

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
1	RIPS	15 pp9	The City of San José and other agencies will develop housing and supportive services to ensure individuals leaving jail and prison are not released into homelessness.	1	Alternative Approach	<p>This recommendations aligns with San José’s existing efforts, identified in the City’s Housing Element, to increase, preserve and improve the supply of affordable housing. The City will continue these existing efforts to increase and preserve the supply of affordable housing.</p> <p>This recommendation also aligns with a key result included in the draft version of the Mayor’s Gang Prevention Task Force 2023-2025 strategic plan, to “house and employ at least 6 young people released from Department of Juvenile Justice or County Probation.”</p>			X
2	RIPS	16 pp3	The City of San José will advance policies and funding that stabilize renters, preserve and increase the supply of affordable housing, such as rental subsidies and income supports, the Community Opportunity to Purchase Act, Commercial Linkage fee program, and SB9 implementation.	1	Alternative Approach	The goals of stabilizing renters, preserving and increasing the supply of affordable housing and implementing the commercial linkage fee program align with the City’s existing efforts, as identified in the Housing Element. With regard to the Community Opportunity to Purchase Act, staff is currently developing a Community Opportunity to Purchase Program, with the intent of bringing forward a draft program to City Council next year. The City implemented SB 9 through City Council approval of an SB 9 ordinance in December 2021.			X
3	RIPS	18 pp10	The City of San José will strengthen efforts to fight wage theft by revoking permits, contracts, licenses and other City agreements with businesses with unpaid wage theft judgements, including a Responsible Contracting Ordinance.	1	Alternative Approach	Staff is currently working to advance this recommendation. Revising the City’s Wage Theft Policy and developing a Responsible Contractor Ordinance are initiatives included on the City Roadmap.			X
4	RIPS	20 pp11	The City of San José will initiate a visioning process to identify strategies to ensure our communities are safer by addressing root causes of inequities, violence, and trauma, including benchmarks of success driven by community voices.	1	Alternative Approach	This recommendation aligns with the City’s process to develop the Mayor’s Gang Prevention Task Force 2023-2025 Strategic Work Plan, with its goal of preventing and addressing issues of violence among youth and adults.			X
5	City Auditor	21-01, 04	To ensure that targets for community policing address Council and community priorities, the Police Department should develop a long-term community policing strategy that describes how performance targets address those priorities and work with the City Administration to identify consistent sources of funding for priority community policing positions, such as foot patrol.	1	Community Engagement	The Department will evaluate community policing opportunities through a Community Policing Consultant. The RFP Process has been assigned to the Bureau of Field Operations, but has not begun due to staffing turnover. In June 2022, in addition to approving 16 new police officer positions, as part of the Mayor’s June Budget Message for Fiscal Year 2022-2023, Council approved MBA 41. MBA 41 included as a Committed Addition to future Five-Year General Fund Forecasts, the annual addition of up to 15.0 positions in the Police Department, which may be a mix of sworn and civilian positions depending upon the most pressing community safety needs, in each year where the City Manager determines that the addition of the positions would not require a decrease in existing basic neighborhood services.			
6	CNA 21st CP	1.1.2 1.2.2 1.5.1 1.6.1 1.7.1 4.2.1 4.3.1 4.4.3	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.	1	Community Engagement	The Department recently redesigned report receipts to include a QR code. At the time of this update, the receipts are being printed. When they are deployed in the field, the report receipts will allow the public to scan the QR code to be taken to an online survey. The survey results will be monitored, quantified, and evaluated to determine their long-term effectiveness. In consultation with the City Manager’s Office, the Department will either continue the practice or seek other opportunities for consistent public feedback.			
7	CNA 21st CP	1.9.4	Staff designated liaison officers for each unique community within San José.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant’s evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City’s overall fiscal condition and other Departmental program needs.		X	
8	CNA 21st CP	2.1.1	Provide some type of written or online feedback forms at each community meeting to validate community members’ voice and enhance the collaborative spirit of the meetings.	1	Community Engagement	The Department recently redesigned report receipts to include a QR code. On September 15, 2022, the Department issued Training Bulletin #2022-030 regarding Revised Incident Cards. These report receipts will allow the public to scan the QR code to be taken to an online survey. The survey results will be monitored, quantified, and evaluated to determine their long-term effectiveness. In consultation with the City Manager’s Office, the Department will either continue the practice or seek other opportunities for consistent public feedback.	<a href="#">Training Bulletin #2022-030</a>		

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
9	CNA 21st CP	2.1.2	Create boards with additional historically marginalized populations. The SJPD should also consider establishing its own Police Advisory Board comprised of only residents from areas within the respective district and representative of the demographics within that district.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
10	CNA 21st CP	2.1.3 4.5.1	Create a comprehensive community engagement plan, both for the department as a whole as well as for each division.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
11	CNA 21st CP	4.1.1	Provide concrete expectations for community engagement in the Duty Manual, including expectations for Sergeants.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
12	CNA 21st CP	4.1.2	Create a comprehensive, written community policing strategic plan and task captains in each division with developing area-specific community policing strategic plans.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
13	CNA 21st CP	4.1.3	Ensure that their community engagement efforts are being experienced by all elements of the community.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
14	CNA 21st CP	4.2.3	Develop personalized community engagement goals for officers based on the department and division community engagement plans, including the metrics officers will be evaluated on.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
15	CNA 21st CP	4.5.2	Evaluate how community meetings have led to substantive policy or training changes.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
16	CNA 21st CP	4.5.3	Determine whether all portions of the SJPD community is being reached through current outreach efforts.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
17	CNA 21st CP	4.5.4	Evaluate distribution of department-led and community-led collaboration.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	

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Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
18	CNA 21st CP	4.6.4	When developing a community engagement plan, identify youth as a population worthy of specialized outreach, beginning with engagement with schools but also extending to diversion and reentry effort.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
19	CNA 21st CP	4.7.2	When developing a community engagement plan, gather input from leaders and members of established youth groups, especially those working in historically underserved communities.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
20	CNA 21st CP	4.7.3	Utilize survey tools and data about justice-involved youth to gauge the effectiveness of youth outreach efforts.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
21	CNA 21st CP	5.2.1	Incorporate a broader training oversight committee.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
22	CNA 21st CP	5.2.2	Implement a civilian academy and allow for a formal evaluation of the training and overall experience.	1	Community Engagement	The Department is in the process of implementing an abbreviated academy for the public to attend.			
23	CNA 21st CP	5.9.1	Utilize community input for proactive training in addition to reactive training.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
24	CNA 21st CP	5.9.3	Provide opportunities for community members who want to participate in training an opportunity to do so.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
25	CNA U of F	1	Future modifications to departmental operations should reflect the diversity of perspectives and experiences of the San José community.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
26	CNA U of F	5.2	The SJPd should include community representatives as part of its efforts.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
27	CNA U of F	6.4	The SJPd should engage the community when defining de-escalation and providing concrete tools in the Duty Manual.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
28	CNA U of F	23	The SJPd should recognize that community members' perspectives of use of force during social justice movements may differ from departmental findings and incorporate that recognition when engaging the community in a review of policies.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
29	IPA	2017-06	SJPd should provide officers with guidance regarding community policing responsibilities.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
30	RIPS	10 PP8	The City of San José will develop a program to educate and train the public, community and neighborhood organizations on how to de-escalate crisis situations, support neighbors in distress, utilize alternative responses, and reduce reliance on police response.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
31	RIPS	46.1 ACC19	The City of San José will prioritize community engagement on the part of police officers by establishing more engagement expectations.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
32	RIPS	46.2 ACC19	Require completion of 60 hours of community engagement per year.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
33	RIPS YCR	12	The City of San José will create a Career Panel for middle school and high school classrooms/schools on various professions which can make a difference in their community, including, but not limited to, SJPd.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
34	RIPS YCR	15	The City of San José will expand outreach, advertising, and recruitment to increase turnout to public meetings, so more community members are aware of important decision making.	1	Community Engagement	The Department is in the process of implementing this recommendation.			
35	RIPS YCR	21	The City of San José will establish an Impacted Families Roundtable, to amplify voices of families impacted by carceral systems in SJPd policy decisions. Counseling support will be offered during and shortly after Roundtable meetings.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
36	RIPS YCR	36.3	The City of San Jose will develop outreach strategies to communities that could benefit, such as unhoused residents.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
37	State Audit	5	Collaborate with its community to establish or leverage community advisory boards consisting of representatives of diverse groups. Its strategy should specify how it will partner with the boards in the areas of recruitment, hiring, training, and community engagement, as well as how it will leverage the boards to obtain feedback on how it can better serve its community.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
38	State Audit	6	Ensure that officers at all levels regularly participate in community engagement activities.	1	Community Engagement	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
39	State Audit	7	Periodically survey its community to assess the effectiveness of its community engagement efforts and solicit feedback on how to improve its operations.	1	Community Engagement	The Department recently redesigned report receipts to include a QR code. At the time of this update, the receipts are being printed. When they are deployed in the field, the report receipts will allow the public to scan the QR code to be taken to an online survey. The survey results will be monitored, quantified, and evaluated to determine their long-term effectiveness. In consultation with the City Manager's Office, the Department will either continue the practice or seek other opportunities for consistent public feedback.			
