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# CNA 21st Century Policing Assessment and Use of Force Assessment of the San José Police Department

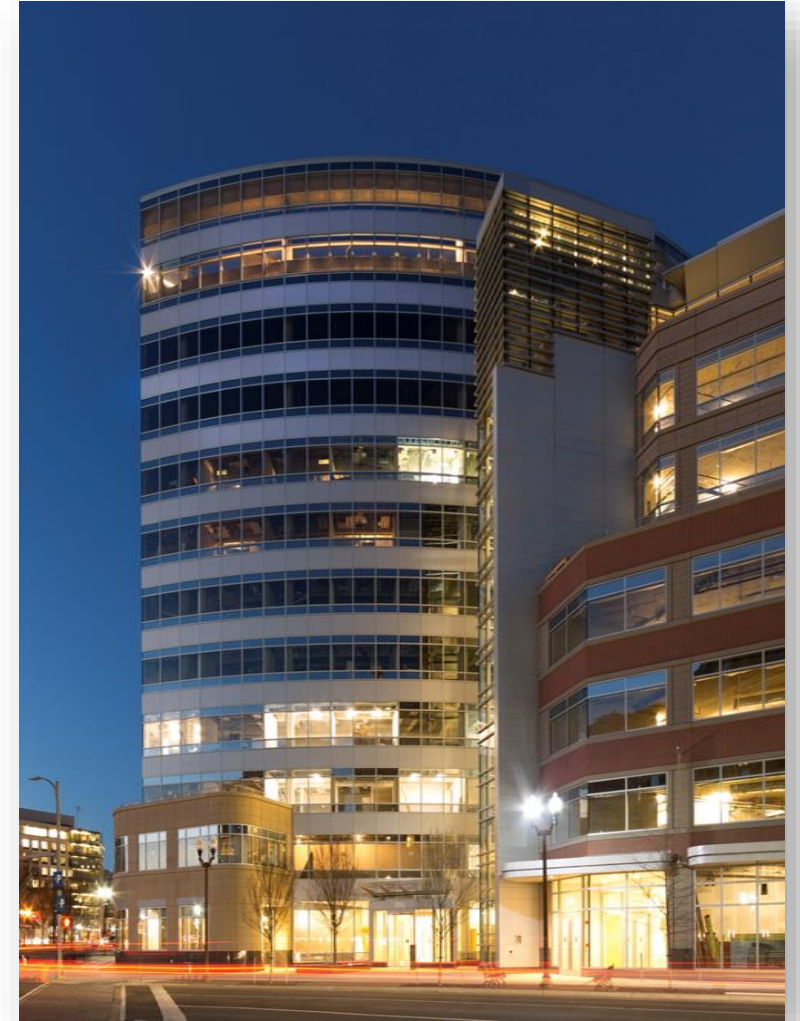


# Agenda

- Presentation of 21<sup>st</sup> Century Policing Assessment Report
- Presentation of Use of Force Assessment Report

# Background about CNA

- CNA is a nonprofit research and analysis corporation that was founded during WWII, pioneering the field of operations research
- We take a data-driven, evidence-based approach to problem solving
- The Center for Justice Research and Innovation assists over 450 law enforcement agencies nationwide
- Our team is at the forefront of law enforcement assessment and organizational change, with specific expertise in local agency assessments



## Goals of CNA Assessments

- Employ methodologically sound scientific research tactics that are grounded in current standards
- Identify any promising practices or potential concerns with policies, training, actions, behaviors, or decisions made
- Provide evidence-based technical assistance in order to improve organizational performance and maximize impact
- Incorporate relevant stakeholder insights to facilitate community buy-in
- Develop actionable findings and recommendations tailored to San José

# 21<sup>st</sup> Century Policing Assessment Report

# President's Task Force on 21<sup>st</sup> Century Policing

- Released in May 2015
  - 59 Recommendations
  - 92 Action Items
- Encompasses most of police operations

## Six Pillars

1. Building Trust and Legitimacy
2. Policy and Oversight
3. Technology and Social Media
4. Community Policing and Crime Reduction
5. Training and Education
6. Officer Wellness and Safety

# Methodologies

- 21<sup>st</sup> Century Policing Questionnaire
- Document Review
- Training Review
- Targeted Interviews (>20 Conducted)
  - Virtual and Site Visit
- Officer Focus Groups (12 Conducted, 3-4 participants per focus group)
- Community Listening Sessions (>50 Attendees)
- Community Interviews (~40 Interviewed)

## Main Findings – Overall

- The SJPD has implemented or made substantial progress on implementing many of the recommendations and action items of the President's Task Force on 21<sup>st</sup> Century Policing
  - Demonstrated commitment to current standards
- The SJPD operates with fewer officers per capita than other cities of similar size
  - Common theme during interviews with all stakeholders
  - Discussed in depth in City Auditor's 2021 report
- Several opportunities to measure and document exist



# Main Findings – Pillar 1 (Building Trust and Legitimacy)

- Concepts of Procedural Justice reflected in SJPD policies and training
- Recommendations to measure application and utilize findings
  - Community/Interaction Survey
  - Hoffman Via Monte findings
- Recommendations to enhance community input
  - Universal review/comment
  - Highlight important policies (Ex: BWC webpage)
  - Targeted solicitation on rotating basis

# Main Findings – Pillar 1 (Building Trust and Legitimacy)

- Community Relationship
  - Issues of Trust (Muslim Community)
  - Lack of awareness of Department's outreach efforts
- Immigrant Community
  - Perceived coordination with ICE despite Section L 7911 of Duty Manual and public statements by City officials
- SJPD Efforts
  - Internal acknowledgement of policing's history
  - Liaison Officers
  - Diverse recruitment efforts

# Main Findings – Pillar 1 (Building Trust and Legitimacy)

- Concepts of organizational justice present but can be enhanced
  - Officer Advisory Board (new)
  - Reactive input (e.g., training evaluation)
- Recommendations to enhance employee input
  - Incorporate a regular and ongoing organizational survey and other mechanisms for gathering employee input on policy, training, and operations

# Main Findings – Pillar 2 (Policy and Oversight)

- Collaborative Policing
  - Overlap with findings of Pillar 1
    - Measurement of outcomes needed
  - Crime Prevention Specialists
  - Community Liaisons
- Civilian Oversight
  - Independent Police Auditor

