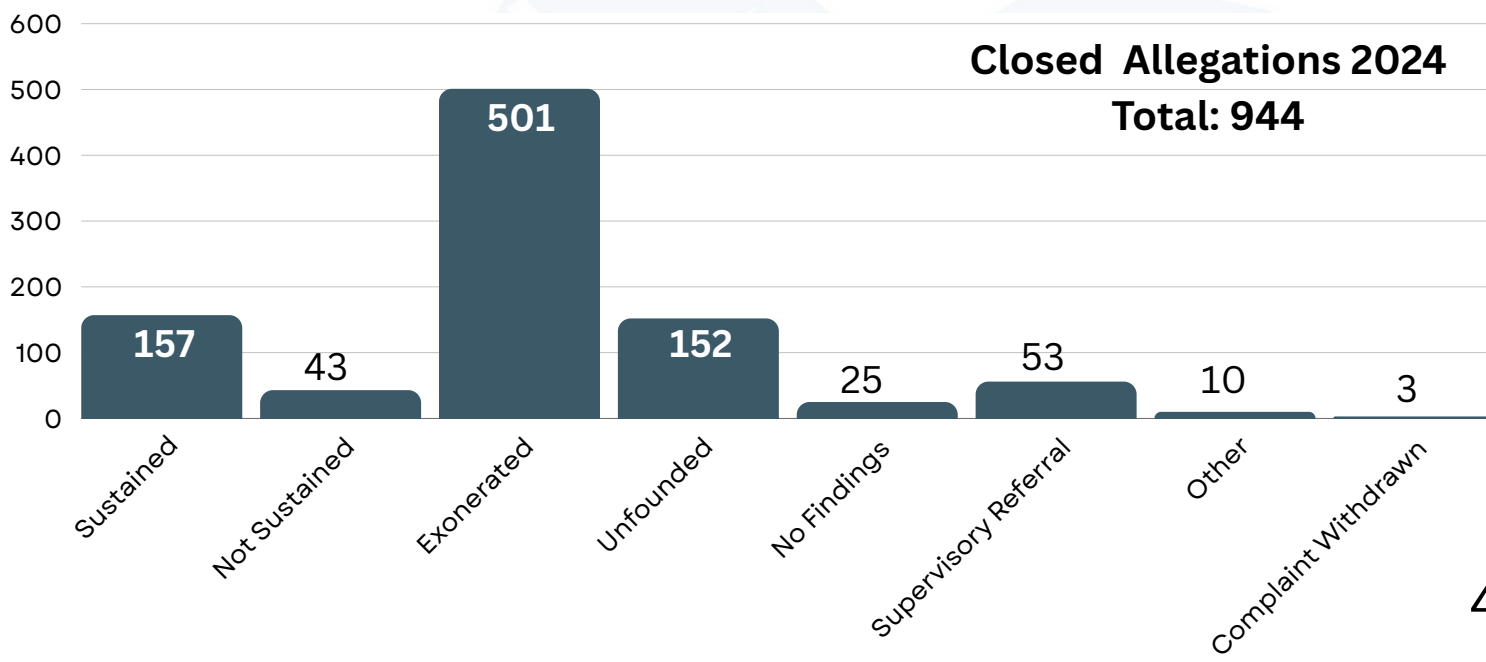
www.sanjoseca.gov/ipa



Investigative Outcomes

When a community member files a complaint against a police officer, IA investigates and comes to one of six findings for each allegation identified from the complaint.

| | |
|-----------------------------|---|
| Exonerated | The investigation proved by a preponderance of the evidence the act DID OCCUR, BUT the conduct was justified . Officers can still get required training under this finding. |
| Unfounded | The investigation proved by a preponderance of evidence the act DID NOT occur. |
| Sustained | The investigation proved by a preponderance of the evidence the act DID OCCUR and there was no justification. This finding results in disciplinary action. |
| Not Sustained | The investigation failed to prove, by a preponderance of the evidence the alleged act occurred. |
| No Finding | The complainant failed to disclose promised information needed to further the investigation, or the complainant is no longer available for clarification of material issues. |
| Supervisory Referral | The complaint involves a minor transgression that is best handled by brining the matter to the officer's supervising captain. |
| Complaint Withdrawn | This occurs when the complainant indicates the desire to withdraw their complaint. |





Community & Department Complaints

A sustained finding means the investigation showed, by a preponderance of evidence (proof), that misconduct occurred. All investigations are conducted by IA and audited by the OIPA.

Department Complaints

The SJPD may initiate misconduct complaints against its own officers, referred to as Department Initiated Investigations (DII). **In 2024, 26 out of 39 DII cases were sustained, reflecting a 67% sustained rate.**

| Year | Department Initiated Complaints Sustained | Department Initiated Complaints Closed | Sustained Rate (%) |
|------|---|--|--------------------|
| 2021 | 11 | 14 | 73% |
| 2022 | 25 | 32 | 78% |
| 2023 | 25 | 32 | 78% |
| 2024 | 26 | 39 | 67% |

Community Complaints

Any community member may file a misconduct complaint. **In 2024, 34 out of 250 cases were sustained, resulting in a 14% sustained rate.**

| Year | Conduct Complaint Sustained | Conduct Complaint Closed | Sustained Rate (%) |
|------|-----------------------------|--------------------------|--------------------|
| 2020 | 25 | 200 | 13% |
| 2021 | 31 | 262 | 12% |
| 2022 | 36 | 203 | 18% |
| 2023 | 74 | 306 | 24% |
| 2024 | 34 | 250 | 14% |



Sustained Findings & Allegations

The table below summarizes the total findings from both community and department complaints in 2024. **The OIPA closed 944 allegations of police officer misconduct.**

| Findings | Total | Percentage |
|---|------------|-------------|
| Sustained | 157 | 17% |
| Not Sustained | 43 | 5% |
| Exonerated | 501 | 53% |
| Unfounded | 152 | 16% |
| No Findings | 25 | 3% |
| Complaint Withdrawn | 3 | 0% |
| Supervisory Referral | 53 | 6% |
| Other | 10 | 1% |
| Total Allegations Closed in 2024 | 944 | 100% |

Findings

69% of allegations found no misconduct, showing most officers acted within policy. **However, 17% sustained cases show misconduct is identified and addressed.** These patterns can guide better training, policy, and public trust in oversight.

5% of the cases resulted in a not-sustained finding because there was insufficient evidence to determine whether misconduct occurred.

Sustained Allegations Based on Experience

Officers with **2 to 4 years** of experience accounted for the highest percentage of sustained allegations at **55%**. **This group also received the highest number of complaints overall.** (p44)

| Years of Experience | Total Sustained Allegations | Percentage of Sustained Allegations |
|---------------------|-----------------------------|-------------------------------------|
| 0-1 | 10 | 6% |
| 2-4 | 86 | 55% |
| 5-6 | 25 | 16% |
| 7-10 | 19 | 12% |
| 11-15 | 3 | 2% |
| 16+ | 14 | 9% |
| | 157 | 100% |



Discipline

Once a sustained finding is made, the officer's supervisors recommend corrective action and/or discipline to the Chief of Police, who makes the final decision. The table below details the actions imposed by SJPd in 2024. **Corrective action was imposed 45 times. Discipline was imposed 57 times, with the most severe penalties—ranging from suspension to termination—imposed 20 times.** In total, 102 accountability actions were taken, resulting from Internal Affairs investigations and OIPA oversight. These actions involved 89 officers, with some officers receiving multiple disciplinary measures.

| CORRECTIVE ACTION | # OF TIMES |
|---|------------|
| Training | 35 |
| Training and / or Counseling | 10 |
| All Training / Counseling | 45 |
| DISCIPLINE | |
| Documented Oral Counseling (DOC) | 26 |
| DOC & Training | 4 |
| Letter of Reprimand (LOR) | 7 |
| All Documented Counseling and/or Letter of Reprimand | 37 |
| 20 - Hour Suspension | 1 |
| 60 - Hour Suspension | 1 |
| Cease Secondary Employment Activities | 1 |
| All Suspensions | 3 |
| Resigned Before Discipline | 1 |
| Resigned Before Investigation Concluded | 4 |
| Retirement Before DRP | 1 |
| Salary Step Reduction | 7 |
| Termination Before Discipline | 1 |
| Termination | 3 |
| Disciplinary Action | 57 |
| TOTAL CORRECTIVE ACTION OR DISCIPLINE IMPOSED | 102 |