40	CNA 21st CP	6.2.8	Re-engage with sergeants about list of sergeants' 2020 recommendations, explain what happened with initial recommendations, and engage in new process to glean feedback.	1	Internal Analysis or Review	The Department is hosting a peer-led, 5-day Sergeants' Retreat in November 2022. Every sergeant, Department-wide, will attend for one day. During the retreat, sergeants will be engaged in topics including morale, Department direction, staffing, supervision, oversight, and leadership. The results of the retreat will be brought to the executive staff for future integration into Department policies, procedures, and practices.			
41	CNA 21st CP	2.8.1	The city should review the findings of the IPA pilot program and make an evidence-based decision on whether to retain the IPA's current authority.	1	Oversight	The Independent Police Auditor conducted an evaluation of the pilot program as part of her 2021 IPA Year End Report. Continuation of the authority granted as part of the pilot will be determined as part of the bargaining process with the Police Officer's Association.			X
42	CNA 21st CP	2.8.2	The city should identify other ways that the IPA might contribute to civilian-led oversight, conduct pilot reviews of those approaches, and act accordingly.	1	Oversight	This recommendation aligns, in part, with the council's direction under item 19 on the Police Reforms Work Plan that the City Manager and IPA bring forward specific recommendations for how the IPA would take over investigations of police misconduct from the Police Department's Internal Affairs Unit. An independent consultant report regarding the use of professional misconduct investigators has been completed on this topic and the Administration and the IPA are working to bring it forward to the City Council.			X
43	City Auditor	12-04, 22	The Police Department should: (a) calculate the cost of bringing all coordination into SEU and the related impact on employers' fees, and (b) assess the impact on the hourly rate charged to employers, as well employer fees, if coordination were brought into SEU and employees were paid at an overtime rate. Given that information, the Department should seriously consider three options moving forward: (1) phasing into SEU the coordination of additional pay jobs, (2) bringing all coordination into SEU, (3) bringing all coordination into SEU and also paying employees on overtime through the City.	1	Policy Change	The Department is in the process of implementing this recommendation through policy changes that will be presented to the City Council for review and approval.			
44	City Auditor	12-04, 28	The Police Department should: (a) calculate the comprehensive cost of the secondary employment program (personnel, administrative costs, etc.), (b) compare those costs to the revenue generated by related fees, and (c) determine the fees that would be required to make the program 100% cost recovered and present this data to the City Council.	1	Policy Change	The Department is in the process of implementing this recommendation through policy changes that will be presented to the City Council for review and approval.			
45	City Auditor	12-04, 29	The Police Department should fully recover the cost of secondary employment liability policy either through increased employee contributions or by a fee charged to secondary employers.	1	Policy Change	The Department is in the process of implementing this recommendation through policy changes that will be presented to the City Council for review and approval.			
46	City Auditor	12-04, 30	Assuming that the City continues to offer uniformed off-duty employment to private employers, the City should assess the public and private benefits of the current provision of uniformed security services to a broad range of private and public entities. The Department should analyze the costs and benefits of continuing to provide this service on such a broad scale as well as the potential effects of limiting the program to certain types of jobs. The Department should propose a plan for the future of the program to the City Council that includes the results of this analysis.	1	Policy Change	The Department is in the process of implementing this recommendation through policy changes that will be presented to the City Council for review and approval.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
47	City Auditor	16-08, 09	To reduce the liability associated with high comp time balances, the San José Police Department should: A) Lower the allowable comp time balance from 480 hours, B) Explore a comp time buy-out program, and C) Consider a mandatory comp time balance buy-out upon promotion between sworn ranks.	1	Policy Change	The City and the POA began discussions related to Compensatory time off. While some MOA changes were made in the agreement, they have agreed to continue these discussions, including, but not limited to a possible buy down of an employee's outstanding compensatory time balance.			
48	City Auditor	16-08, 10	The Police Department should enforce the requirement for employees to lower their comp balance to 240 hours by the end of the year or submit plans to reduce balances.	1	Policy Change	This recommendation is an on-going negotiations between the City and SJPOA. The Department continues to require sworn employees to lower their compensatory time balances to 240 by the end of the year or submit plans to reduce balance. On October 21, 2021, the Department issued Memo #2021-030, reminding staff who would not be able to take the excess time off before the end of the calendar year to submit a plan to their	<a href="#">Memorandum #2021-030</a>		
49	City Auditor	19-01, 12	To remove report-taking responsibilities from emergency call takers, the Police Department should assess and potentially distribute report-taking responsibilities that could be handled by (a) the City Customer Contact Center, (b) police officers on modified duty, (c) retiree rehires, or (d) Community Service Officers.	1	Policy Change	Police Communications staff are still taking reports. CSOs have been placed at the main lobby to take reports but have not agreed to take over any phone reporting at this time.			
50	City Auditor	19-01, 16	Police non-emergency services should provide information and translation services for customers who do not speak English.	1	Policy Change	Police Communications currently offers interpretation services for non-emergency calls, but not for police reports by phone. Current resources and the time constraints would severely impact wait times for non-emergency callers. The Department anticipates interpretation services will be reviewed for telephone reporting following the transition of these calls out of the Emergency Operations Center.			
51	City Auditor	21-01, 03	To determine the most suitable approaches for responding to certain types of calls, the Police Department should: a. Begin tracking calls that may benefit from an alternative response, such as incidents involving individuals experiencing homelessness or individuals with disabilities. b. Determine whether some of the responses can be diverted to non-sworn staff or coordinated with other City departments or agencies.	1	Policy Change	The Department implemented a technology solution to track calls for service involving unhoused individuals and those with perceived disabilities. Once the data is captured for one year, it may be analyzed and evaluated for patterns and alternative responses.			
52	City Auditor	21-01, 06	To ensure that supervisory staff can better assess the purpose and appropriateness of overtime use, the Police Department should: a. Clearly define types of overtime considered mandatory and discretionary, including when follow up and report writing should be conducted on overtime. b. Develop guidelines for documenting Captain approval of discretionary overtime. c. Update internal procedures and train staff on how to log discretionary, mandatory, or voluntary overtime type codes in their timecards.	1	Policy Change	The Department issued Memo #2021-015, which outlines overtime controls for the Department and implementing new reporting requirement that include captains and division managers to report out on the use of overtime in their division on a quarterly basis. The Department will continue to review overtime, including how it is being used, review its overtime policies in consideration of the current staffing issues and develop a plan that considers policy changes, clarification of discretionary and mandatory overtime, consistent messaging, training for staff, and management review. We are currently developing timecard training for both line staff and supervisors to train staff on how to log discretionary, mandatory, or voluntary overtime type codes in their timecards.	<a href="#">Memorandum #2021-015</a>		
53	City Auditor	21-01, 08	To enhance budgetary transparency and increase the controls surrounding compensatory time liability, the Police Department should pursue at least one or a combination of the following: a. Work with the Budget Office to develop a reserve for future compensatory time liability, similar to sick leave pay out liability. b. Regularly report in the bimonthly financial reports to the Public Safety Finance and Strategic Support Committee, the Mid-Year Budget Review, and/or the City Manager's Annual Report: (1) the amount of overtime expenses attributable to staff that have reached the 480-hour compensatory accrual limit, (2) number of individuals who have reached both the 480-hour and 240-hour limits, and (3) the total compensatory time liability. c. Assess options to prioritize the use of compensatory time over vacation leave.	1	Policy Change	The Department continues to report to the PSFSS Committee, and in the Mid-Year Budget Review and Annual Report, the number of individuals that have reached the 480-hour limit and the compensatory time balance of hours. The Department also includes the amount of overtime expenses attributable to staff that have reached the 480-hour limit, the number of individuals that have reached the 240-hour limit, and the total compensatory time liability cost. The Police Department and the Office of Employee Relations continue to collaborate to seek changes to the MOA with the San José Police Officers Association to provide additional discretion and management control of compensatory balances. Changes to the tentative agreement were made that limit overtime opportunities on a day an employee uses sick leave and the immediate day after; and for those employees working on a compensatory time reduction plan, in accordance with the MOA. The City and POA agreed to continue discussions related to compensatory time off, including, but not limited to a possible buy down of an employee's outstanding compensatory time balance.			