# Main Findings – Pillar 2 (Policy and Oversight)

- Non-Punitive Review of Critical Incidents
  - OII Training Review Panel
    - Documentation improvements possible
- Street Interactions
  - Several policies prohibiting profiling and discrimination
    - Require measurements
  - Firm language in policy required (consent searches, identifying themselves, transgender searches during arrest)
- Other issues discussed in other reports (use of force; mass demonstrations)

# Main Findings – Pillar 3 (Technology and Social Media)

## Technology

- Smartphones, video recorders, audio recorders, ALPRs, cellular communication interception technology, BWCs, evidence safeguards (access), file tracking (among others)
  - Duty Manual contains procedures and safeguards
- Community input could be enhanced
- BWC audits process being enhanced
  - Random video review

# Main Findings – Pillar 3 (Technology and Social Media)

## Social Media

- Agency Social Media
  - Facebook, Twitter, YouTube, NextDoor, Instagram
  - Used for recruiting, disseminating information, receiving information
  - Media Relations Unit
    - Primarily reactive due to resource constraints
- Officer Social Media
  - Addressed in policy which has been recently updated

# Main Findings – Pillar 4 (Community Policing and Crime Reduction)

- Measure and document efforts
  - Positive Example: SJPD has community policing as part of annual performance evaluations
- Recommendation to create comprehensive written community policing strategic plan
  - Corresponding area-specific strategic plans
- Requires resources



# Main Findings – Pillar 4 (Community Policing and Crime Reduction)

## Examples of Current SJPD Engagement Efforts

- Camp Everytown
- Chief's Community Advisory Board
- Coffee with a Cop
- Boba with a Cop
- Making Strides 5K Cancer Walk
- National Night Out
- Parent Project
- Project Hope
- SJSU Football Team Meeting
- Shop with a Cop
- Special Olympics Torch Run
- Together Empowering and Mentoring (TEAM) Kids
- YWCA Walk a Mile in Her Shoes

# Main Findings – Pillar 4 (Community Policing and Crime Reduction)

- Focused Collaboration
- Engagement with faith leaders
  - Meetings
  - Training
- Mental health response
  - Mental health training
  - Co-responder model
- Engagement with youth
  - Several initiatives and youth-positive policies
  - Relationship with schools recently been impacted
  - Recommend strengthening relationship

# Main Findings – Pillar 5 (Training and Education)

- Several Recommendations and Action Items Fully Implemented or Nearly Fully Implemented
  - Training facility
  - Leadership training
  - Crisis intervention training
  - Social skills in training
  - Field training officers
- Areas for Improvement
  - Community involvement (development and delivery)
  - Evaluation

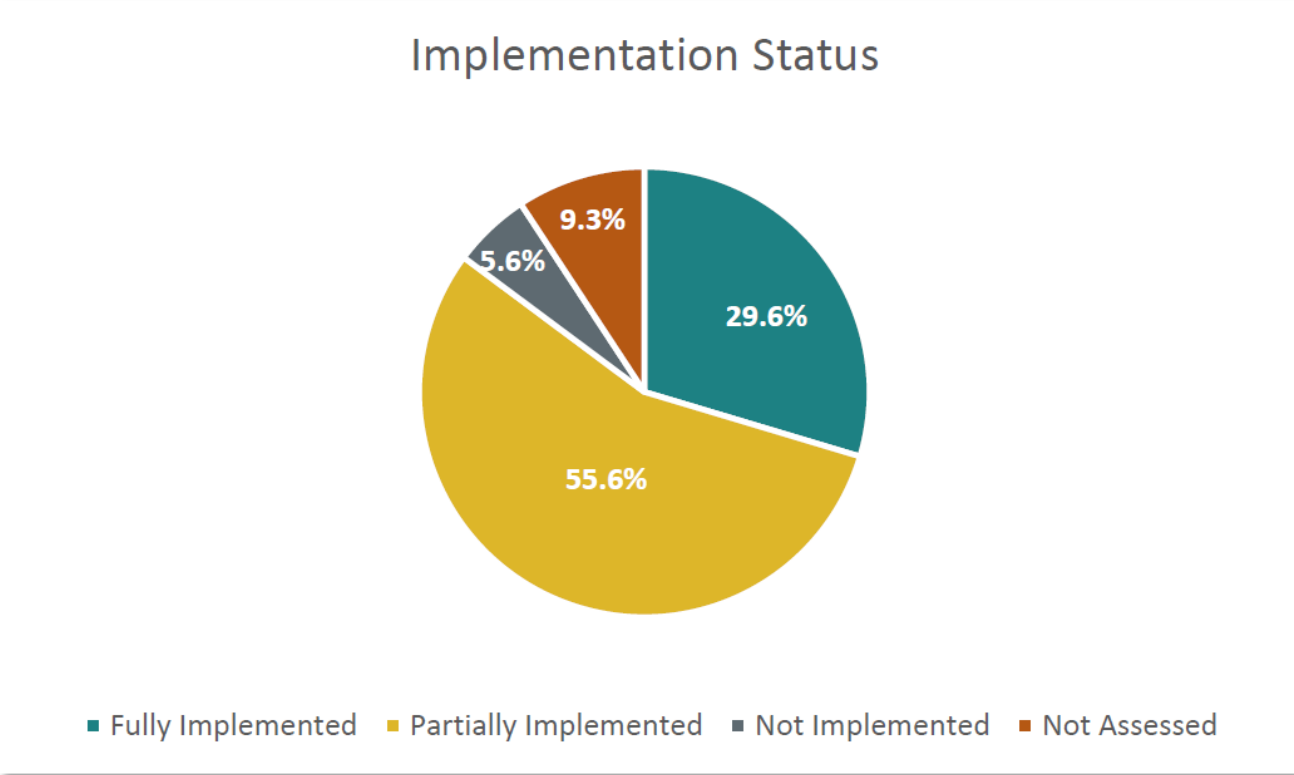
## Main Findings – Pillar 6 (Officer Wellness and Safety)

- Several positive approaches to wellness and safety
  - Voluntary focus groups to address wellness
  - Positive views of the SJPD culture
  - Fitness equipment
  - Crisis Management Unit
  - Critical Incident Stress Debriefings
  - Dispatcher stress management resources, EAP, and peer support
  - EIS currently being enhanced
  - First-aid equipment and training