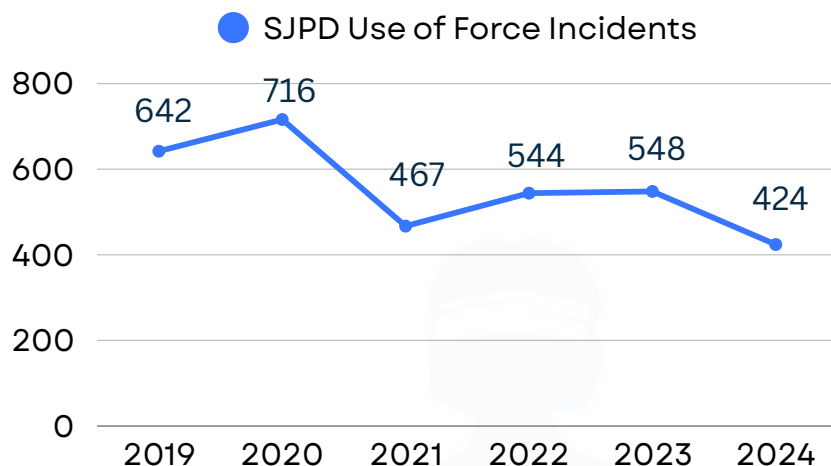
Use of Force

Force Scrutinized: From Data to Accountability

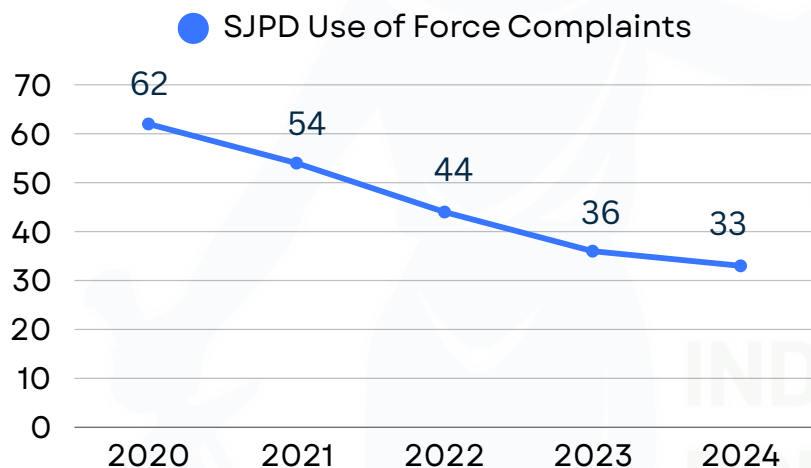
Use of force remains one of the most sensitive areas of policing. A thorough use of force review is crucial for ensuring accountability, improving police practices, and building community trust by objectively examining incidents to identify areas for improvement and address potential misconduct, ultimately promoting safer and more effective policing. First we will examine Great Bodily Injury cases followed by Officer Involved Shooting cases.

The SJPD duty manual states that officers can use objectively reasonable force to lawfully arrest or detain an individual.

The graph below shows the number of incidents from SJPD's dashboard at: <https://www.sjpd.org/records/crime-stats-maps/force-analysis-data>.



The graph to the left shows that the total number of **use of force incidents for 2024 decreased by 22.63%** percent from 2023.

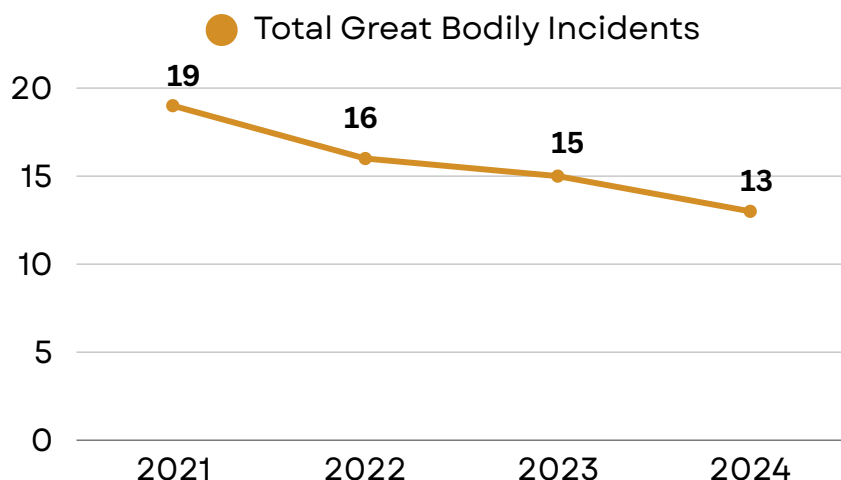


The graph on the left shows the number of use of force cases initiated in 2024. **It seems to track a slight downward trend in the number of complaints relative to the total number of use of force incidents from 2023.**

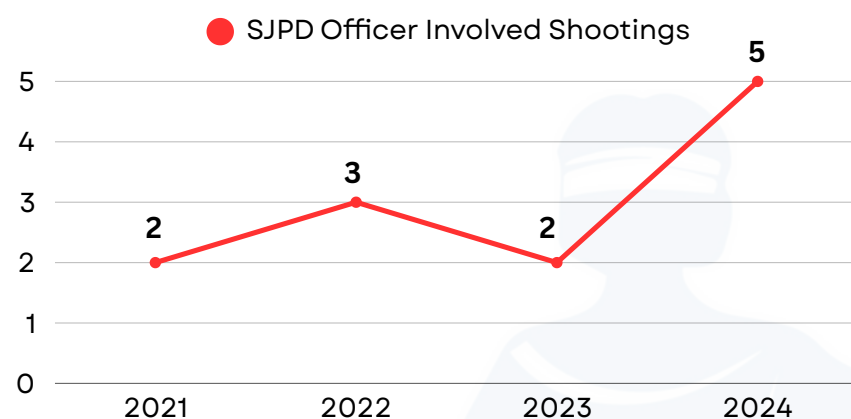


Great Bodily Injury

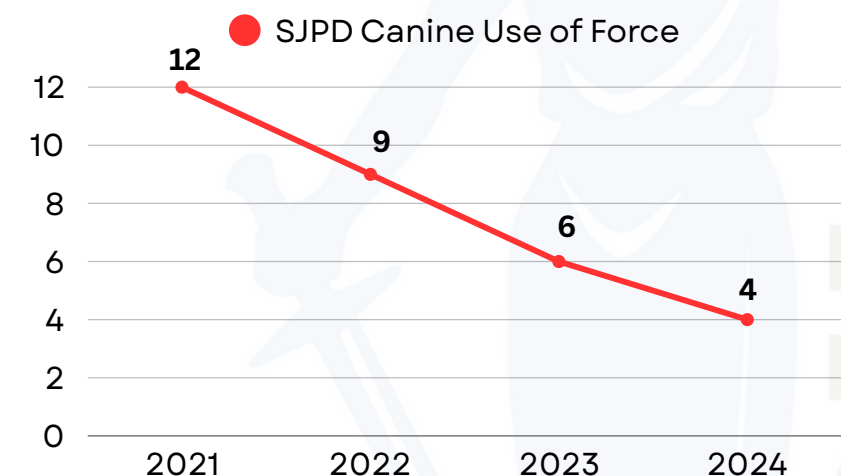
The graphs below illustrate the types of force used in **Great Bodily Injury (GBI)** cases over the years. In 2024, there were **thirteen GBI cases in total**: five officer-involved shootings (OIS), four canine bite, and four incidents involving the physical use of force. Key trends identified from the data are summarized to the right of the graphs.



The total number of Great Bodily Injury cases has decreased.



Officer Involved shootings has increased from two in 2023, to five in 2024.



Usage of canine's to apprehend suspects by force (bite) has been on a decline. In 2024, there were only four.

Canines in service by year:

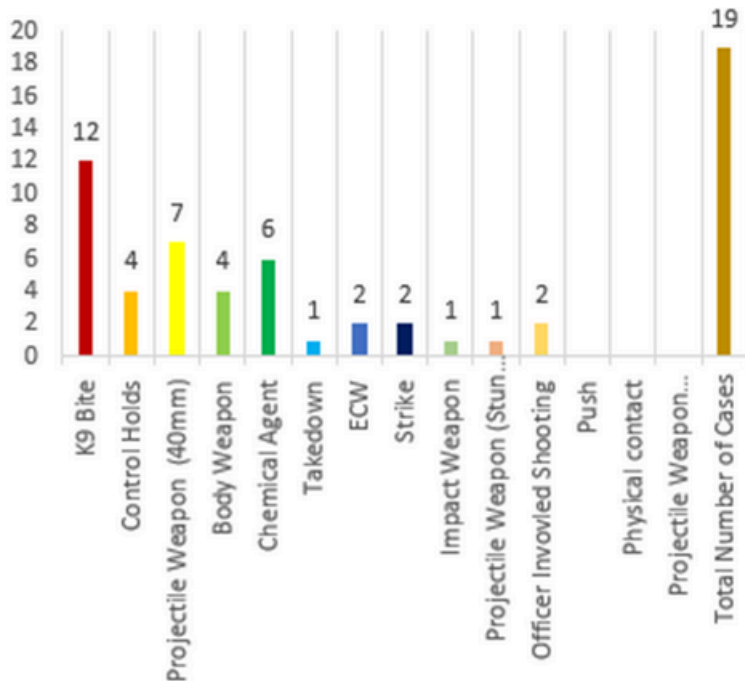
2021 - 8
2024 - 7



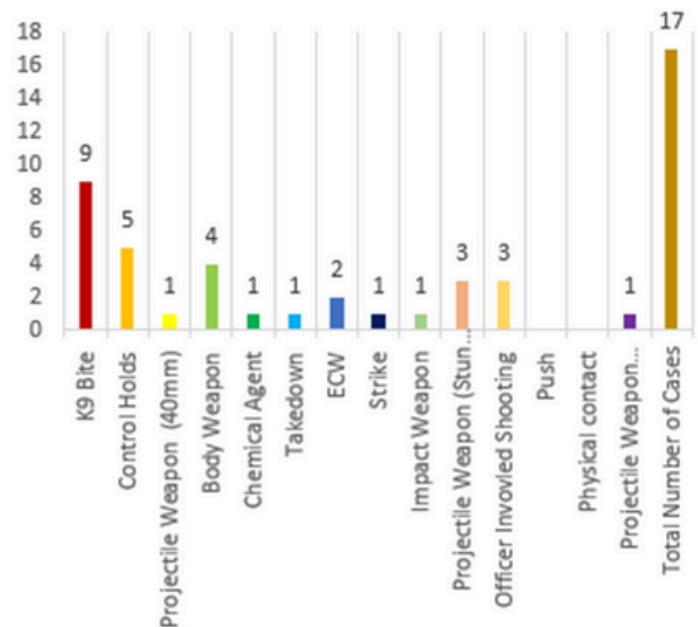
Great Bodily Injury Statistics

The graphs below depict the year- to- year total of Great Bodily Injury cases.

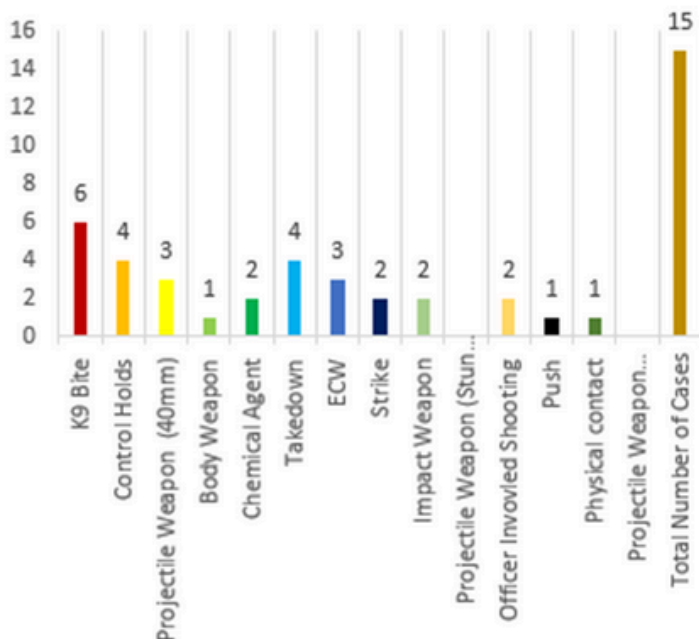
2021



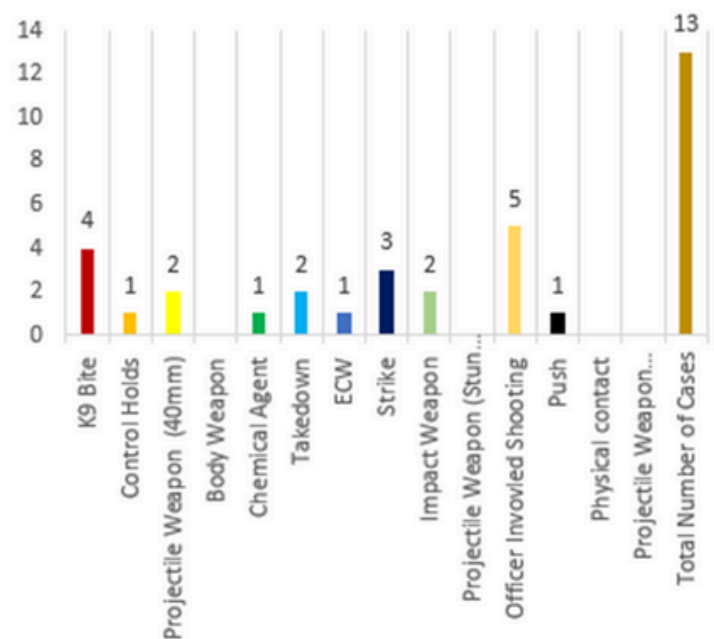
2022



2023



2024





Great Bodily Injury Analysis

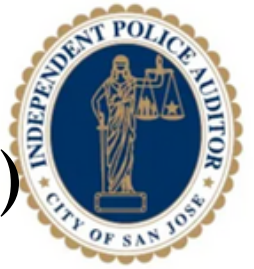
Following a review of the San José Police Department's (SJPD) Use of Force Policy (L2600 series) and seven Great Bodily Injury (GBI) cases closed from 2024, several key insights have emerged regarding policy compliance, tactical decision-making, and force reporting. This analysis identifies trends, highlights areas for improvement, and offers policy-aligned recommendations to reduce the frequency and severity of GBI incidents, enhance officer decision-making, and strengthen public trust.

It should be noted that **out of 424 use of force incidents, 13 resulted in GBI, and total use of force incidents decreased by 22.63% from 2023.** Additionally, there were seven canine's allocated for field use that resulted in four canine bite incidents which were classified as a great bodily injury compared to 6 in 2023.

This is the first year the Office of the Independent Police Auditor (OIPA) has been able to conduct an in-depth review of GBI cases under the expanded authority granted by Measure G, passed by San José voters in November 2020. Measure G amended the City Charter to authorize the IPA to review all police records related to **officer involved shootings and use of force resulting in serious injury or death.** Historically, OIPA reported only use of force statistics; now, we are empowered to conduct substantive analysis.

An analyst dedicated to use of force reviews was hired in February 2024. Due to staff shortages and the limited time available for a full-scale review, this report includes preliminary observations for the 2024 calendar year. Nonetheless, it represents a significant step forward in assessing the appropriateness, necessity, and impact of serious use of force incidents.

A more comprehensive and comparative analysis of GBI cases from 2021 to 2024 will be presented in a separate Measure G report in the third quarter of this year. That forthcoming report will offer a detailed comparison of trends, investigative findings, and outcomes across the four-year span.



Great Bodily Injury Analysis (Cont'd)

Summary of Findings

1. Fleeing or Resisting Subjects Preceded Every Use of Force

- All 7 suspects either physically resisted, fled on foot, or evaded arrest in vehicles.
- Officers frequently responded to active resistance or perceived threats, not passive noncompliance.

2. Use of Canines is the Most Common Factor

- 4 of 7 cases (Cases 4, 5, 7, 8) involved canine apprehensions.
- All resulted in puncture wounds, abrasions, or hospital treatment.
- While within policy, this frequency raises questions about over-reliance on canines while the subject is fleeing on foot.

3. Force Targeting the Head/Face Led to GBI

- Cases 1, 2, and 6 involved elbow, baton, or forearm strikes to the head or upper body.
- Resulted in orbital fracture, facial injuries, or a broken elbow.
- These injuries raise concerns if less-intrusive alternatives were feasible.

4. Weapons or Perceived Weapons Played a Role in Most Cases

- In 4 of 7 cases, suspects were armed or believed to be armed (real or perceived firearms, knives).
- Officer decisions were largely based on perceived imminent threats, not actual weapon use at the time of force.



Great Bodily Injury Analysis (Cont'd)

5. Policy Compliance Observations

- All uses of force were within the bounds of objectively reasonable force, as defined by policy L2602.
- Officers applied force in response to perceived imminent threats, active resistance, or flight, consistent with department policy.
- Each case met the criteria for Category III use of force under L2605.5, which requires command-level review and documentation.

Emerging Patterns of Concern

- High rate of GBI from canine apprehensions.
- Frequent use of strikes to vulnerable body areas, the head.
- Though not a recurring pattern, the simultaneous use of a canine and rifle muzzle to force a subject down—seen in one of seven incidents—had potentially catastrophic consequences, warranting its inclusion in the patterns section.





Case Review-GBI

Great Bodily Injury Case #1

Two officers responded to a call for service from an elderly female who reported that her son was intoxicated and assaulted her. The officers arrived at scene, conducted a preliminary investigation and ultimately arrested a subject for elder abuse. While at the jail, the subject lunged at one of the officers and used his hand to choke the officer. The officer's partner tackled the subject to the ground. While on the ground, the partner officer then used his elbow to strike the subject in the face. As a result of the force used the subject sustained an orbital fracture to his left eye. Both officers and the subject were unarmed inside the jail facility.