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
54	City Auditor	21-02, 04	To better understand the timeliness of referrals and utilization of advocacy services, as well as to further ensure survivors who received a referral are accounted for, the Police Department should: a)Work with the YWCA to determine what data should be regularly provided to the Department for domestic violence and sexual assault survivors, as well as data on the high-risk response team. This could include data on timeliness, utilization, demographics, lethality assessment score, and services provided, and b)Ensure the YWCA is provided a report of all domestic violence and sexual assault survivors who consented to a referral on a monthly or other regular basis.	1	Policy Change	Accomplished through URL (Warm Referral) and monthly information provided by the YWCA to SAIU. The following information is shared by the YWCA on a monthly basis: 1. Number of SAIU Referrals 2. Total number of Follow-ups (per month) 3. Number of general referrals 4. Number of legal referrals 5. Number of therapy referrals 6. Number of voicemails left with referral to support line 7. Number of crisis counseling sessions 8. Number of clients who declined services 9. Number of clients with invalid phone numbers 10. Number of clients who received safety planning 11. Total case management sessions 12. Number of clients who received CMGT 13. Total number of clients who provide a release of information to SJPD 14. The YWCA also provides a written summary (notes) with general information  FVU is now sending a monthly list of survivors who answered "Yes" to the question of whether we could share the survivor's information with our YWCA advocate. This list serves as a check to confirm that reports concerning all survivors are forwarded to YWCA if the survivor wishes.			
55	CNA 21st CP	1.3.3	During public briefings of OII events, state only objective facts relevant to the event and avoid making concrete statements prior to the conclusion of the investigation.	1	Policy Change	The Department is in the process of implementing this recommendation by adding it to the Media Relations Unit Guidelines.			
56	CNA 21st CP	1.4.1	Incorporate a regular organizational survey to collect employee sentiment about the direction of the organization and organizational decisions.	1	Policy Change	The Department is in the process of implementing this recommendation by working with the City Manager's Office on an effective method of engaging all levels of the workforce.			
57	CNA 21st CP	2.2.1 2.7.1	Implement the recommendations found within the corresponding report titled Use of Force Assessment of the San José Police Department.	1	Policy Change	The Department is in the process of implementing the recommendation. There is no target completion date at this time.			
58	CNA 21st CP	3.2.3 3.3.2	Establish and implement a BWC audit program.	1	Policy Change	On September 13, 2022, the Department presented the options for body worn camera auditing programs to City Council. The recommended option for compliance auditing was approved. The Department is moving forward with implementing the program as described in the memorandum. The Department will return to City Council with a budget request for implementation of performance auditing.	<a href="#">City Council Meeting Details</a>	X	
59	CNA 21st CP	4.3.2	Evaluate the efficacy of the MCRT in order to ensure departmental goals are being met.	1	Policy Change	Although the quantitative data is limited for the Mobile Crisis Assessment Team, overall, the data that is available does support and show that the department goals are being met and the Mobile Crisis Assessment Team program is delivering the intended results that were desired by the department and community stakeholders. The program has allowed the mental health system and law enforcement to collaboratively work together and assist people with mental illness by sharing critical information and connecting individuals with mental illness to various community support services and resources during 89% of the contacts that the Mobile Crisis Assessment Team has had so far. Community members with mental illness have been redirected away from the criminal justice system and to a more appropriate level of care within the community.			
60	CNA 21st CP	4.3.3	Use MCRT to take a proactive approach to recognizing individuals who represent an escalating risk.	1	Policy Change	The Mobile Crisis Assessment Team recognizes the importance of a compassionate approach when dealing with individuals in mental crisis. The Mobile Crisis Assessment Team understands that these individuals are already in a state of crisis, and for the majority of them they have committed no crimes, so the officers who work on the Mobile Crisis Assessment Team strives not to retraumatize or exacerbate the individual experiencing a mental health crisis, but instead tries to de-escalate the situation and get the individual the needed care and support through community resources and services.			
61	CNA 21st CP	4.3.5	Collaborate with community-led efforts for non-law enforcement responses to mental health crises and help identify which types of calls should be handled by SJPD and which could be handled with a non-law enforcement response.	1	Policy Change	The Police Department and the City Manager's Office are collaborating with Santa Clara County to implement opportunities for alternate responses to calls for service, particularly in cases of mental health, addiction, or the unhoused. This plan aligns with the implementation of the 9-8-8 mental health crisis line and options for Reimagining Public Safety. The Department will continue advocating for alternate responses and opportunities to provide support outside the law enforcement sphere.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
62	CNA 21st CP	4.4.4	Work with city, county, and community stakeholders to identify situations where alternative response resources might result in more beneficial outcomes with unhoused persons.	1	Policy Change	The Police Department and the City Manager's Office are collaborating with Santa Clara County to implement opportunities for alternate responses to calls for service, particularly in cases of mental health, addiction, or the unhoused. This plan aligns with the implementation of the 9-8-8 mental health crisis line and options for Reimagining Public Safety. The Department will continue advocating for alternate responses and opportunities to provide support outside the law enforcement sphere.			
63	CNA U of F	25.1	SJPD officers should take a risk-averse approach by summoning medical units any time there is a complaint of injury or pain and providing interim first aid in accordance with the training they have received.	1	Policy Change	The Department is in the process of redeveloping the First Aid sections in the Duty Manual to be comprehensive and address all necessities of first aid, including use of force.			
64	CNA U of F	25.2	The SJPD should use Section L 2610 (Providing First Aid) as a template for detailing the medical steps officers are required to take after using other force tools and options.	1	Policy Change	The Department is in the process of redeveloping the First Aid sections in the Duty Manual to be comprehensive and address all necessities of first aid, including use of force.			
65	CNA U of F	35	The SJPD should consider additional, more detailed, categories for the use of force report item regarding perceived weapon types. The SJPD should examine these use of force events to determine whether these weapon categories should have been included in existing categories and whether additional categories are needed to capture information from these events.	1	Policy Change	The Department is in the process of reviewing the perceived weapon categories to determine if more specific categories are warranted.			
66	Internal AAR	2c	Review staffing models to determine if adjustments to the current model are needed to allow for sufficient command and control during large-scale events.	1	Policy Change	The Department is in the process of hiring a consultant for redistricting. This recommendation will be addressed within the redistricting work plan.			
67	Internal AAR	3a	Engage the community in a comprehensive review of the Department's policies and procedures applicable to crowd control events and use of force.	1	Policy Change	The Department is in the process of preparing a workplan for a community engagement consultant. The Department will be seeking the consultant's evaluation and recommendations on community engagement, relationship building, participation in Department activities, training, and policy direction. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
68	IPA	2011-03	Require CIT officers who respond to calls for service at board and care facilities for the mentally disabled to, whenever possible, accompany arrestees through the booking process.	1	Policy Change	The Department is in the process of implementing this recommendation by requiring all sworn Department members to be CIT trained. At last count, approximately 90% sworn personnel were trained.			
69	IPA	2011-06	Adopt a policy for consistent application of Government Code section 3304 (tolling statute).	1	Policy Change	The Department is in the process of implementing this recommendation as a revision to the Internal Affairs Unit Guidelines.			
70	IPA	2011-15	Permit the IA commander to make Sustained findings	1	Policy Change	The Department is in the process of implementing this recommendation by revising Department policy, allowing for the investigator to provide a "recommended finding." The investigation would then move to the subject Department member's chain of command for review.			
71	IPA	2011-25	Assign multiple cases involving the same complainant who has alleged the same kind of misconduct against different officers to one IA investigator.	1	Policy Change	The Department is in the process of implementing this recommendation as a revision to the Internal Affairs Unit Guidelines.			
72	IPA	2011-30	Immediately cease citing individuals for sleeping in their cars (for violation of Municipal Code 6.46.040)	1	Policy Change	The Department will complete a Training Bulletin for this recommendation. Desertrain v. City of Los Angeles from 2014 determined that a municipal code violation for sleeping in a vehicle was too vague and was targeting unhoused people. The Ninth Circuit of Appeals determined that Los Angeles Municipal Code section was unconstitutional.			
73	IPA	2018-02	Implement a robust early intervention system	1	Policy Change	The Department is in the process of implementing this recommendation.			
74	IPA	2019-02	Provide written direction when officers must obtain translation of written material from certified personnel or contracted translation services	1	Policy Change	The Department is in the process of developing a training bulletin on this recommendation.			
75	IPA	2021-10.1	The IA Unit should make sustained findings.	1	Policy Change	The Department is in the process of implementing this recommendation by revising Department policy, allowing for the investigator to provide a "recommended finding." The investigation would then move to the subject Department member's chain of command for review.			