# Main Findings – Pillar 6 (Officer Wellness and Safety)

- Staffing issues working against wellness and safety
  - Burnout
    - Particularly officers and sergeants
  - Supervisor oversight
    - Informal EIS
- Dispatchers
  - Not always able to join critical incident stress debriefings with officers

# Implementation Status – All Recommendations



85% of 21CP Recommendations Fully or Partially Implemented

# Conclusion

- Evidence of SJPD dedication to incorporating current national standards
  - Policy
  - Training
- Measure and document
  - Audits
  - Community engagement and perceptions
  - Officer engagement and perceptions
  - Police/Community interactions

# Use of Force Report



# Methodologies

- Document Review
  - Duty Manual, local ordinances, training lesson plans, training materials, use of force cases
- Targeted Interviews (>20 Conducted)
  - Virtual and Site Visit
- Officer Focus Groups (12 Conducted)
- Quantitative Analysis
- Community Listening Sessions (>50 Attendees)
- Community Interviews (~40 Interviewed)

# Use of Force Policy and Procedure - Positive

- Force Tools and Options Consistent with Other Agencies
- Consistent Elements Across Tools and Options
  - Prohibited uses
  - Requirement to provide first aid
  - Supervisor responsibilities
  - Category of review
  - Review procedures
- Reinforced Through Comprehensive Training

# Use of Force Policy and Procedure - Gaps

- Resistance Levels Not Defined
  - Inconsistent guidance on minimum resistance needed
- Force Definition
  - *Any incident in which officers, either on or off duty, exercise their police powers and use deadly force or any force option including physical force*
- De-Escalation
  - No affirmative duty to de-escalate
  - Force identified as de-escalation tool
  - Comprehensive six-hour training (lecture and scenarios)
- Force Review Board/Force Auditor
  - Training Review Panel for Officer-Involved Incidents only

# Use of Force Policy and Procedure - Clarity

- Force Partially a Function of Outcome Rather Than Actions
  - Lower levels require injury or complaint of pain
  - Does not reflect officer proclivity
- Incomplete/Inconsistent Categorization
  - Unclear where some force options fall (Category I or Category II)
    - Takedowns, strikes/kicks (not to the head), improvised tools
  - Intentional strike to head with impact weapon
    - Category III force
    - Requires deadly force justification
- Mass Demonstrations
  - Call-outs, coordination with crowd, post-event debriefings
  - Memorialize in policy what is already being done in practice

# Use of Force Policy and Procedure – Community Perceptions

- Segments of Community have Diverse Perspectives and Experiences
  - Black and Hispanic groups compared with Asian and Muslim groups
- Friends/Family of Officer-Involved Shooting
  - Felt lack of respect and dignity
- Concern With Use of Force During 2020 Social Justice Movement
  - Different response based on topic/political tone
  - Officers used force with little or no provocation/justification
- Ongoing Relationship
  - Discussed in further depth in 21<sup>st</sup> Century Policing presentation

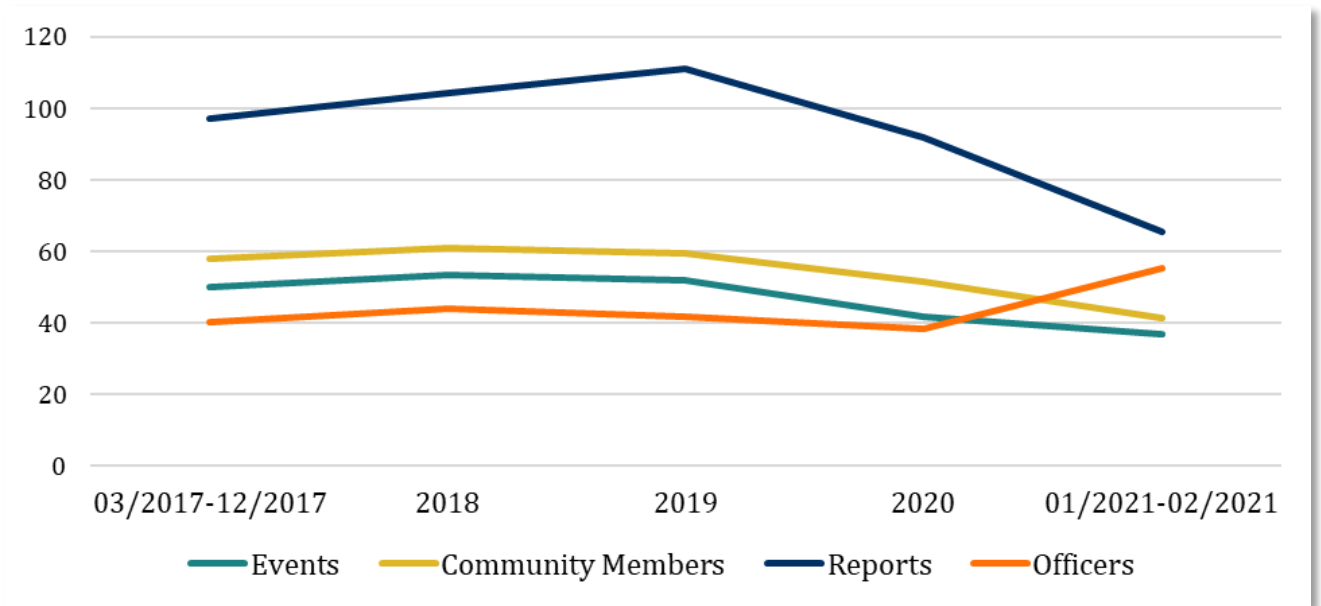
# Use of Force Report

- Reporting Template
  - Allows for detailed data analysis at the event, officer, force type, injury, and community member levels
  - Use of Force Documentation Guide aids in completing the template
- Outdated system
  - Manual entry and duplicative
  - Creates data inconsistencies
  - Does not conduct within-system data quality checks
  - Recommend updated system