Great Bodily Injury Case #2

The SJPd Air Unit located a stolen motorcycle. When officers attempted a traffic stop, the subject fled. Officers did not pursue, but the Air Unit maintained visual contact. The subject was observed parking the motorcycle and jumping over a wall into a residential backyard. The Air Unit guided ground officers to the location, where the homeowner reported hearing someone in their garage and gave officers permission to enter. Officers made several verbal announcements for the subject to surrender and he did not. Upon entering the garage, officers saw the subject in the adjacent laundry room reaching toward his waistband. One officer shouted, "Gun, gun." Officers saw him present an object in a manner similar to pointing a firearm. An officer fired a 40mm foam baton round, striking the subject in the lower torso, but it failed to gain compliance. A taser was also deployed, also without effect. A third officer, saw the weapon he was holding with both hands in a firearm stance was in fact a cell phone, entered the laundry room and struck him in the face with his right forearm while attempting to take him into custody. The subject was ultimately detained and found to be unarmed.

Great Bodily Injury Case # 3

This case is excluded from the review due to an ongoing Internal Affairs investigation.



Case Review & Trends

Great Bodily Injury Case #4 (K9)

Officers were tasked with apprehending a person who had a felony arrest warrant for armed robbery. Multiple police vehicles followed the subject who was driving a car into a residential neighborhood. The subject abruptly pulled over and parked. Officers blocked him from driving away. The subject then reversed his vehicle and struck the patrol vehicle behind him. Officers ordered him to put his hands up several times and he refused. Then he drove forward striking the patrol vehicle in front of him. The subject crawled out the driver-side window of his car and put his hands in the air. The subject ran and hopped several fences. The subject was located hiding in tall grass. A canine was released to apprehend the subject. The subject failed to follow commands to lie down and one officer used the muzzle of his rifle to push the subject to the ground while at the same time the canine grabbed the subjects arm and he was taken into custody.

Great Bodily Injury Case #5 (K9)

Officers assigned to a specialty unit were tasked to apprehend a person who was on an active violent crime spree. The subject was wanted for arrest for armed robbery, strong armed robbery, attempted robbery, criminal threats, felony evading and brandishing a firearm. Officers confirmed the subject was inside a residence. When officers were surrounding the residence, multiple announcements were made for the subject to surrender. The subject ran out the rear of the residence to evade arrest. The subject would eventually hide in a shed in the backyard of a house. Further announcements were made including that a canine would be used. The subject did not surrender and the canine was released and the subject was apprehended. The subject received four puncture wounds to his upper and rear right arm and multiple scrapes and abrasions consistent with a dog bite.

Great Bodily Injury Case #6

Officers responded to a report of a subject brandishing a weapon (knife), criminal threats, and felony vandalism at a wedding ceremony. The male subject vandalized a parked vehicle, damaged church statues, and disrupted a wedding ceremony by shouting, banging on windows and walls, pushing guests. While outside of the church, the subject produced a black handled knife pointed it at a guest and said, "I'm going to kill you". When officers arrived, they attempted to contact the subject and he tried to flee on a bicycle but eventually stopped. The subject threw the bicycle at the officer, took a fighting stance. The officer order him lie on the ground and he refused. A baton was used while taking the subject into custody. The subject sustained injuries of lacerations to their elbow, and a broken elbow due to the baton strike.



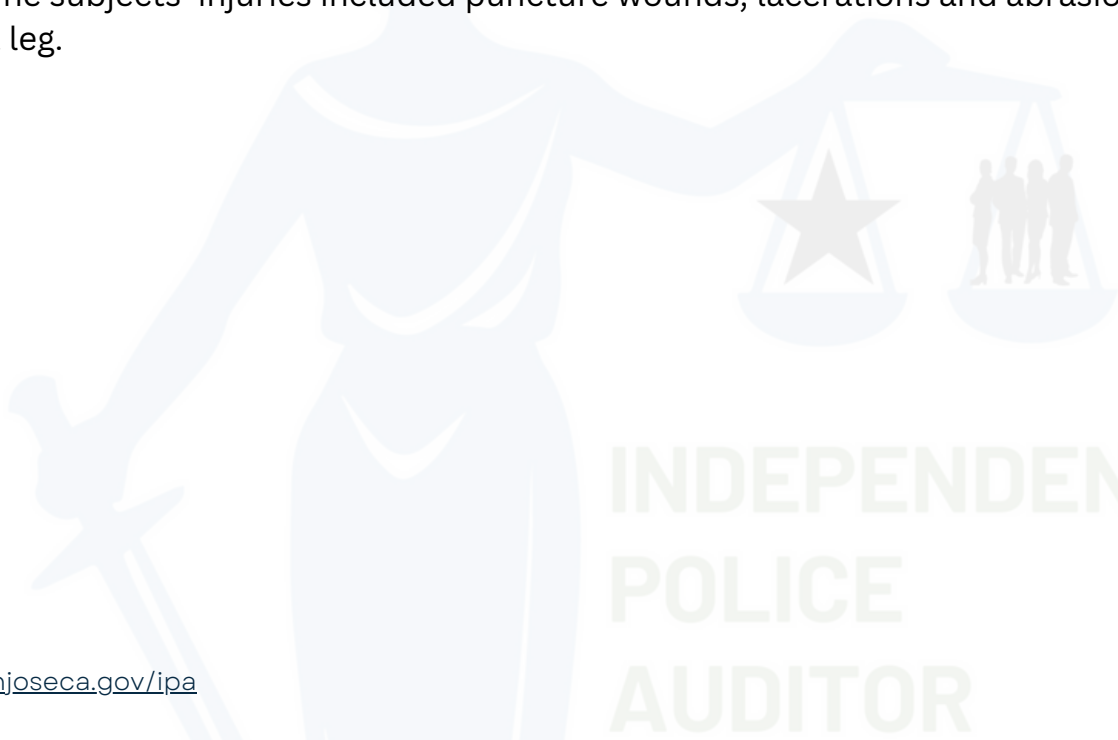
Case Review & Trends

Great Bodily Injury Case #7 (K9)

Officers assigned to a specialty unit were tasked with apprehending a subject who had a felony warrant for attempted murder, robbery, and sexual battery. Officers confirmed he was inside a residence and conducted announcements for the subject to surrender, but he refused. Eventually occupants of the residence came out, except for the subject, who opened a second story window at the back of the house and tossed a satchel on the roof of the residence. The satchel later was discovered to contain a loaded semi-automatic handgun. The subject jumped out of the second story window and began to run away on foot. An officer released his canine who apprehended the subject by taking hold of his left arm. The subjects' injuries included puncture wounds and abrasions on his left armpit and shoulder, scratches to his temple, hands, and knee.

Great Bodily Injury Case #8 (K9)

Officers assigned to a specialty unit were tasked to apprehend a subject wanted for murder. The subject also had a felony bench warrant for evading the police while driving and drug possession while in a jail, and an arrest warrant for auto theft. Officers confirmed the subject was inside a residence. As officers were setting up, and before announcements were made, the subject fled out the rear of the residence. As the subject fled, a loaded revolver flew out of his hiking vest. The hiking vest appeared similar to a bullet proof vest. When the subject saw officers he ran in the opposite direction, an officer released his canine and apprehended the subject. The subjects' injuries included puncture wounds, lacerations and abrasions to the lower left leg.





Trends (Continued)

Policy Compliance Observations

1. Canine Deployments Were Generally Within Policy

- All four canine cases involved:
 - Felony suspects,
 - Active flight or resistance,
 - Concealment in areas needing search.
- These conditions meet the policy criteria under L2623.

2. Use of Force Options Matched Threat Perception

- Officers utilized a range of tools consistent with L2603 (impact weapons, less-lethal munitions, physical strikes).
- The use of 40mm, Taser, and physical strikes was typically justified by suspect behavior such as reaching for waistband, resisting arrest, or attempting escape.

3. Supervisor Notification and Medical Aid Obligations Were Met

- In all cases, subjects received medical treatment, which is required under policies such as L2608.6, L2626, and L2610.
- Officers followed procedures for hospital admission post-injury, as required for injuries like head strikes and canine bites

4. Force Categorization Framework Exists

- All GBI cases appear to fall under Category III force, as outlined in L2605.5, which triggers command review and EFRC oversight.



Trends (Continued)

Policy-Aligned Considerations

The following considerations are being proposed to clarify these specific policy sections, even if they may be implied, inferred, or addressed in other areas of the Duty Manual.

1. Reassess Canine Deployment Policy Oversight

- While compliant, the frequent GBI outcomes, which are often inherent to canine bites, suggest a need to:
 - Evaluate bite-to-deployment ratios.
 - Consider alternative apprehension methods for fleeing, non-assaultive subjects that do not compromise officer safety.
 - Limit canine bites to actively assaultive subjects or those refusing to surrender who endanger officer safety, when no reasonable lesser force options exist. Require supervisory approval when feasible.
- Reinforce L2623 by assuring written justification for K9 deployment includes addressing alternative force options considered or a canine-specific checklist in all supervisor review of canine use of force.

2. Enhance Defensive Tactics Policy

- Revise L2608.5 and L2621 to clarify that **head/face strikes should be avoided unless necessary** to protect life or prevent serious bodily injury.
- Recommend an audit of all head/face strike cases to ensure officers:
 - Clearly articulated why this type of force was reasonable,
 - Had no viable lesser options in those moments.
- Add a policy or language that limits the use of a firearm as an impact tool or as a means of physical control, including actions such as striking or pushing an individual with the muzzle end of the firearm.