76	IPA	2021-10.2	When IA makes a recommended finding of sustained, that finding should then be forwarded through the Findings and Recommendation (F&R) process. The members participating in the current F&R process are the subject officer's immediate supervisor, the subject officer's immediate captain, the Assistant Chief and the Chief of Police. If any member in the F&R process wants to depart from the sustained finding recommended by IA, that member should provide a formal memo describing in detail the facts, the applicable Duty Manual Sections, and the rationale warranting a departure.	1	Policy Change	The Department is in the process of implementing this recommendation by revising Department policy, allowing for the investigator to provide a "recommended finding." The investigation would then move to the subject Department member's chain of command for review.			



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
77	IPA	2021-7	We recommend that a section be added to the Duty Manual providing direction on when to engage in a foot pursuit. We recommend this policy include clear direction that officers assess the seriousness of the crime for which the suspect is wanted.	1	Policy Change	The Department is in the process of developing a Duty Manual section regarding this recommendation.			
78	IPA	2021-9.1	We recommend that the process of coordination be enumerated including documentation which lists the reason(s) why tolling is appropriate and those persons in the various departments who coordinated on the decision.	1	Policy Change	The Department is in the process of implementing this recommendation as a revision to the Internal Affairs Unit Guidelines.			
79	IPA	2021-9.2	The matter should be monitored for periodic review so that that the case may be timely reopened after the reason supporting the toll ends.	1	Policy Change	The Department is in the process of implementing this recommendation as a revision to the Internal Affairs Unit Guidelines.			
80	IPA	2021-9.3	Subject officers, complainants, and the IPA should be notified by email or letter informing them that the complaint has been placed on a toll status.	1	Policy Change	The Department is in the process of implementing this recommendation as a revision to the Internal Affairs Unit Guidelines.			
81	IPA	2021-9.4	Upon request, the City will provide the IPA with the documentation that supports tolling.	1	Policy Change	The Department is in the process of implementing this recommendation as a revision to the Internal Affairs Unit Guidelines.			
82	OIR AAR	23	The City should engage with its community in developing guidelines on whether and how curfews should be utilized, particularly when related to activity protected by First Amendment protections.	1	Policy Change	The Administration agrees with this recommendation. Discussion of the guidelines content should include a collaboration with Police Department, Office of Emergency Management, City Attorney's Office, and City Manager's Office of Communications. Community feedback on the guidance can be coordinated with existing outreach efforts to ensure adequate community engagement. Contract services may be involved to provide third party objectivity.			X
83	OIR AAR	24	Guidelines should include clear expectations about how any future curfew orders will be communicated to the public, including assuring that they are communicated at least in the three predominant languages in San José.	1	Policy Change	The Administration agrees with this recommendation. In conjunction with recommendation #23, discussion of the guidelines content, particularly expectations on how to delivery of communication. This work will include Police Department, Office of Emergency Management, City Attorney's Office, and City Manager's Office of Communications.			X
84	OIR AAR	26	City leadership in the City Manager's Office should consider collaborating with SJPD and other relevant agencies to create City-wide plans for managing civil unrest, especially spontaneous occurrences.	1	Policy Change	The Administration agrees with this recommendation. This would be collaboration with Office of Emergency Management, Police, Public Works, Parks, Recreation and Neighborhood Services departments. This would be the culmination of additional work products following the work completed for Recommendations 23 and 24.			X
85	OIR AAR	30	The City should review its internal protocols for deciding upon, communicating, and effectuating curfew parameters, including the coordinated interplay among departments, review of timing and enforcement strategies, and use of the City's existing public messaging systems.	1	Policy Change	The Administration agrees with this recommendation. This would be a collaboration with the Office of Emergency Management, Police, Public Works, Parks, Recreation and Neighborhood Services departments. This would be the culmination of additional work products following the work completed for Recommendations 23 and 24 and integrate with efforts to complete Recommendation 26.			X
86	RIPS	32 ACC5	The City of San José will change its policy to initiate mandatory drug testing of officers involved in critical use of use force cases.	1	Policy Change	The Department, Police Officers' Association, and the Office of Employee Relations are in the process of implementing this recommendation.			
87	RIPS	37 ACC16	The City of San José will adopt a zero tolerance policy of White Supremacy and Extremism. Advocating for such content whether in department public forums or reported personal capacity are grounds for dismissal.	1	Policy Change	The Department is in the process of implementing this recommendation through an addition to the Duty Manual.			
88	RIPS	50 PP15 RIPS YCR 37	The City of San José will study the enforcement priorities and expand harm reduction strategies for individuals struggling with addiction in partnership with the County of Santa Clara.	1	Policy Change	The Department is in the process of working with Santa Clara County to find alternative responses to those who are unhoused, in mental health crises, and suffering from addiction.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
89	State Audit	8	Track and incorporate data at the officer level related to complaints, uses of force, and other indicators as appropriate, and use this data to identify officers who could benefit from early intervention. The system should include analysis of stops data that identifies officers based on indications of possible biased conduct.	1	Policy Change	<p>The Department partially agrees with this recommendation. The Department is currently in a pilot project with a vendor for an Early Intervention System. This pilot project is expected to end in December 2022, at which time the effectiveness of the system will be evaluated.</p> <p>Regarding the inclusion of stops data, the Department will need to evaluate the effectiveness of its inclusion in an Early Intervention System. The Department is concerned that inclusion of stops data may, inadvertently, flag an officer for early intervention based on an inaccurate assumption. If, for example, an officer works in a community predominantly occupied by a given ethnicity, it would be appropriate to expect the officer to stop community members of that ethnicity at a higher rate. By using the frequency of ethnicity in the stops data, the officer might be flagged for early intervention when the reason for the increased number of stops was based solely on circumstance, not on any potential bias.</p> <p>To appropriately evaluate the inclusion of stops data, the Department will need to consult with experts in the field, research available data and studies on the subject, and determine best practices. Because the pilot project is already underway and does not include stops data, it will not be able to be included until, at minimum, the conclusion of the pilot. An analysis on the potential inclusion of stops data will be provided in the report documenting the results of the Early Intervention System pilot project.</p>			
90	CNA 21st CP	6.2.1	Evaluate the goals for the CMU and assess whether the current resources are sufficient to accomplish those goals.	1	Staffing	The Crisis Management Unit will be submitting either a memo or budget request for a therapy dog, two full time Officers, two full time civilians/therapist for debriefs/counseling, Off site building/office, and get staff trained for alcohol/drug abuse. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
91	CNA 21st CP	1.9.3	Reinforce to officers the importance of using multi-language resources so as to be responsive to community concerns.	1	Training	The Department is in the process of implementing this recommendation through a training bulletin.			
92	CNA 21st CP	6.6.1	Gather officer feedback regarding scope of training received versus desired and provide supplemental training, as necessary.	1	Training	The Department is in the process of completing this recommendation by adding these questions to the surveys provided at the completion of all training, including Continuing Professional Training.			
93	Internal AAR	1h	Supervisors should receive Standardized Emergency Management System (SEMS) and Incident Command System (ICS) training, to include practical/tabletop exercises and scenario training.	1	Training	On March 25, 2022, the Department issued Memorandum #2022-009 regarding Critical Incident and ICS Training. This memorandum ordered all sworn personnel of the rank of sergeant and lieutenant to complete the POST trainings "Initial Response to Critical Incidents" and "Critical Incident Management" by July 31, 2022. In the 2022-2023 Fiscal Year budget, the Department was provided funds to ensure higher level training is provided to lieutenants. The Training Division is in the process of developing this additional training.	<a href="#">Memorandum #2022-009</a>		
94	OIR AAR	2	SJPD should ensure that all of its lieutenants are well-versed in the fundamentals of the Incident Command System and would be capable of serving as the Incident Commander for a given operation if necessary.	1	Training	On March 25, 2022, the Department issued Memorandum #2022-009 regarding Critical Incident and ICS Training. This memorandum ordered all sworn personnel of the rank of sergeant and lieutenant to complete the POST trainings "Initial Response to Critical Incidents" and "Critical Incident Management" by July 31, 2022. In the 2022-2023 Fiscal Year budget, the Department was provided funds to ensure higher level training is provided to lieutenants. The Training Division is in the process of developing this additional training.	<a href="#">Memorandum #2022-009</a>		
95	RIPS YCR	17.1	The City of San José will expand training of police officers on how to interact with members of the LGBTQ+ community with LGBTQ Youth Space, including face-to-face discussion with members of the LGBTQ+ community to provide personal accountability for officers.	1	Training	On March 10, 2022, the Department issued Memorandum #2022-005 regarding LGBTQ+ Awareness Training. This memorandum ordered all Department members outside Communications and the Patrol Division to attend a 4-hour LGBTQ+ Awareness Class. On August 26, 2022, the Department issued Memorandum #2022-042 regarding LGBTQ+ Awareness Training. This memorandum ordered all Department members in Communications and the Patrol Division to attend the class. Based on the above, the Department is currently training every Department member in LGBTQ+ Awareness.	<a href="#">Memorandum #2022-005</a>		
96	RIPS YCR	23	The City of San Jose will provide de-escalation training to Mental Health Rapid Response teams in additional training and resources to police on how to respond to different types of mental health related issues.	1	Training	The Department is in the process of implementing this recommendation.			