# Use of Force Events

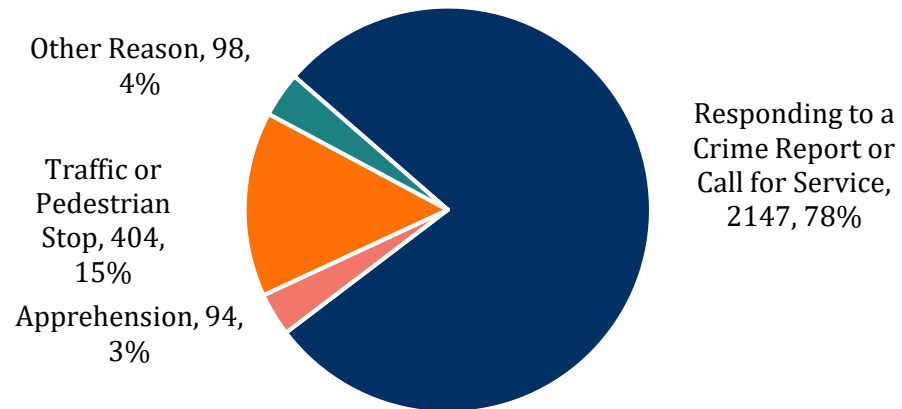
- Quantitative Analysis of SJPD Use of Force Data
  - February 17, 2017 to February 27, 2021
  - 4,817 Use of Force Reports
  - 2,352 Use of Force Events
  - 2,743 Community Members
  - 936 SJPD Officers