3. Improve Documentation of De-Escalation Efforts

- Policy (L2602.6) requires reasonable efforts to de-escalate when time permits.
- Supervisors and officers should be required to document:
 - If time permitted de-escalation efforts,
 - What was considered or attempted,
 - Why escalation occurred.



Trends (Continued)

Case Summaries

Case 1

- Incident Context: Jail incident following arrest for elder abuse.
- Subject Behavior: Assaulted officer by lunging and choking during booking.
- Injury Type and Location: Orbital fracture (left eye) from elbow strike by assisting officer.
- Force Options and Tools Used: Physical strike (elbow).
- Key Observations:
 - Strike to the face in close quarters resulted in serious injury.
 - While there may have been a perceived threat of GBI when the subject lunged and choked the officer, the necessity of delivering an elbow strike to the head could potentially have been reconsidered—particularly since the subject had already been taken to the ground and there may have been an opportunity to reassess the appropriate level of force.

Case 2

- Incident Context: Search for a fleeing suspect after a stolen motorcycle pursuit.
- Subject Behavior: Suspect ran, hid in a garage, and reached toward waistband; believed to be armed (he was not), but was holding a cell phone.
- Injury Type and Location: Facial injuries from forearm strike; lower torso impact from 40mm; multiple minor injuries from Taser.
- Force Options and Tools Used: 40mm launcher, Taser, physical strike.
- Key Observations:
 - Force was layered (less-lethal + physical).
 - Misperceived threat led to escalation; raises concerns about split-second threat assessment.

Case 3

- This case is excluded from the review due to an ongoing Internal Affairs investigation.

Case 4

- Incident Context: High-risk felony arrest (armed robbery suspect); vehicle/foot pursuit.
- Subject Behavior: Used vehicle to ram patrol cars, fled on foot.
- Injury Type and Location: Canine bite—unspecified puncture wounds and abrasions.
- Force Options and Tools Used: Canine deployment.
- Key Observations:
 - Flight and assaultive driving justified elevated response.
 - Canine bite resulted in GBI-level injury.



Trends (Continued)

Case 5

- Incident Context: Felony apprehension (violent crime spree); suspect fled containment perimeter.
- Subject Behavior: Evaded arrest, hid in a shed.
- Injury Type and Location: 4 puncture wounds to upper/rear right arm, abrasions.
- Force Options and Tools Used: Canine deployment.
- Key Observations:
 - Use aligned with policy for felony fugitive.
 - Injury severity suggests need for continued tracking of canine outcomes.

Case 6

- Incident Context: Disruption of a wedding; vandalism and brandishing of a knife.
- Subject Behavior: Threatened to kill a guest with a knife, tried to flee on a bicycle.
- Injury Type and Location: Broken elbow, lacerations from baton strike.
- Force Options and Tools Used: Baton strike.
- Key Observations:
 - Weapon threat elevated risk.
 - Use of baton caused GBI.

Case 7

- Incident Context: Attempted murder warrant; suspect refused surrender and jumped from second story.
- Subject Behavior: Tossed loaded firearm out window, fled on foot.
- Injury Type and Location: Puncture wounds to armpit/shoulder; scratches to temple, hands, and knees.
- Force Options and Tools Used: Canine deployment.
- Key Observations:
 - Firearm discard and flight justified elevated response.
 - Wearing of hunter vest similar to a bullet proof vest raised elevated response.
 - Injuries consistent with GBI via canine bite.



Trends (Continued)

Case 8

- Incident Context: Felony murder suspect; subject fled out rear of residence before a perimeter and announcements could be
- Subject Behavior: Fled on foot; dropped loaded revolver.
- Injury Type and Location: Puncture wounds and abrasions to lower left leg.
- Force Options and Tools Used: Canine deployment.
- Key Observations:
 - Dangerous fugitive and armed flight justified canine use.
 - GBI consistent with policy.

Cumulative Findings Across All Cases

- Incident Context: 6 of 7 cases involved planned arrests of violent felons; most escalated during suspect flight.
- Subject Behavior: All subjects fled or resisted; 4 were armed or believed to be armed.
- Injury Patterns: 3 cases involved head/face trauma from strikes; 4 involved canine-inflicted puncture wounds.
- Force Types: Canines used most frequently (4 times); followed by baton, 40mm, and physical strikes.
- Oversight Issues:
 - Head strikes should be utilized to protect life or prevent serious bodily injury.
 - Canine deployment consistently resulted in GBI—appropriate per policy but may warrant additional oversight.
 - De-escalation efforts could be better documented.



Officer Involved Shootings

Introduction

This preliminary review of Officer Involved Shooting (OIS) incidents from 2024 provides an early analysis based on information currently available and appropriate for public release, as these cases remain under active investigation by both the San José Police Department (SJPD) and the Santa Clara County District Attorney’s Office. Final determinations regarding policy compliance, legal justification, or disciplinary outcomes are still pending.

Given the ongoing nature of these investigations, no conclusions or definitive findings are presented in this review. Instead, this document outlines key facts, identifies emerging trends and commonalities, and highlights areas that may warrant further attention. The insights shared are limited to information that can be disclosed to the public at this time and are offered to support continued oversight and policy development, while fully respecting the investigative process and the rights of all involved parties.

As Officer Involved Shooting cases are closed by the SJPD and the District Attorney’s Office, the OIPA will complete its own review of each shooting and may provide a more in-depth analysis, including conclusions or recommendations. **A more comprehensive and comparative analysis of closed OIS cases from 2021 to 2024 will be presented in a separate Measure G report in the third quarter of this year. That forthcoming report will offer a detailed comparison of trends, investigative findings, and outcomes across the four-year span.**

However, a more robust and thorough analysis by the OIPA would benefit from the adoption of the recommendations outlined earlier in this report, specifically Recommendations #2 and #3, which seek to expand the OIPA’s access and authority in formally auditing these types of incidents. **Until such recommendations are authorized, the OIPA can only “review” and cannot conduct formal audits of OIS’s with the same depth and process currently applied to community member or department-initiated complaints.**

The IPA or staff respond to OIS incidents at any hour—day or night—to gather “real-time” information and provide as much transparent information to the public as legally permitted, under current authority. (See Recommendations 2,3).



Trends & Patterns

Trends

- Firearms Involved: 4 out of 5 involved suspects with handguns.
- Subject Actions: All suspects exhibited threatening behavior, followed by the use of force by officers.
- Mental Health Indicators: At least 1 case (OIS #1) involved a subject threatening suicide, suggesting potential mental health crisis involvement.
- Response Timing: Most incidents happened during afternoon or evening, except for OIS #1 at 4:56 am.

Commonalties & Patterns

1-Subject Characteristics

- Race & Gender:
 - 4 out of 5 subjects were Hispanic males.
 - 1 subject was a Caucasian male.
- Age Range:
 - Subjects ranged from 33 to 50 years old.
 - Average age: ~43 years.
- Armed Status:
 - 4 subjects had handguns.
 - 1 subject had a knife.
- Prior Convictions:
 - 3 subjects had prior convictions.
 - 2 had none.



Trends & Patterns (Cont'd)

Commonalties & Patterns

2-Incident Context

- Nature of Call:
 - 2 incidents: Man with a Gun.
 - 1 incident each for:
 - Welfare Check
 - Disturbance
 - Family Disturbance
- Subject Behavior (5 cases):
 - 4 of the 5, subject fired at officers or others.
 - 3 of the 5, subject fired at the officers first.
 - 1 subject engaged officers with a knife.
 - 1 subject pointed a gun at officers.

3-Officer Response

- Number of Officers Who Fired:
 - Ranged from 1 to 4 officers.
 - Majority (3 cases) involved 1 or 2 officers returning fire.
- Officer Experience:
 - Experience ranged from 3 to 10.5 years.
 - Average: about 5 years per officer.

4-Use of Force Results

- Injuries/Deaths:
 - 4 subjects were injured.
 - 1 subject was killed.
 - In one case, 2 officers were shot and injured.
- Locations:
 - Incidents spread across Council Districts 2, 3, 5, 9, and 10—no clustering in a specific district or area.