97	CNA 21st CP	1.5.2	Implement a universal review period and notification process for upcoming policy revisions.	1	Transparency	The Department is in the process of implementing this recommendation. Upon the acquisition of an Internet-based commentary option, the Department will seek public input for significant policy revisions.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
98	CNA 21st CP	1.5.3	Create dedicated webpages for areas of community interest to facilitate the review and comment processes.	1	Transparency	The Department is in the process of implementing this recommendation. Upon the acquisition of an Internet-based commentary option, the Department will seek public input for significant policy revisions.			
99	CNA 21st CP	1.5.4	Spotlight important policies with a coordinated outreach effort.	1	Transparency	The Department is in the process of implementing this recommendation. Upon the acquisition of an Internet-based commentary option, the Department will seek public input for significant policy revisions.			
100	CNA 21st CP	3.2.5	Post policy drafts regarding use of any new technologies for public comment and input for 30 days and present draft policies to a Police Advisory Board for feedback and comments.	1	Transparency	The Department is in the process of implementing this recommendation. Upon the acquisition of an Internet-based commentary option, the Department will seek public input for significant policy revisions.			
101	CNA 21st CP	3.2.6	Work with the PIO to coordinate social media campaigns and other community engagement to ensure collaboration for existing programs and initiatives.	1	Transparency	The Department is in the process of implementing this recommendation through the Media Relations Unit Guidelines.			
102	CNA U of F	21	The SJPD should provide a public update on the implementation of the AAR, including a timeline for implementation, if applicable.	1	Transparency	An update on the implementation of the recommendations from both the Internal After Action Report and the OIR Group's After Action Report will be provided to the City Council in November 2022.			
103	IPA	2018-04	Provide a progress report on the 2017 UTEP recommendations	1	Transparency	This recommendation will be completed in November 2022, when this list of pending recommendations is brought before City Council.			
104	OIR AAR	4	SJPD should provide public updates regarding its progress in providing the targeted, topic-specific training on Mobile Field Force and other crowd management concepts that it cited in its After Action Report.	1	Transparency	This recommendation will be completed in November 2022, when this list of pending recommendations is brought before City Council.			
105	RIPS	12 pp12	The City of San José shall establish a Trauma Relief Fund for wrap-around mental health treatment and social support services for survivors of violence, including victims of police violence. The fund should be detached from the criminal justice system and should be developed with input from survivors of violence.	2	Alternative Approach	Staff could pursue this recommendation pending identification of budget resources. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	X
106	RIPS	13 pp1	The City of San José will establish a pilot program to provide financial assistance to survivors of domestic violence and other forms of gender-based violence to support them on their path to safety and self-sufficiency.	2	Alternative Approach	Staff could pursue this recommendation pending identification of budget resources.		X	X
107	RIPS	14 pp7	The City of San José will develop a program providing reparations in the form of basic income targeting women of color who have been impacted by the incarceration of a loved one.	2	Alternative Approach	Staff could pursue this recommendation pending identification of budget resources.		X	X
108	RIPS	17 pp10	The City of San Jose will increase the minimum wage in alignment with the levels of nearby municipalities and strengthen capacity for enforcement.	2	Alternative Approach	The current minimum wage in San José is \$16.20 per hour, and is automatically adjusted every year based on CPI. The minimum wage is \$16.40 in Santa Clara, Milpitas, Cupertino, and Los Altos, \$16.45 in Palo Alto and \$17.10 in Sunnyvale. The rate in these cities is similarly adjusted based on CPI. Increasing San José's minimum wage rate is not currently part of staff's work plan.			X
109	RIPS	3 pp5	The City of San José will invest in mobile response teams that can respond to calls for assistance for the unhoused. Multi-disciplinary teams of professionals can offer solutions to address their needs in a crisis, from mental health, behavioral health, medical attention, social services, peer support, and more as needed.	2	Alternative Approach	Staff could pursue this recommendation pending identification of budget resources. Initial work would involve researching best practices and coordination with the County to develop a service model.		X	X
110	RIPS YCR	16	the City of San José will increase funding for creation and/or expansion of LGBTQ+ friendly spaces and resources.	2	Alternative Approach	Staff could pursue this recommendation pending identification of budget resources.		X	X
111	CNA 21st CP	1.2.1	Provide a public acknowledgement of the role that police have had in past and present injustice and discrimination.	2	Community Engagement	Agree. The Department will implement this recommendation through a publicly-released video message.			
112	CNA 21st CP	1.5.5	Enhance present level of collaboration with school districts.	2	Community Engagement	Agree. The Department will work with school district partners to determine the Department's level of involvement in school activities.			
113	CNA 21st CP	4.6.1	Where agreed upon with school districts and where receiving community support, incorporate elements of a more traditional SRO program to resolve limitations of the current model.	2	Community Engagement	Agree. The Department will work with school district partners to determine if they would like to initiate a School Resource Officer program. Presently, due to current staffing levels, this may only be accomplished through overtime. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
114	CNA 21st CP	4.6.2	Continue to work with educational partners with the stipulation that officers act not in an enforcement capacity but rather as a partner in child development.	2	Community Engagement	Agree. The Department will work with school district partners to determine the Department's level of involvement in school activities.			
115	CNA 21st CP	4.6.3	Participate in the development of school policy, including policy related to suspensions and expulsions that prioritizes restorative justice and alternatives to sanctions.	2	Community Engagement	Agree. The Santa Clara County District Attorney's Office facilitates restorative justice programs in the schools. The Department's School Liaison Unit will reach out to the District Attorney's Office to officer support.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
116	IPA	2017-03	SJPD should require in the Duty Manual that officers provide information, such as pamphlets, regarding available and accessible mental health resources to individuals who are experiencing mental health crises or who may have other mental health needs but who do not meet the criteria for an involuntary mental health hold.	2	Community Engagement	Agree. The Department will research the development of a resource card for those suffering from mental illness. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
117	OIR AAR	5	SJPD and the City should engage with the community as it considers the circumstances required for a public protest to be declared an unlawful assembly. The resulting guidelines should be publicized in a way that provides City residents and stakeholders a clear understanding of the circumstances under which the SJPD will declare an unlawful assembly.	2	Community Engagement	Agree. The Department will collaborate with the community through the community engagement consultant referenced in other recommendations. In the interim, the Department will create a webpage regarding First Amendment activities to provide information to the public about unlawful assemblies and Department protocols.			
118	RIPS	10 PP8	The City of San José will develop a program to educate and train the public, community and neighborhood organizations on how to de-escalate crisis situations, support neighbors in distress, utilize alternative responses, and reduce reliance on police response.	2	Community Engagement	Staff could pursue this recommendation pending identification of budget resources.		X	X
119	RIPS YCR	36.1	The City of San José will expand the community driven mobile crisis response team.	2	Community Engagement	Agree. Allocation of staffing and budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
120	CNA 21st CP	6.1.3	Work with a research partner to develop a customized plan for ensuring members' wellness based upon on evidence-based practices.	2	External Analysis or Review	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
121	CNA U of F	15	Where officers require deadly force justification, uses of force should be investigated in a manner consistent with deadly force events.	2	External Analysis or Review	Agree. The Department is one of 16 signing agencies on the Officer-Involved Incident Guidelines established by the Santa Clara County Police Chiefs' Association. The Department will bring this recommendation to the attention of the Santa Clara County District Attorney's Office for review and possible integration into the Officer-Involved Incident Guidelines.			
122	CNA U of F	36	The SJPD should further explore the reasons for differences in arrest and, where necessary, take remedial action.	2	External Analysis or Review	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
123	CNA U of F	37	The SJPD should look further into this and identify potential reasons for the difference. Where reasons are identified, the SJPD should take remedial steps.	2	External Analysis or Review	Agree. The Department will review the intersectionality of Covid-19, the social justice movements of 2020, calls for service, arrests, and use of force.			