## Use of Force Avg. Per Month

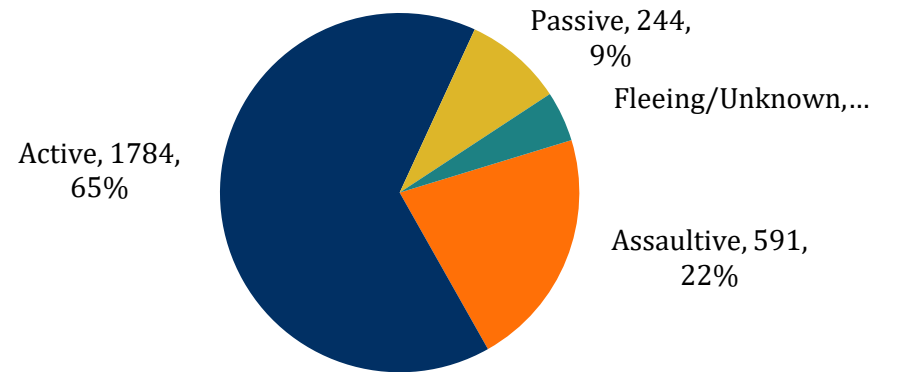


# Use of Force Events

## Initial Reason for Contact



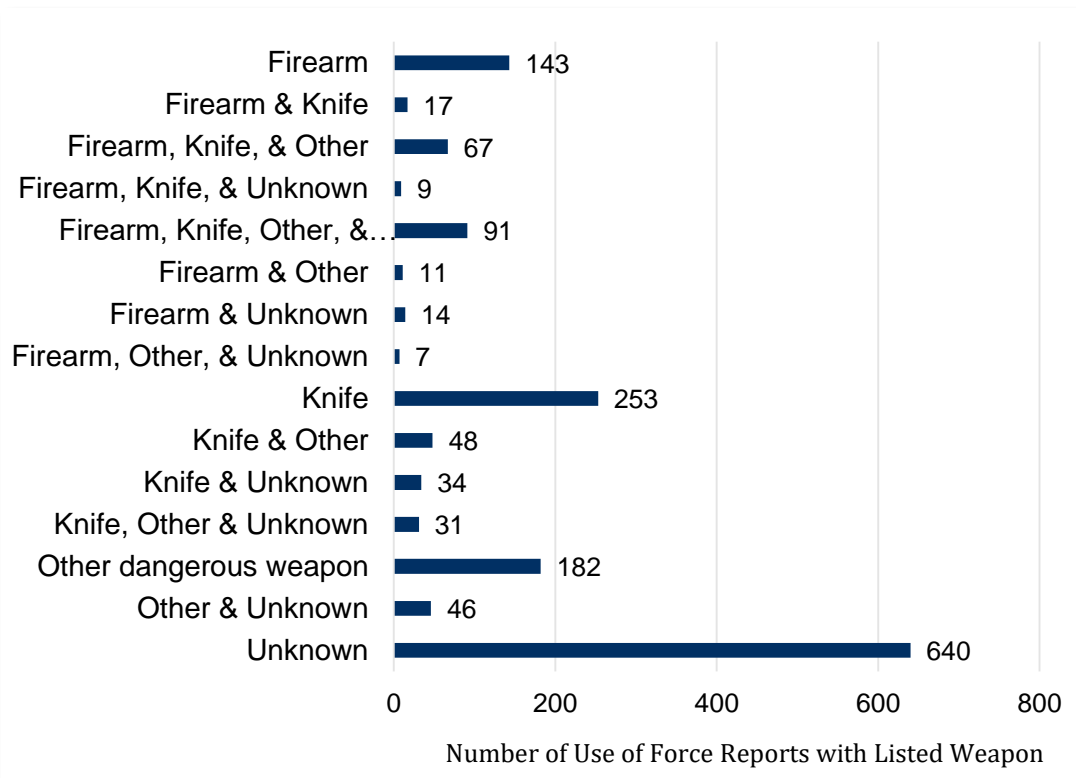
## Officer Descriptions of Resistance



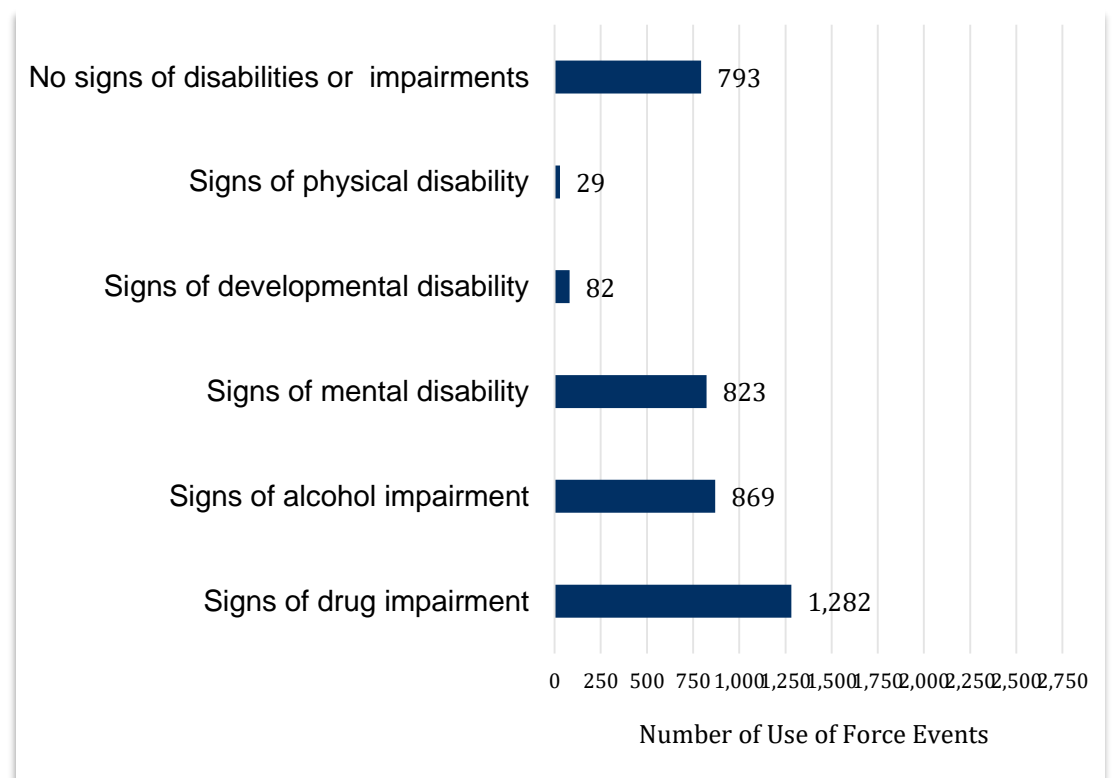