Case Review-OIS

Officer Involved Shooting # 1

Officers were dispatched to a residence for a welfare check. The 911 caller's son was threatening suicide. The son was armed with a gun and was intoxicated. When two officers arrived at the residence, they observed the subject in the driveway. Officers tried to convince the subject to put down his weapon and surrender. The subject walked out of sight. A drone was deployed to survey him and the subject started shooting his gun at the drone. Eventually, an officer fired a 40mm less lethal round from a foam baton launcher to subdue the subject. After being hit by one of the 40mm bullets the subject started shooting in the officers direction. Two officers returned fire at the subject. No one was struck by gunfire. The subject was eventually taken into custody.

| Information | OIS # 1 |
|--------------------------------|------------------------|
| Date | March 29, 2024 |
| Time | 4:56 am |
| Location | 2815 Leigh Avenue |
| Council District | 9 |
| Race of Subject | Caucasian |
| Gender of Subject | Male |
| Age of Subject | 46 |
| Subject Armed ? | Yes - Handgun |
| Prior Convictions | Yes |
| Call of Service? | Welfare Check |
| Number of Officers Who Fired | 2 |
| Deceased or Injured | Injured |
| Involved Officer(s) Experience | 10.5 years & 4.5 years |



Case Review-OIS

Officer Involved Shooting # 2

Officers responded to a disturbance call at a hotel. Three officers were on the 3rd floor of the hotel when they spotted a Hispanic male believed to be associated to the call. The Hispanic male had a duffel bag. During the interaction, the subject ran away from officers and then pulled a handgun from the bag. The subject shot the gun in the direction of the officers, striking two of them at least once. Two officers returned fire and struck the subject once. The subject then jumped out of a third-story window to the parking lot below and fled on foot. He was later arrested a short distance away by other responding officers.

| Information | OIS # 2 |
|--------------------------------|----------------------|
| Date | May 2, 2024 |
| Time | 4:11 pm |
| Location | 6111 San Ignacio Ave |
| Council District | 10 |
| Race of Subject | Hispanic |
| Gender of Subject | Male |
| Age of Subject | 33 |
| Subject Armed ? | Yes - Handgun |
| Prior Convictions | Yes |
| Call of Service? | Disturbance |
| Number of Officers Who Fired | 1 |
| Deceased or Injured | Injured |
| Involved Officer(s) Experience | 3.5 years |



Case Review-OIS

Officer Involved Shooting # 3

Two officers responded to the scene after an anonymous 911 caller reported a male brandishing a firearm and hearing gunshots. Responding officers were driving in a rear alley when a male began shooting in their direction. The two officers, who were inside a marked patrol vehicle, returned fire, and the male fled on foot. The male ran a short distance and then shot at a sergeant, who was arriving on scene.

A nearby uniformed officer discharged his rifle, striking the suspect who fell to the ground. Medical aid was provided and the suspect was transported to a nearby hospital. The suspect's injuries were determined to be life threatening.

| Information | OIS # 3 |
|--------------------------------|-----------------------------------|
| Date | May 19, 2024 |
| Time | 4: 11 pm |
| Location | 2700 Kollmar Drive |
| Council District | 5 |
| Race of Subject | Hispanic |
| Gender of Subject | Male |
| Age of Subject | 41 |
| Subject Armed ? | Yes - Handgun |
| Prior Convictions | Yes |
| Call of Service? | Man With A Gun |
| Number of Officers Who Fired | 3 |
| Deceased or Injured | Injured |
| Involved Officer(s) Experience | 3.5 years 4 years 4.5 years |



Case Review-OIS

Officer Involved Shooting # 4

Officers responded to a call of a male shooting randomly at the ceiling of a restaurant. The suspect confronted and shot an adult male in the parking lot. Upon arrival, officers located the suspect who was still standing in front of the restaurant. The suspect was armed with a .45 caliber semi automatic handgun raised above his head. The officers gave the subject repeated commands to drop his weapon, but the subject did not comply.

The subject yelled, “Shoot me!” and an officer replied, “No, we don’t want to shot you. Drop the gun”. The subject then pointed his gun at officers which resulted in four officers shooting their weapons and striking the subject. The subject fell to the ground and a police canine dog was used to assist taking him into custody. The subject was transported to a local hospital for life threatening injuries and was later pronounced deceased.

| Information | OIS #4 |
|--------------------------------|--|
| Date | September 7, 2024 |
| Time | 9: 24 pm |
| Location | 4278 Senter Road |
| Council District | 2 |
| Race of Subject | Hispanic |
| Gender of Subject | Male |
| Age of Subject | 50 |
| Subject Armed ? | Yes - Handgun |
| Prior Convictions | No |
| Call of Service? | Man With A Gun |
| Number of Officers Who Fired | 4 |
| Deceased or Injured | Deceased |
| Involved Officer(s) Experience | 4.5 years 5 years 3 years 7 years |



Case Review-OIS

Officer Involved Shooting # 5

Officers responded to a call for a family disturbance. The reporting party stated her husband was throwing plates. She locked the door but her husband was trying to open the door with an object in his hand and was saying he was going to kill her. Officers arrived and were looking for the husband inside the residence when he attacked the officers with a knife. One officer discharged their firearm, striking the suspect. Medical aid was provided and the suspect was transported to a nearby hospital. The suspect's injuries were determined to be non-life threatening.

| Information | OIS # 5 |
|--------------------------------|--------------------|
| Date | November 17, 2024 |
| Time | 7: 46 pm |
| Location | 67 Sutter Street |
| Council District | 3 |
| Race of Subject | Hispanic |
| Gender of Subject | Male |
| Age of Subject | 44 |
| Subject Armed ? | Yes - Knife |
| Prior Convictions | No |
| Call of Service? | Family Disturbance |
| Number of Officers Who Fired | 1 |
| Deceased or Injured | Injured |
| Involved Officer(s) Experience | 6 Years |



Accomplishments

From Reset to Rebuild: What We Achieved in 2024

2024 was a pivotal year. With new leadership and new direction, we set the foundation for a stronger future. This transformation was marked by strategic planning, renewed partnerships, and a refocused mission. Grounded in our commitment to fair, neutral, and thorough oversight, we took bold steps to modernize internal systems, clarify operational procedures, and deepen engagement with both the SJPD and the diverse communities we serve.

The accomplishments listed below reflect some of our efforts to enhance the transparency, timeliness, and effectiveness of our work, demonstrating that oversight can be both responsive and proactive. From embracing and reinvigorating real-time auditing tools to the re-establishment of community partnerships, 2024 laid the groundwork for a more collaborative, data-informed future for civilian oversight in San José.

Strategic Direction and Operational Clarity

- Drafted a comprehensive three-year Strategic Plan to guide the long-term vision and impact of the OIPA.
- Drafted OIPA Standard Operating Procedures (SOP's), which will include provisions from the upcoming Memorandum of Agreement (MOA) with Internal Affairs (IA), collaboration and case-sharing expectations.
- Consulted with former IPAs, OIPA staff, and key stakeholders to incorporate historical knowledge and align our evolving oversight model with the legacy and innovation San José is known for.



Accomplishments (Cont'd)



Oversight Model Enhancement

- Clarified internal procedures to ensure OIPA complaint interviews are acknowledged as more than just complaint intake, affirming the OIPA's role in analyzing, questioning, and engaging meaningfully in case development.
- Revised the early intake process to include mandatory OIPA review of relevant reports, CAD data, and full access to all Body-Worn Camera (BWC) footage during investigations, enabling more informed recommendations of allegations and interview preparation.
- Publicly redefined our evolving oversight model as a “real-time auditing” system, moving beyond post-incident reviews to engage with cases dynamically as they unfold.



Training, Tools, and Technology

- Secured funding for OIPA personnel to attend nationally recognized foundational training courses, including a 5-day Interview & Interrogation course and a 3-day Internal Affairs Investigations course, ensuring staff are equipped to review misconduct investigations with professionalism and rigor.
- Deployed a dedicated software tool to track case statuses and key indicators, in “real time”, not currently captured by the existing Audit Tracker.
- Began the retooling of the outdated Audit Tracker system, a long-term project requiring IT development and additional funding to modernize audit tracking and enhance efficiency.
- Obtained ongoing access to the unredacted, confidential SJPd Duty Manual, including training bulletins and internal directives, offering critical insight unavailable in public versions.



Accomplishments (Cont'd)



Community & Department Engagement

- Executed a wide-reaching public and departmental outreach campaign, engaging in numerous events including community celebrations like Cinco de Mayo and Juneteenth, neighborhood association meetings, school visits, and SJPD special events and roll call.
- Initiated discussions to reestablish the Independent Police Auditor Community Committee (IPAAC), honoring the office's legacy while reinvigorating our commitment to community-driven accountability.
- Instituted mandatory OIPA responses to Officer-Involved Shootings (OIS) and Officer-Involved Incidents (OII), ensuring on-site presence and timely review during critical incidents.
- Fostered strong, regular lines of communication with stakeholders:
 - Quarterly briefings with the Mayor and City Council
 - Monthly meetings with the Chief of Police & City Manager
 - Bi-weekly working meetings with IA
 - Monthly community group participation
- Reestablished direct phone access to IA investigators, improving audit timeliness and collaborative information sharing.



Accomplishments (Cont'd)



Internal Operations and Office Identity

- Expanded the OIPA team with the hiring of a new Office Specialist and the addition of a student intern from Cristo Rey High School for the 2024–2025 academic year.
- After a nation-wide recruitment, hired an experienced law enforcement civilian oversight assistant IPA who started work in January 2025.
- Implemented professional ID name tags and OIPA polo shirts for staff during public engagements, increasing community recognition and reinforcing our presence at events.
- Continued the development of a data-informed, research-backed oversight practice rooted in accountability, innovation, and the unique needs of San José.