124	CNA U of F	39	The SJPD should further explore the reasons for the differences found and, where necessary, take remedial action.	2	External Analysis or Review	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
125	Internal AAR	3m	Consider working with the Police Chiefs' Association of Santa Clara County to review the Mutual Aid Protocol (2009) to determine what changes, if any, should be made to bring the protocol in line with current best practices. For future events, provide a mutual aid liaison solely dedicated to managing mutual aid resources.	2	External Analysis or Review	Agree. The Department is one of 16 signing agencies on the Mutual Aid Protocol established by the Santa Clara County Police Chiefs' Association. The Department will bring this recommendation to the attention of the Santa Clara County District Attorney's Office for review and possible integration into the Mutual Aid Protocol.			
126	IPA	2016-05	SJPD should consult with other agencies, researchers and organizations which have expertise in CIT to develop a data collection / program evaluation process. Such collection and evaluation should be ongoing to continuously assess the effectiveness of CIT implementation.	2	External Analysis or Review	Agree. The Department will consult with other agencies, researchers, and organizations on this topic.			
127	OIR AAR	22	City and Department leadership should engage in conversations with the Santa Clara County Sheriff's Office concerning protocols for handling the release of individuals arrested and cited during protests or other mass gatherings, with the goal of establishing guidelines and expectations for the timing and location of releases.	2	External Analysis or Review	Agree. The Department is one of 16 signing agencies on the Mutual Aid Protocol established by the Santa Clara County Police Chiefs' Association. The Department will bring this recommendation to the attention of the Santa Clara County District Attorney's Office for review and possible integration into the Mutual Aid Protocol.			
128	OIR AAR	27	When requesting mutual aid, SJPD should specify the need for command-level personnel to be included in the request.	2	External Analysis or Review	Agree. The Department is one of 16 signing agencies on the Mutual Aid Protocol established by the Santa Clara County Police Chiefs' Association. The Department will bring this recommendation to the attention of the Santa Clara County District Attorney's Office for review and possible integration into the Mutual Aid Protocol.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
129	OIR AAR	28	As the largest law enforcement agency in the County, SJPD should work with other agencies to develop uniformity among polices for use of force in a crowd control context.	2	External Analysis or Review	Agree. The Department is one of 16 agencies participating in the Santa Clara County Police Chiefs' Association. The Department will bring this recommendation to the attention of the Santa Clara County District Attorney's Office for review and possible development of a new protocol.			
130	OIR AAR	29	When updating the mutual aid agreement with local partners, SJPD should develop a process for information-sharing that, at a minimum, requires assisting agencies to document and share information regarding incident reports, arrest reports, and uses of force.	2	External Analysis or Review	Agree. The Department is one of 16 signing agencies on the Mutual Aid Protocol established by the Santa Clara County Police Chiefs' Association. The Department will bring this recommendation to the attention of the Santa Clara County District Attorney's Office for review and possible integration into the Mutual Aid Protocol.			
131	RIPS	38 ACC3	The City of San José will implement a study of SJPD to address discriminatory behavior in the department and make recommendations on potential reorganization and accountability.	2	External Analysis or Review	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
132	UTEP	1	The SJPD should consider implementing the data collection recommendations found in Appendix B and contracting with an outside analysis team on an annual or semi-annual basis to analyze the data for aggregate patterns of racial/ethnic disparity.	2	External Analysis or Review	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
133	UTEP	2	The SJPD should consider developing the capacity, either internally or through a contracted analysis team, to identify racially or ethnically disparate stop patterns by individual officers and to proactively address such patterns if they emerge through early intervention and training.	2	External Analysis or Review	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
134	IPA	2001-03	A separate waiting area should be developed for designated services such as sex offenders waiting to register, criminals waiting to self- surrender, and other people that would pose a threat to the safety of others waiting in the lobby area of the main police station.	2	Facilities Improvement	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
135	IPA	2013-02	Relocate the CIT office off-site so that Department members seeking CIT support can do so without being observed by other officers	2	Facilities Improvement	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
136	CNA 21st CP	6.1.2	Conduct an internal survey, ideally with an outside research partner, to study the specific mental health challenges that SJPD sworn and nonsworn personnel experience.	2	Internal Analysis or Review	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
137	IPA	2019-01	The IPA recommends the Department evaluate the FTO program to ensure it aligns with new strategies, legal updates, and changing cultural perspectives. Additionally, the IPA recommends that the Department examine who is qualified to serve as an FTO, how FTOs are trained, and how FTO performance is evaluated. Further, the recommends that FTO training include when and how to intercede in situations before the recruit makes a mistake, especially those involving constitutional rights and force.	2	Internal Analysis or Review	Agree. The FTO Program will conduct an assessment of current practices in the context provided.			
138	OIR AAR	17	SJPD should specifically examine the use of flashbangs on May 29 and June 5 and develop protocols for limiting future deployment in a crowd control context.	2	Internal Analysis or Review	The Special Operations Division will conduct an analysis of the use of flashbangs in a crowd control context.			
139	OIR AAR	18	SJPD should examine the use of high-velocity rounds through the lenses of accountability, advisability, and remediation, and consider if these rounds should be deployed during crowd management operations, and if so, under what conditions.	2	Internal Analysis or Review	The Special Operations Division will conduct an analysis of high-velocity less-lethal rounds in a crowd control context			
140	CNA 21st CP	6.4.2	If necessary, consider securing grant funding to purchase first aid kits and bulletproof vests.	2	New or Additional Equipment	Agree. The Department will seek grant funding opportunities for the purchase and maintenance of first aid kits, as well as bulletproof vests.			
141	Internal AAR	4a	Acquire a fixed-wing aircraft to provide critical aerial surveillance to provide commanders appropriate situational awareness.	2	New or Additional Equipment	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
142	Internal AAR	4b	Acquire hand-held downlink devices in all command vehicles to receive the aerial surveillance feed from air support units.	2	New or Additional Equipment	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
143	Internal AAR	4d	Coordinate with Emergency Operations Center (EOC) to acquire additional LRAD devices to ensure dispersal orders and announcements can be heard in all directions for several blocks.	2	New or Additional Equipment	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
144	Internal AAR	4f	Maintain a storage container (shed or Conex box) containing supplies that would be needed during a spontaneous, large scale civil unrest (i.e.: sufficient munitions for a multi-day, large scale event; extra gas filters; flex-cuffs)	2	New or Additional Equipment	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
145	Internal AAR	4g	Explore upgrading patrol 40mm Launchers with red dot technology to improve accuracy of round placement.	2	New or Additional Equipment	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
146	City Auditor	18-02, 02	The City should clarify its relationship with the PAL Board, including the role of the Council liaisons and the role of police staff on the PAL Board.	2	Policy Change	Agree. The Department will work the Parks, Recreation, and Neighborhood Services to install the Support Services Captain as a member of the PAL Board.			
147	City Auditor	18-02, 03	The San José Police Department should inform and encourage officers regarding available volunteer opportunities at PAL.	2	Policy Change	Agree. The Department will work with Parks, Recreation, and Neighborhood Services to have volunteer opportunities added to the Department's weekly internal newsletter.			
148	City Auditor	18-02, 04	The San José Police Department should determine if some opportunities for police officers to work with youth in PAL programs can be paid.	2	Policy Change	Paid opportunities for Department members to participate in PAL programs are not currently within the Department's workplan and budget. The Department will recommend to Parks, Recreation, and Neighborhood Services that they add this to a future budget allocation, to be evaluated through the budget process, in the context of the City's overall fiscal condition and other PRNS program needs.		X	
149	City Auditor	18-04, 12	a) revisit the calculation of impound costs and recommend that the City Council approve an adjustment to the vehicle release fee accordingly, and b) bring forward to the City Council a recommendation for the City to institute a subsidized vehicle release fee for low-income vehicle owners.	2	Policy Change	After reviewing the vehicle release fee, the Police Department adjusted the fee to \$122 per vehicle; the Council adopted the revised fee, effective February 2019. The Administration reports that due to the City's emergency response to COVID-19, it delayed its RFP for a technology platform and contract administration for tow services. Following implementation of this platform, the Administration plans to use data gathered through this platform to review costs and evaluate a subsidized vehicle release fee.			
150	City Auditor	18-10, 15	For improved oversight over the towing services agreements, the administration of the contract should be consolidated in the Police Department with an evaluation of the resources needed to perform this responsibility.	2	Policy Change	Due to impacts of the City's emergency response to COVID-19, the Administration delayed its RFP for a technology platform and contract administration for tow services. The Administration anticipates the release of the RFP proposal for tow software and contract administration in Q2 2022. The Administration brought forward an amendment to the City Generated Tow Services Agreements to Council in March 2021 to ensure continuity of tow services. Staff report that the Police Department currently does not have staffing or capacity to support the administration and management of City Generated Tow Services agreements. As part of the 2023-2024 annual budget process, the Police Department Fiscal Unit, in coordination with PBCE, intends to explore proposals to secure the required staffing and resources to support contract administration as appropriate.			