# Use of Force Events

## Perceived Weapons

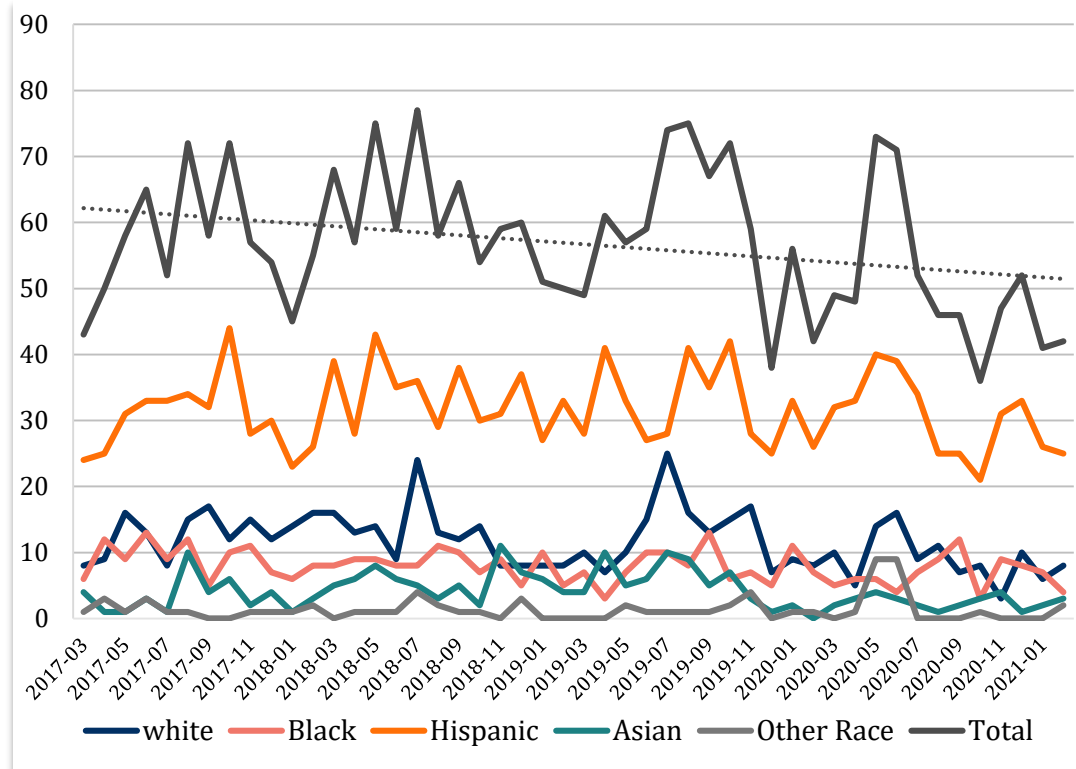


## Reported Community Member Behaviors

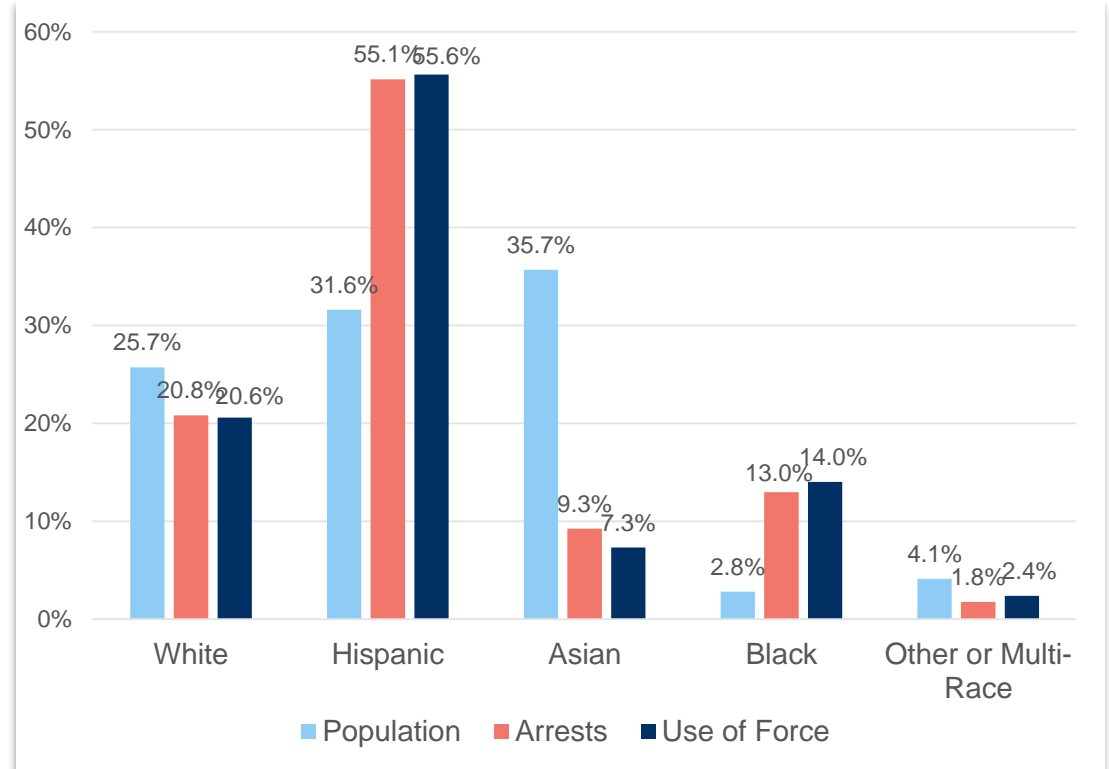


# Use of Force by Race

## Over Time

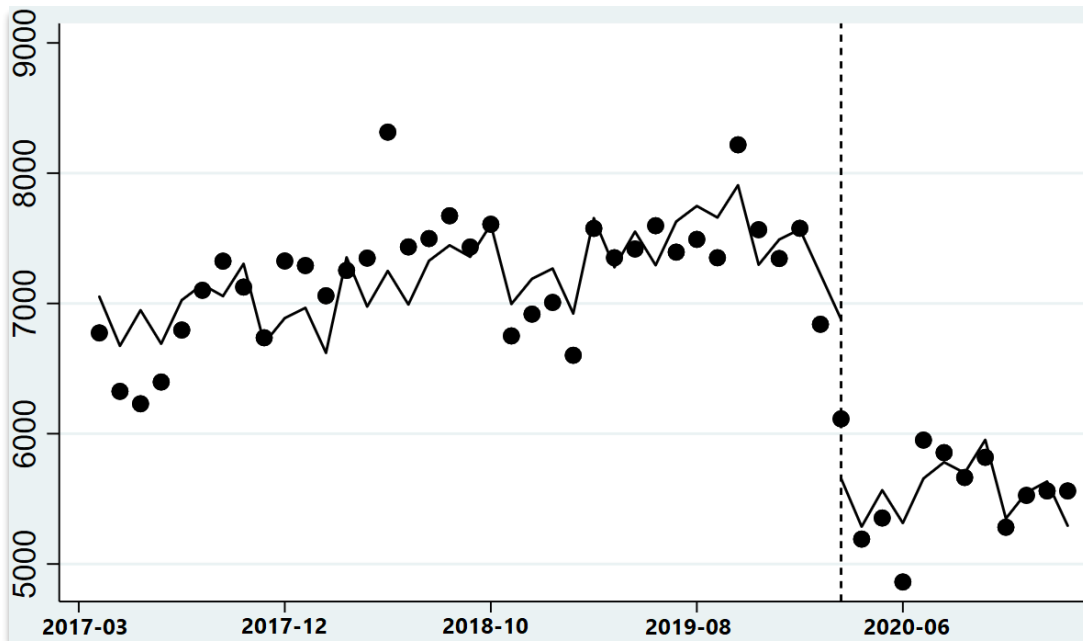


## By Population, Arrests, and Use of Force

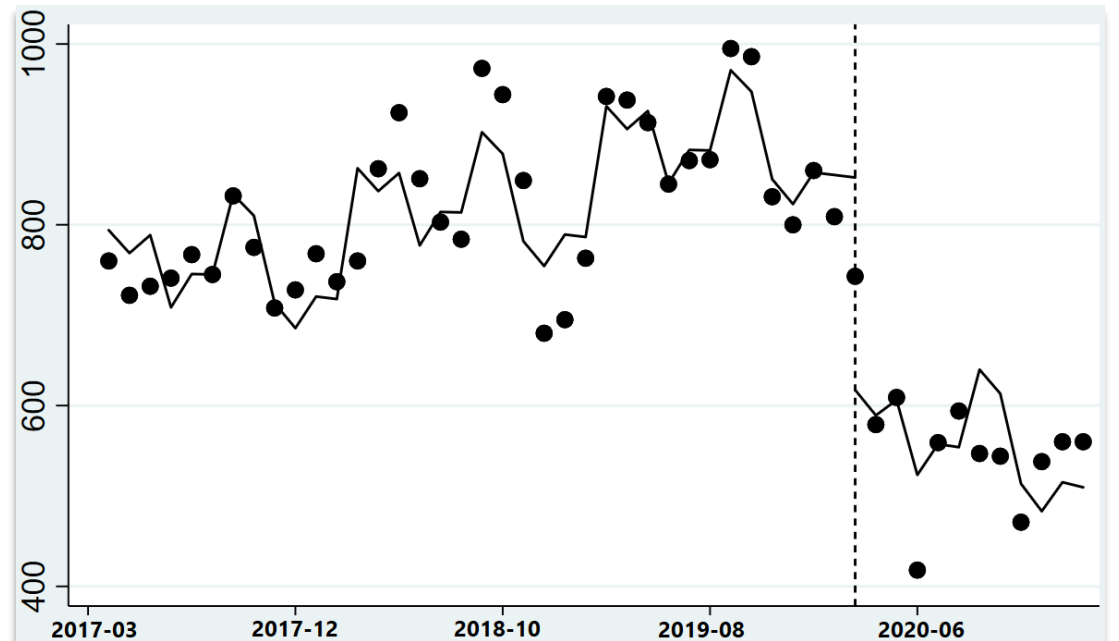