High School Internship

- The OIPA welcomed Eduardo, a 10th-grade student from Cristo Rey San José Jesuit High School, for the 2024–2025 school year through the school's Corporate Work Study Program.
- Eduardo has become a valuable member of our team, supporting the OIPA's mission, and gaining practical experience in local government and police oversight.
- Throughout his internship, he has researched laws and policy, created community outreach materials, organized internal resources, and helped with numerous other projects throughout his internship.
- Eduardo approached each assignment with professionalism, focus, and a strong desire to learn. We are proud to highlight his role and achievements as part of the OIPA's student internship program.



Newly Enacted Laws Effecting Community & Police Interactions

California enacted several laws in 2024 that effect community members and police officer interactions.

Cruising Ban Lifted



On January 1, 2024 Assembly Bill 436 went into effect, lifting a statewide ban on cruising. This bill is a perfect complement to San José lifting its own 36 year cruising ban in 2022. San José can now fully reclaim its title as the lowrider capital of California.

30 Day Grace Period for Vehicle Registration.

On July 1, 2024, Assembly Bill 256 went into effect. This law effectively creates a 30 day grace period for vehicle registration renewals.

This law prevents police officers from pulling over drivers solely for an expired car registration before the second month after the month of expiration of the vehicle's registration.



Cities Cannot Tow Cars for Unpaid Parking Tickets



Although this occurred in 2023, it is appropriate to remind the public that on July 21, 2023, the First District California Court of Appeal ruled in *Coalition on Homelessness v. City of San Francisco* that government agencies cannot tow safely and lawfully parked vehicles solely on the basis of unpaid parking tickets.



Newly Enacted Laws Effecting Community & Police Interactions

Police Officers Must Tell You Why They Stopped You.



Starting January 1, 2024 Assembly Bill 2773 became a law. This law requires police officers to state the reason why they pulled a driver over or stopped a pedestrian. Officers can no longer ask, “Do you know why I pulled you over?” The law was designed to limit pretextual stops.

This law does not apply when a police officer reasonably believes it is unsafe or not practical for an officer to state the reason why they stopped someone.

Starting January 1, 2024 a training bulletin was issued by SJPD Chief of Police requiring SJPD officers with access to Department issued MDT to comply with the Racial and Identity Profiling Act (“RIPA”). The bulletin mandates officers to enter RIPA data before clearing a call. Officers are to report demographic information on the people they stop and detain. This information is reported to the California Department of Justice.

RIPA | S T O P D A T A



INDEPENDENT POLICE AUDITOR



OIPA: 2024 Community Engagement

Engaging the Public, Rebuilding Trust

We believe oversight is only as strong as its connection to the community. Community outreach is vital to the effectiveness of the Office of the Independent Police Auditor. In 2024, the OIPA continued a strong tradition of community outreach and engagement. Staff attended community meetings, made presentations, arranged meet and greet with key social justice stakeholders and other community leaders, reached out to every public high school in the city, and made many more efforts to reach San José's communities. Although outreach was conducted throughout the City of San José, the lion's share continued to be focused on communities of color, youth, and over-policed communities.



The goal of outreach continues to be to empower the community with information about their rights, listen to concerns, and collaborate with community partners.

Outreach in 2024

The OIPA continued to be understaffed in 2024. Nevertheless, staff met or exceeded outreach targets. Outreach has been dynamic and resulted in many requests for tabling and presenting. The OIPA has a staff member who serves as the point person for community outreach and engagement. However, in 2024, every OIPA staff member participated in outreach.

| Council District | Number of Connections |
|------------------|-----------------------|
| 1 | 94 |
| 2 | 271 |
| 3 | 2529 |
| 4 | 83 |
| 5 | 2993 |
| 6 | 72 |
| 7 | 376 |
| 8 | 0 |
| 9 | 130 |
| 10 | 252 |
| *Internet | 117 |
| Total | 6,917 |



OIPA: Community Engagement: 2024

Community Connections

Despite limited staffing, the OIPA was able to connect with over 6,800 San José residents through presentations, resource tables and networking. Outreach was done virtually as well as in-person in nine council districts.



Community connections are of paramount importance as these partners are well established, trusted community resources. By working with them and gaining the confidence of their staff and volunteers, the OIPA can more confidently and effectively approach the thousands of residents they are serving.

Building such relationships requires repeated contacts, regular communication and reliable attendance at meetings and events. Having dedicated staff and sufficient materials to create and foster these relationships is invaluable.





OIPA: Community Engagement: 2024

The efficacy of the OIPA's outreach efforts continued to be heavily impacted by the strength of new and established community partnerships. Established community partners include NAACP, City of San José Parks and Recreation, ConXion to Community, La Raza Roundtable, Black Leadership Kitchen Cabinet, East Side Union High School District, district council offices, various neighborhood associations and many more. New community partners include United Lowrider Council, Recovery Café, Clean Slate, and Latinos United for a New America (LUNA)), among others.



Looking Forward

While speaking to the community is important, listening to the community is of even more import. In this vein, the reestablishment of the Independent Police Auditor Advisory Committee (IPAAC) is of paramount importance in 2025. Planning has begun in earnest.

However, the office also needs to bear in mind the impact of budget constraints. With the current budget forecast, outreach efforts have already encountered barriers. The OIPA has had to decline the invitation to participate in this year's PRIDE event as there is no money in the budget to secure a spot. In 2024, the OIPA spoke to over 600 people at PRIDE. As outreach supplies dwindle, the OIPA will need to cancel and / or decline more outreach events. This will negatively affect the office and hinder our ability to meet outreach goals.



RIPA Data Statistics

RIPA stands for the **Racial and Identity Profiling Act (RIPA)**. This law requires California law enforcement agencies to collect specific information about the discretionary stops officers make. Police departments throughout California are required to submit the data to the Department of Justice (“DOJ”). The DOJ compiles all the stop data. The data is available to the public a year after the reporting year. Thus the data for 2024 will not be available until the end of 2025 . The data for 2023 is currently available. The numbers below are taken from the RIPA data of 2023.

In 2023, SJPD reported conducting Traffic Violations on **21, 474** motorist.

- **8,473** were for Moving Violations
- **11, 676** were for Equipment Violations
- **1,325** were for Non-Moving Violations

SJPD conducted searches in **3,993 Traffic Violations** out of those searches SJPD confiscated a firearm **52** times. Thus, SJPD confiscated a firearm in **1.3 percent of stops**.

The top ten reasons San José Motorist were stopped by SJPD were for the following violations:

1. Speeding (Vehicle Code: 22350)
2. Holding Cell Phone While Driving (Vehicle Code: 23123.5)
3. No Registration (Vehicle Code: 4000A)
4. Failure to Stop at Limit Line (Vehicle Code: 22450(A))
5. Display License Plate Wrong (Vehicle Code: 5200(A))
6. Using Cell Phone Driving (Vehicle Code: 23123 (A))
7. Window Obstruction (Vehicle Code: 26708(A))
8. No Registration (Vehicle Code: 4000(A)(1))
9. Failure to obey traffic sign (Vehicle Code: 21461(A))
10. Failure to stop at lime line (Vehicle Code: 21453(A))



Budget

Doing the Work, Making it Count

Every dollar spent should support trust, transparency, and impact. This section details how we managed our \$1.6 million dollar budget, measured our performance, and tracked our progress. The office is budgeted for seven full time employee positions, however, an analyst position remains vacant.

| Budgeted Positions | |
|----------------------------|------------------|
| Title | No. of Positions |
| Independent Police Auditor | 1 |
| Assistant Police Auditor | 1 |
| Analyst | 4 |
| Office Specialist | 1 |

The OIPA's Yearly Budget had a slight increase of 0.93% (due to salary/benefits) from the previous fiscal year. However, the office's **non-personal budget decreased by 27% or \$9,000.**

| Category | Yearly Budget 2023-2024 | Yearly Budget 2024-2025 |
|---------------------|-------------------------|-------------------------|
| Salaries / Benefits | \$1,594,532 | \$1,619,391 |
| *Overtime | \$1,000 | \$1,000 |
| Non-Personnel | \$33,072 | (\$25,072) |
| Other | \$1,819 | (\$0) |
| Total: | \$1,630,423 | \$1,645,463 |

| Item | Amount Budgeted 2023-2024 | Amount Budgeted 2024-2025 |
|--------------------------------|---------------------------|---------------------------|
| Supplies/Materials | \$3,459 | \$4,959 |
| Communication Expenses | \$2,175 | \$3,175 |
| Postage | \$414 | 414 |
| Printing & Advertising | \$12,549 | \$3,549 |
| Rent Equip. & Vehicle | \$1,853 | \$4,353 |
| Transportation (Out of County) | \$50 | \$50 |
| Training | \$8,892 | \$3,892 |
| Mileage Reimbursement | \$700 | \$700 |
| Dues & Subscriptions | \$2,440 | \$3,440 |
| Prof. & Consultant Services | \$540 | \$540 |
| Total | \$33,072.00 | \$25,072.00 |

* Currently only the office specialist is allowed overtime per union contract.