151	City Auditor	21-01, 05	To limit the risk of fatigue and more evenly distribute overtime hours across the department, the Police Department should: a. Enforce existing limits on total overtime hours worked in a day, week, and year, including which types of overtime can be worked beyond these limits. b. Update eResource to ensure all prescheduled and biddable overtime assignments are captured in the system. c. Develop a policy to address frequent violations of Duty Manual specified overtime weekly limits.	2	Policy Change	The Police Department's overtime expenditures were slightly lower in FY 2020-21 than FY 2019-20 (down from \$47 million to \$45 million) but the number of overtime hours worked increased from 450,000 hours to over 500,000 hours. The amount of excess comp time payouts also increased -- from \$16 million for FY 2019-20 to \$19.3 million in FY 2020-21. On May 19, 2021, the Department issued Memorandum #2021-015 titled "Overtime Controls." This memorandum limited overtime to that which is mandatory and unavoidable. The memorandum further clarified that no discretionary overtime would be allowed and that all overtime is subject to management review. All Captains and Division Managers are required to submit a memorandum quarterly to the Chief Executive Officer justifying the use of overtime. eResource has been updated to capture all overtime assignments. We will continue to follow-up to determine whether the new controls appropriately address use of overtime above allowed limits and duty manual violations. Duty Manual section C 1541 addresses maximum authorized hours in a twenty-four hour period.			
152	City Auditor	21-01, 07	To ensure transparency, the Police Department should clarify which overtime assignments can be worked for pay or compensatory time and review and update the Memorandum of Agreement and/or General Orders, as appropriate.	2	Policy Change	This is a contractual issue between the POA, the City, and BFO to identify overtime assignments for pay and compensatory time.			
153	City Auditor	21-01, 09 (a)	To supplement sworn police services and manage overall workload challenges in the department, the Police Department should: a. In the context of the overall budget, add more Community Service Officers (CSOs) to address Priority 3 and 4 incidents, and ...	2	Policy Change	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
154	City Auditor	21-01, 10	To better align Department call priorities with CSO work, the Police Department should update its Duty Manual to: a. Reassess its priority list of CSO-dispatchable calls and determine how to better utilize CSOs to address those priorities. b. Include common types of calls not currently listed in the Duty Manual, such as "Suspicious Vehicles" and "Expired Registration". c. Develop a strategy for CSO involvement in community policing, as described in the SJPD Duty Manual.	2	Policy Change	The Department continually reassesses the call types CSO's will be dispatched to. For example, calls for CSO's to collect evidence has increased steadily and we have reaffirmed policies to ensure equity in response along with patrol. On any given day they handle approximately 50% of the calls that require reports to be written. We want to ensure CSO's are safe so they will continue to be barred from calls in which a suspect may be on scene or there is a potential for violence or arrest. We also recently changed the deployment model to have CSO's available for appropriate calls throughout the division to ensure equity in labor and call volume. CSO's conduct duties associated to this recommendation such as dealing with abandoned vehicles, citing for expired registration or other non-hazardous traffic violations. CSO's participate in a variety of community policing activities such as National Night Out, Shop with a Cop and many other events with police officers and other Department members.			
155	CNA 21st CP	1.1.1	Incorporate explicit references to procedural justice and the department's reliance on the practice as a guiding principle into the SJPD Duty Manual.	2	Policy Change	Agree. The Department will implement this recommendation through an addition to the Duty Manual.			
156	CNA 21st CP	1.1.3	Utilize findings of prior evaluations to inform future efforts to create a learning organization cycle in accordance with the Scanning, Analysis, Response, and Assessment (SARA) model for problem-oriented policing.	2	Policy Change	Agree. The Department will consider the SARA model as a policy option, while taking into consideration several other methodologies for community policing and deployment.			
157	CNA 21st CP	1.3.7	Allow the investigator to make preliminary findings for administrative investigations while keeping the ultimate responsibility for findings with the chief.	2	Policy Change	Agree. The Department will implement this recommendation by creating the ability for Internal Affairs investigators to provide a "recommended finding" when turning an investigation over to the chain of command for review.			
158	CNA 21st CP	1.4.5	Re-iterate the potential for mediation as an outcome and encourage officers to participate in the approach when appropriate.	2	Policy Change	Agree. The Department will implement this recommendation by adding verbiage to Internal Affairs Investigation notices that mediation is available as an option, as appropriate.			
159	CNA 21st CP	6.4.1	Revise the Duty Manual to consider first aid kits as "required equipment."	2	Policy Change	Agree. The Department recognizes the value of first aid kits in both day-to-day operations and in the event of a use of force. The Department will seek grant funding opportunities for the purchase and maintenance of first aid kits. If no grant opportunities are available, allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
160	CNA 21st CP	6.7.3	Develop consistent and reliable measures for evaluating the operation of the EIS.	2	Policy Change	The Department is in a pilot test of an early intervention system. At the conclusion of the test, the Department will develop measures for evaluating its efficacy.			
161	CNA U of F	14	The SJPD should reconsider the benefits on the use of warning shots; however, the SJPD should explicitly detail the situations and factors in which warning shots are allowed if it continues to allow their use.	2	Policy Change	Agree. Warning shots are addressed in Duty Manual section L 2637. They are only authorized in the defense of a person's life or to effect the capture of, or prevent the escape or rescue of, a suspect whom the officer has reasonable cause to believe has committed a felony involving the use or a threat to use deadly force, and an objectively reasonable officer could believe that the person presents an imminent danger to the public if they were to escape. The Department will continue to allow warning shots in these circumstances. The Department will develop a training bulletin detailing situations and factors to consider in the use of warning shots.			
162	CNA U of F	22.1	The SJPD should revise the Duty Manual to identify a command structure for escalating events, who is responsible for call-outs, and the criteria for such call-outs.	2	Policy Change	Agree. In-progress events are the responsibility of the Bureau of Field Operations. Guidelines for command structures and call-outs will be added to the Watch Guidelines, which are established and maintained by the Bureau of Field Operations.			
163	CNA U of F	26	The SJPD should revise the Duty Manual to require officers to carry individual first aid kits and water for use after a force event.	2	Policy Change	Agree. The Department recognizes the value of first aid kits in both day-to-day operations and in the event of a use of force. The Department will seek grant funding opportunities for the purchase and maintenance of first aid kits. If no grant opportunities are available, allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
164	Internal AAR	2b	Develop a plan to activate the Bureau of Administration and Bureau of Investigations personnel to supplement patrol during large-scale events, particularly in positions at the Command Post (prisoner processing, Mutual Aid liaison, logistics, etc.)	2	Policy Change	Agree. The Bureau of Investigations and the Bureau of Administration will develop standardized plans to supplement patrol during exigent events.			
165	IPA	2002-01	It is recommended that the Chief of Police upgrade the SJPD's early warning system to include other indicators such as civil claims and lawsuits.	2	Policy Change	Agree. The Department is currently in a pilot program for an early intervention system that should end in December 2022. Upon review of the system, the Department will analyze best practices to determine if civil claims and lawsuits should be added as indicators.			
166	IPA	2011-11	Adopt a policy to advise complainants of their right to obtain copies of medical authorizations and copies of their own statements to IA pursuant to Penal Code 832.7 (b).	2	Policy Change	The Department will update the information provided to complainants to include this information.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	C/MO Management
167	IPA	2016-06	SJPD should review its policy on school campus and policing and including additional training, address policy regarding arrests on campus, data tracking, providing information about complaint process to school administration.	2	Policy Change	Agree. The Department will review its policies on school policing.			
168	IPA	2019-03	Provide clear direction about reporting to Adult Protective Services	2	Policy Change	Agree. The Department will develop a training bulletin on this topic.			
169	IPA	2019-05	Intentional acts of force utilizing police vehicles should be investigated as force allegations	2	Policy Change	Duty Manual section L 2603 identifies a police vehicle as a force option. Duty Manual section L 2635 states that a police vehicle may be used as a force option when it is objectively reasonable to do so. Duty Manual section L 2605.5 identifies what category the use of force would fall under based on the complaint of pain or injuries sustained by the subject. It also identifies the investigation to be conducted as a result of the use of force. This recommendation is from the IPA's website of pending recommendations. It is currently listed as "not implemented." Duty Manual section L 2115 states in part, "Pursuit intervention in order to effect a seizure of the violator is a use of force for Fourth Amendment purposes, and therefore should be undertaken in accordance with Duty Manual Sections L 2601, L 2602, and L 2603." Duty Manual section L 2603 lists the Police Vehicle as a force option.			