# Impact of Covid-19 and Social Justice Movement

## Calls for Service (March 2020 Break)

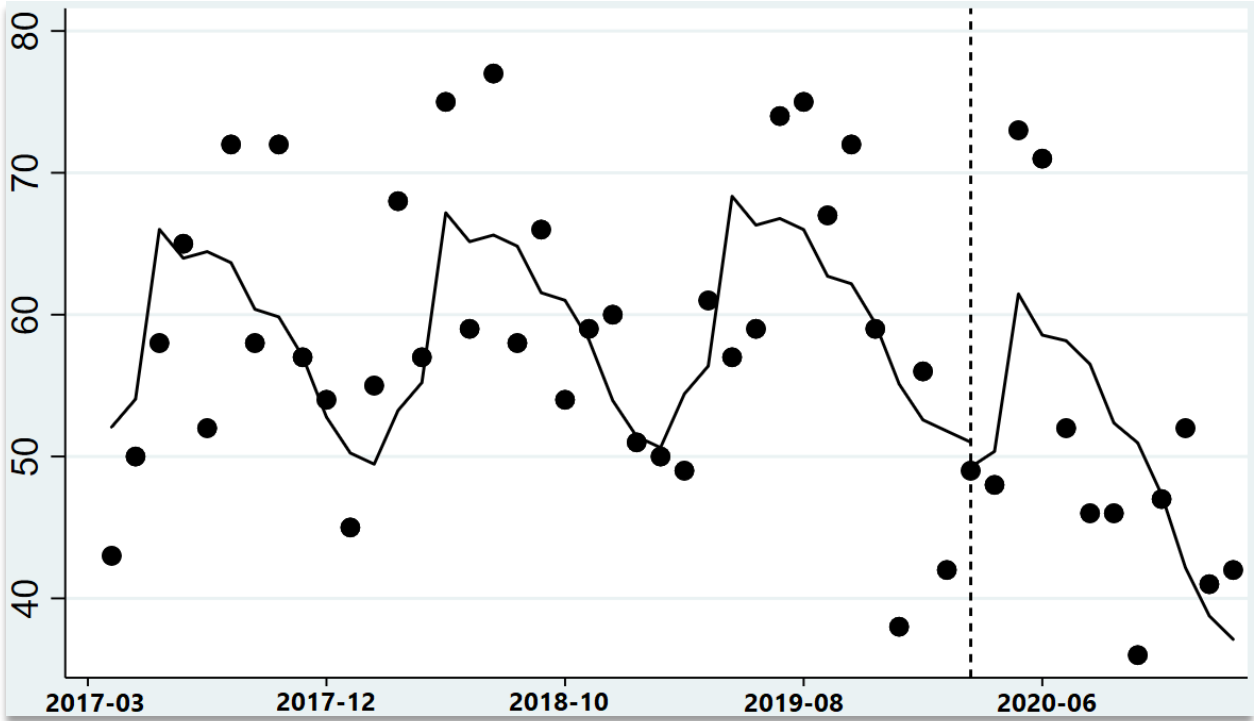


## Arrests (March 2020 Break)



# Impact of Covid-19 and Social Justice Movement

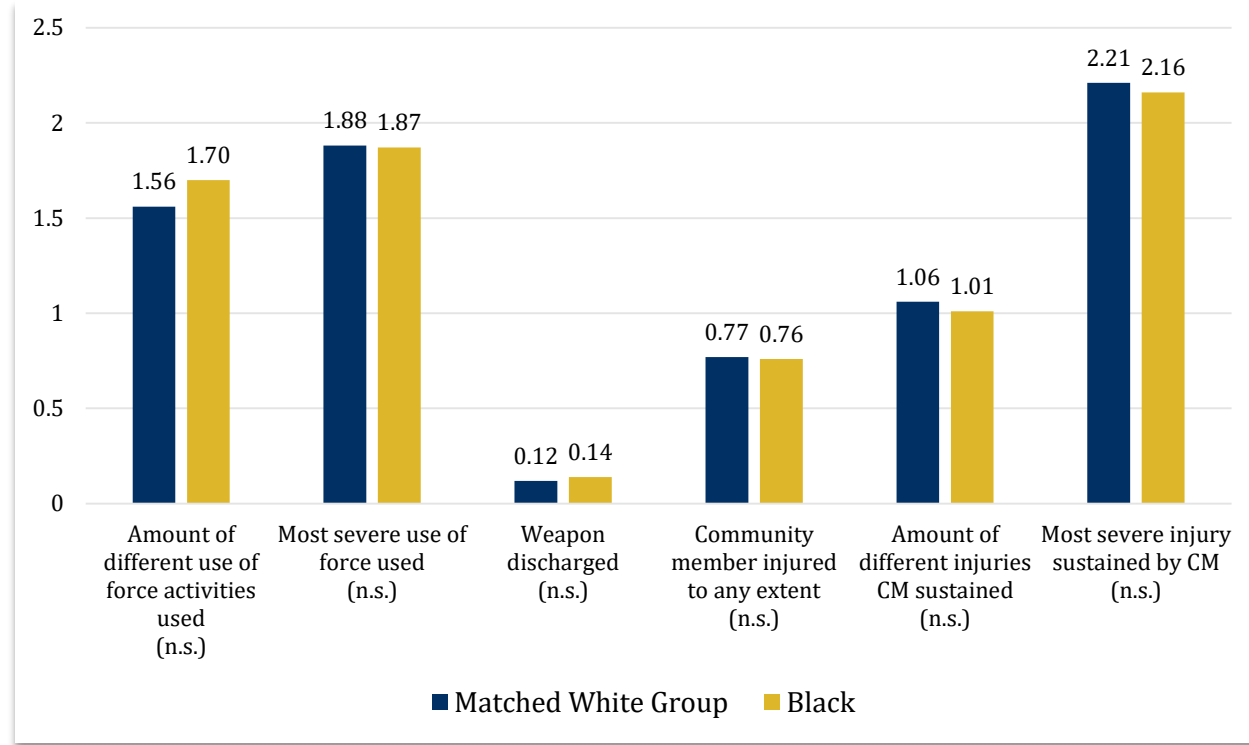
## Use of Force (March 2020 Break)