Performance Measures

For the annual year of 2024, the Office of the Independent Police Auditor (OIPA) tracked three key performance measures:

Performance Measure #1

OIPA aims for 100% acceptance and implementation of the office's recommendations by the San José Police Department (SJPD). **Result: 100%.**

Performance Measure #2

OIPA attends 100% of police internal affairs interviews to ensure independent oversight throughout the investigative process. **Result: 96%**

Performance Measure #3

OIPA reviews and analyzes 100% of SJPD's use of force incidents to promote accountability and transparency. **Result: 100%**

Despite operating with four-six employees—and one additional position vacant all year—OIPA proudly carried out its independent oversight responsibilities on the largest department in the City of San José . OIPA provided full-scale oversight of the San José Police Department, which has an annual budget of approximately **\$515 million** and **over 1,000 sworn officers**.

In 2024, while short-staffed with only 2–3 analysts and no Assistant IPA, **the team still completed an extraordinary volume of audit work.** In fact, OIPA analysts participated in interviews of officers on holidays, weekends, and in the evening. Additionally, the IPA was called out on OIS incidents at all hours of the day/night. This office closed **944 allegations of police misconduct** on **298 different police officers** and received **414 total complaint cases**.

However, these incredible numbers from 2024 **are not sustainable**:

- Most analysts in OIPA had over 100 cases assigned to them (one analyst had a caseload of 200)
- The office had a non-personnel budget for FY23-24 of \$33,000 reduced to less than \$26,000 for FY24-25, which made doing outreach, attending trainings, and getting office supplies challenging.
- OIPA has a fiscal year budget of approximately 1.6 million which is **less than 0.5% of SJPD**, the department it oversees

Despite these challenges, OIPA's team continues to meet expectations through professionalism, resilience, and an unwavering commitment to the purpose of the office.

Investing in OIPA's staffing and resources will help ensure **continued success in meeting performance measures**, maintaining public trust, and supporting the wellbeing of the office's dedicated staff.



OIPA Organizational Chat

The Team



Eddie Aubrey
The Police Auditor

Dwight White
Assistant Police Auditor

Vivian Do
Senior Analyst

Catherine McBain
Analyst II

Frank Myhre-Nunes
Analyst II

Vacant
Analyst I/II

Rocio Solis
Office Specialist II



Strategic Plan: 2025-2028

Three Year Plan: “Where are we going?”

Executive Summary

This 3-year strategic plan outlines the OIPA’s path to rebuild, evolve, and expand its capacity as a trusted, transparent, and expert-driven oversight agency. Each goal is designed to serve the public interest and elevate the role of civilian oversight in San José. Grounded in community trust, internal excellence, and long-term sustainability, the plan focuses on four strategic pillars: (1) rebuilding trust and internal systems, (2) developing professional expertise, (3) strengthening community and police engagement, and (4) growing the office through added capacity and necessary technology replacement. *(Technology needs are urgent, however, budget constraints limit action.)*

Strategic Pillars

Pillar 1: Rebuild Trust While Rebuilding the Office (2025)

Goal: Simultaneously strengthen internal operations and re-engage the community and police with transparency, visibility, and humility.

Key Actions:

- Launch an “OIPA In the Community” outreach series—forums, listening sessions, and pop-up events in every council district.
- Develop a mobile “OIPA 101” presentation and outreach toolkit for youth, cultural groups, immigrant communities, and other key audiences.
- Hold monthly podcasts with community members concerning vital issues or concerns.
- Establish open office hours in community locations (libraries, community centers, etc.) to improve access and rebuild presence.
- Publish a transparent “State of the Office” quarterly report detailing current priorities, future plans and mission updates.
- Pair every internal improvement with public messaging: “Here’s how this benefits YOU.”



Strategic Plan: 2025-2028

Messaging Theme: *“We’re rebuilding—and you’re part of it.”*

Performance Indicators:

- 52 outreach events and forums held per year City-Wide
- 200-700 attendees per district per year (Depending on needs)
- Community feedback score on visibility and trust

Pillar 2: Develop Our Team Into Oversight Experts (2025–2026).

Goal: Invest in staff development to create a deep bench of subject matter experts in audit, policy, and community relations.

Key Actions:

- Create Professional Development Tracks for Audit, Policy, and Engagement.
- Establish mentorships, training exchanges, and certification programs via NACOLE and academic partnerships.
- Rotate analysts through focused areas (Use of Force, Vehicle Pursuits, Bias-Based Policing) to deepen specialization.
- Launch a job shadow and observation program with SJPd and Internal Affairs.
- Develop a talent pipeline and internal leadership succession framework.

Performance Indicators:

- 100% of analysts completing development tracks
- 100% of specialized topic audits assigned annually
- Internal and external satisfaction surveys on expertise



Strategic Plan: 2025-2028

Pillar 3: Strengthen Collaborative Outreach With the Community and Police (2026–2027).

Goal: Deepen the connections formed in Year 1 into lasting, collaborative partnerships.

Key Actions:

- Create a Community Oversight Advisory Panel to provide feedback and co-create strategy.
- Conduct annual community and stakeholder surveys to measure trust, awareness, and perceptions.
- Partner with SJPd on shared community forums, transparency initiatives, and scenario-based dialogue.
- Establish trusted messenger relationships to amplify the OIPA's mission.
- Formalize feedback loops and post-engagement reports to improve effectiveness.

Performance Indicators:

- Advisory panel participation and retention
- Change in survey trust scores year over year
- Frequency and diversity of joint forums held



Strategic Plan: 2025-2028

Pillar 4: Expand Capacity and Build for the Future (2027–2028).

Goal: Secure sustainable growth through dedicated staffing and resource development.

Key Actions:

- Expand OIPA by three analysts to fully activate three strategic focus areas
 - Use of Force (current)
 - Community Outreach (current)
 - Policy Analyst (new)

(Hire 2 analysts to handle audits, freeing current staff to focus on their primary roles. Add 1 new Policy Analyst for dedicated policy work.)

- Create a budget and staffing justification framework for City Council review.
- Seek academic or philanthropic partners for research, evaluation, and pilot projects.
- Implementation of technology (1) transformation, including real-time dashboards, a public-facing digital complaint portal, a community engagement platform, and (2) the replacement of the current audit tracking system—which will be 15 years old by the time of implementation. **(current estimates of \$25k-75k per year to accomplish both)**

Performance Indicators:

- Approval and hiring of new FTE's
- Grant funding or partnership agreements secured
- Implementation of digital systems replacement and upgrades

Cross-Cutting Values

- Transparency – Open reporting, visible operations, and public access to data
- Objectivity – Fair, fact-based assessments and recommendations
- Equity – Inclusive practices that serve all communities
- Innovation – Forward-looking models like Real-Time Auditing
- Resilience – Building systems and culture that endure



Definitions

Allegation – An allegation refers to a specific act of potential misconduct. A single complaint can include multiple allegations.

Arrest & Detention – An arrest involves taking a person into custody based on probable cause that they have committed a crime. A detention is a temporary stop by police based on reasonable suspicion of involvement in criminal activity.

Audit – A review process, also known as “real-time auditing,” conducted by OIPA during or shortly after an SJPD investigation is completed. The audit involves OIPA’s examination of the investigation, allegations, and findings as they occur in real time.

Bias Based Policing - When an officer treats someone unfairly based on race, gender, or other protected class. Officers must act in a fair and unbiased manner.

Case - A situation requiring investigation.

Conduct Unbecoming an Officer - An officer’s conduct, either on or off duty, which adversely reflects upon the SJPD is deemed to be conduct unbecoming an officer.

Community Complaint - The refers to the person making the misconduct complaint against the officer.

Complaint – Typically refers to a report of misconduct, alleging that a sworn officer engaged in behavior that may violate the Duty Manual.

Courtesy - Officers must be respectful, patient, and professional, even under pressure. They may not use rude, profane, or offensive language, except when necessary to control a violent or dangerous situation.

Department Initiated Investigation (DII) – An investigation started by SJPD based on a complaint or concern from within the department.

Documented Oral Counseling – A formal disciplinary action where a written record confirms that an officer was verbally warned to improve their performance or behavior, with notice that further problems may result in more serious discipline.

Duty Manual – SJPD rules, policies, and procedures that officers must follow in their duties.

Finding – The official conclusion of an investigation, determined by SJPD command staff after OIPA has completed its review.

Internal Affairs (IA) – A unit within SJPD made up of officers and sergeants who receive and investigate complaints about police conduct.

Letter of Reprimand – A formal written disciplinary action issued to an employee for misconduct or poor performance.

Policy & Procedure - A policy is a rule that explains what must be done, while a procedure is the step-by-step process for how to do it. Policies set the standard; procedures guide the actions to meet that standard.

Search & Seizure – A search or seizure that violates 4th Amendment protections against unreasonable actions by law enforcement.

Subject Officer – The officer accused of the alleged misconduct.

Sustain Rate - The percentage of misconduct complaints that result in a sustained finding.