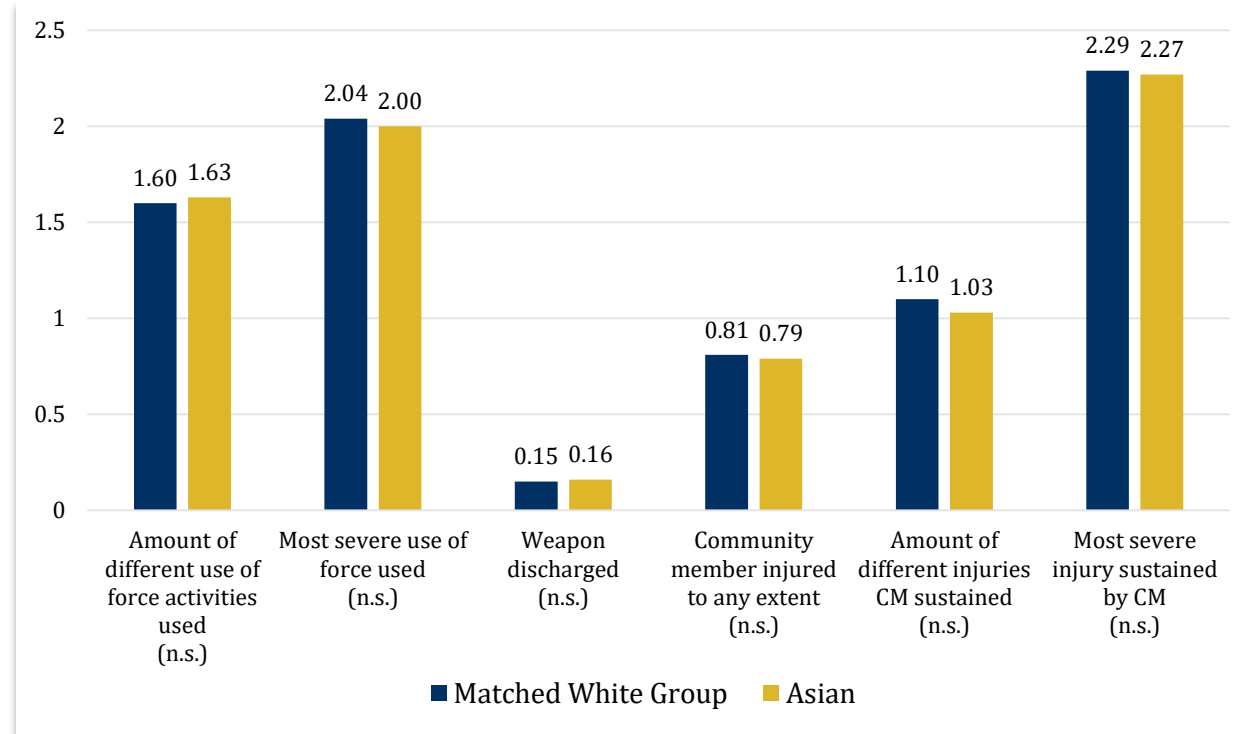
# Use of Force – Matched Analysis

- Propensity Score Matching
  - Compares incidents that are similar except for the variable of interest
- Groups white community members with individuals of color based on several variables
  - Community member age and sex
  - Officer age, sex, race, shift, and tenure
  - Event characteristics
    - Initial contact reason
    - Number of community members
    - Number of officers (also broken out by demographics)
    - Indicated officer perceptions (resistance, armed, behaviors)

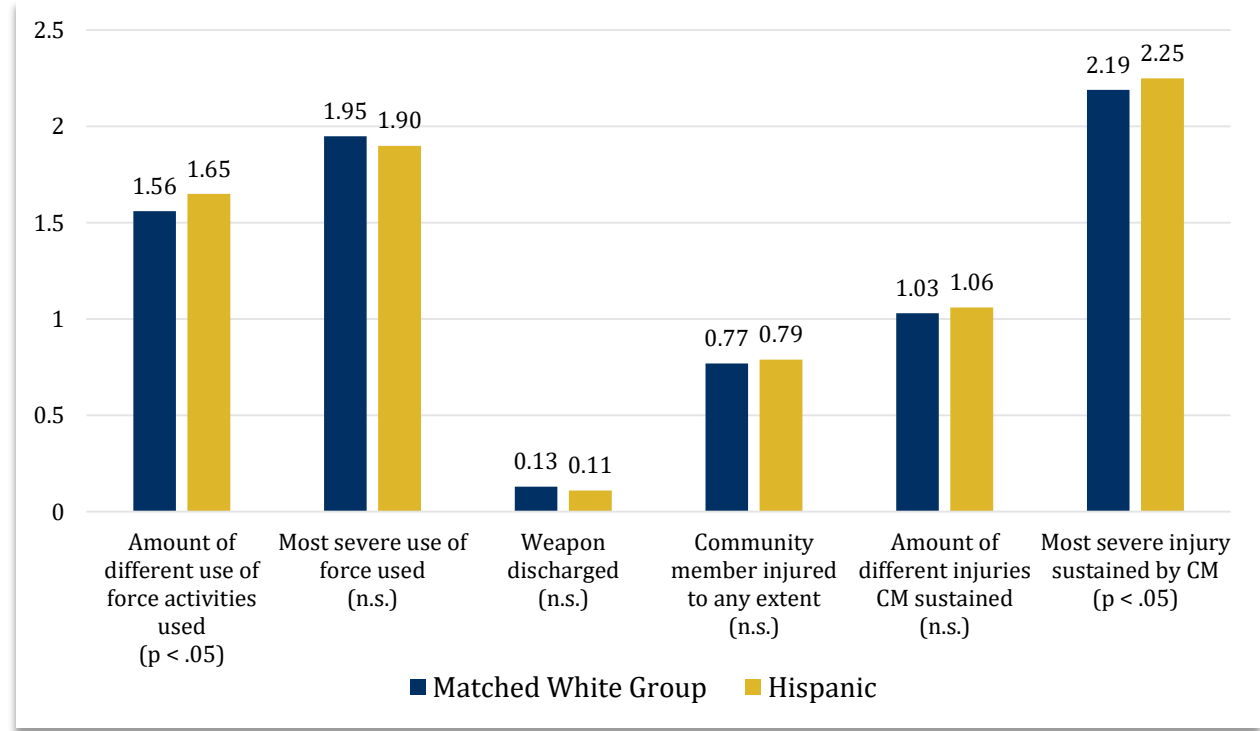
# Use of Force – Matched Analysis



# Use of Force – Matched Analysis



# Use of Force – Matched Analysis





# Conclusion

- Potential for Improvement in Use of Force Policy
  - Definition
  - Clarity
  - Breadth
- Training is Positive
  - De-Escalation
  - Force Tools and Options
- Lack of Auditing
  - Force Review Board/Inspector
- Reporting Data Thorough
  - System Outdated
- Use of Force By Race
  - Population v. Arrest
  - Matched Analysis
- Impact of Covid-19 and Social Justice Movement
  - Calls for Service
  - Arrests
  - Use of Force

# Questions?

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