170	IPA	2020-06	Develop a mechanism for the Department to Obtain results of blood/breath/urine tests	2	Policy Change	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
171	IPA	2021-1.2	We recommend that the Department follow these various studies and associated recommendations to determine applicability to SJPD training and standards.	2	Policy Change	Agree. There is no target completion date for this recommendation because the studies have varying dates of closure. However, the Department will monitor the studies examine their results to ensure best practices are enacted in a timely manner.			
172	OIR AAR	16	SJPD should examine the "improvised" uses of less lethal force tools through the lenses of accountability, advisability, and remediation, and should train and provide written guidance to officers on the appropriate uses of these tools.	2	Policy Change	The Special Operations Division will conduct an analysis of the used of "improvised" uses of less lethal force tools in a crowd control context.			
173	RIPS	24 ACC2	The City of San José will end binding arbitration in the disciplinary and termination process for police officers.	2	Policy Change	This item would require a change to the Memorandum of Understanding between the City and the San José Police Officers Association (POA), which would need to be negotiated through the bargaining process. To pursue this item, staff would need to receive Council direction as part of the bargaining process.			X
174	RIPS	49 PP14	The City of San José will identify policies and practices that minimize child separation in investigations of alleged abuse working with the County of Santa Clara.	2	Policy Change	Agree. The Department works collaboratively with other law enforcement agencies, the District Attorney's Office, county partners, and community-based organizations to address child abuse. The Department will bring this recommendation to the work group's monthly meeting for discussion and potential implementation.			
175	RIPS	9 AS3	The City of San Jose will develop alternative community based response programs for gender-based violence that provide an alternative to law enforcement involvement. Programs may involve community teams designed to safely intervene in incidents of domestic violence, and survivor-led restorative practices for low-level gender-based violent crimes.	2	Policy Change	Agree. The Department works collaboratively with other law enforcement agencies, the District Attorney's Office, county partners, and community-based organizations to address intimate partner violence. The Department will bring this recommendation to the work group's monthly meeting for discussion and potential implementation.			
176	RIPS YCR	1	The City of San Jose will fully implement SB 2-Police De-certification	2	Policy Change	Agree. The Department will develop the processes and policies necessary to fully comply with the implementation of SB-2.			
177	State Audit	10	Require monitoring of the officers who receive intervention to evaluate whether their performance improves or whether additional interventions are needed.	2	Policy Change	Agree. Similar to Recommendation 9 above, the Early Intervention System pilot project will evaluate the monitoring of officers receiving interventions. The pilot project is expected to end in December 2022, at which time any recommendations for changes to Department policy will be analyzed and proposed.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
178	State Audit	14	Formalize policies – such as through discipline matrices or broader discipline guidelines – specifying options for corrective actions beyond punitive discipline that are designed to change officer behaviors associated with biased conduct. San Jose Police should require that, when appropriate, these corrective actions – such as training and education – be part of the discipline that officers receive when they are found to have engaged in biased conduct.	2	Policy Change	<p>The Department agrees with this recommendation. The Department does not have a discipline matrix in which consequences are prescribed based on the actions or category of actions by a Department member. Rather, a recommendation of discipline is made by the Department member's command officer pursuant to Duty Manual section C 1724. In the event potential disciplinary action is likely to be greater than a letter of reprimand, the case is referred to the Disciplinary Review Panel.</p> <p>The Disciplinary Review Panel is comprised of the commander of Internal Affairs and every level of the Department member's direct chain of command (e.g., their Sergeant, Lieutenant, Captain, Deputy Chief, Assistant Chief, and Chief of Police). The case is discussed, including all extenuating circumstances, the employee's performance history, length of employment and assignments, and any prior history of misconduct. A discussion of discipline is conducted by the Disciplinary Review Panel and a determination is made by the Chief of Police4 in consideration of all the disciplinary actions available in Duty Manual section C 1804:</p> <ul style="list-style-type: none"><li>· Training</li><li>· Informal Counseling</li><li>· Documented Oral Counseling</li><li>· Written Reprimanded</li><li>· Disciplinary Transfer</li><li>· Suspension</li><li>· Demotion</li><li>· Dismissal from City service</li><li>· Other appropriate disciplinary action that the Chief of Police deems appropriate</li></ul> <p>In the event of a sustained bias allegation, when appropriate, the Department will ensure training and education are a component of the outcome, in addition to or in lieu of punitive discipline.</p>			
179	City Auditor	15-09, 06	After ensuring appropriateness of content and sufficiency of oversight of the Law Enforcement Unit (LEU) Cadet Program, SJPD should enhance and expand the program to encourage San José residents to become San José Police Officers.	2	Recruiting & Hiring	The Police Cadet classification was created and approved by Council on March 28, 2017. The Department's budget request to create the Police Cadet Program has not advance in the budget process. The Department will again consider this for future funding, as the financial state of the City improves. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
180	City Auditor	19-01, 05	To increase focus on outreach and recruiting for Communications staff, Police Communications and Fire Communications should each develop a recruiting plan for their respective divisions, and explore opportunities for collaboration and joint recruitment opportunities.	2	Recruiting & Hiring	The Police Department will explore opportunities for collaboration with the Fire Department for Communications recruiting.			
181	City Auditor	19-01, 06	The Police and Fire Department should utilize external marketing firms to bolster marketing efforts to recruit communications staff for both Police and Fire staff.	2	Recruiting & Hiring	The Police Department Recruiting Unit has contracted again with Civilian, Inc. The Police Department will explore opportunities for collaboration with the Fire Department for Communications recruiting.			
182	RIPS	44 ACC23	The City of San José will prioritize the hiring of more police officer candidates from San José, through preference points, incentive pay upon hiring, and potentially additional monetary compensation for housing. Candidates should have a letter of support from a community group or organization.	2	Recruiting & Hiring	Agree. The Department will research the implementation of preference points, hiring bonuses, and monetary compensation for housing. Allocation of budget resources for this item will be evaluated through the budget process in the context of the City's overall fiscal condition and other Departmental program needs.		X	
183	RIPS	45 ACC20	The City of San José will involve qualified residents of San José in the police officer hiring process to assist with interviewing and evaluating potential candidates to select those who exhibit the character and qualities the residents want in a police officer.	2	Recruiting & Hiring	Agree. The Department will explore opportunities to have residents of San Jose participate in the interviewing process.			
184	CNA 21st CP	4.2.2	Incorporate the findings of the March 2021 staffing analysis done by the City Auditor to ensure that officers have the bandwidth to carry out the community-focused tasks prioritized in policy and training.	2	Staffing	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
185	CNA 21st CP	6.2.2	Staff the CMU appropriately so that it can proactively provide services to sworn and nonsworn members.	2	Staffing	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
186	IPA	2010-01	IPA recommended higher staffing levels at the IA Unit to ensure that misconduct investigations were completed in a timely fashion.	2	Staffing	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
187	CNA 21st CP	2.6.2	Disaggregate data by school and non-school contacts.	2	Technology Improvement	Agree. The Department will research to determine if this recommendation may be completed by creating a public-facing dashboard. If this recommendation incurs a cost, it will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.			
188	CNA 21st CP	3.5.2	Modify technology-based community outreach efforts to be more representative of San José communities, such as the Latinx and Vietnamese populations, who may or may not speak English.	2	Technology Improvement	Agree. The Department will research a technology solution to translate all documents on the website. If this recommendation incurs a cost, it will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.			
189	CNA U of F	27 30 31 32	The SJPD should pursue implementation of a new use of force reporting system that allows for better information entry, case tracking, review, analyses, and summary report creation.	2	Technology Improvement	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
190	RIPS	26 ACC17	The City of San José will modernize information technology, data collection and reporting practices. SJPD will prioritize data management practices and staffing infrastructure to ensure ongoing public access to data on calls for service, use of force incidents, and misconduct complaints.	2	Technology Improvement	Agree. The Department will research to determine if this recommendation may be completed by creating a public-facing dashboard. If this recommendation incurs a cost, it will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.			
191	CNA 21st CP	3.5.3	Provide supplemental guidance or training to agency personnel on allowable social media content and operationalize the relevant policy with specific examples of observed unallowable past behavior.	2	Training	Agree. The Department will create a training bulletin regarding social media using contemporary examples from recent media articles.			
192	CNA 21st CP	5.3.2	Create and require specialized training for newly promoted lieutenants and captains.	2	Training	Agree. The Department will develop a standard shadow phase for all promotees.			
193	CNA 21st CP	5.3.3	Incorporate a longer shadow phase for new supervisors.	2	Training	Agree. The Department will develop a standard shadow phase for all promotees.			
194	CNA 21st CP	5.6.1	Consider incorporating a specialized component for mental health crisis response in line with the Memphis Model CIT program.	2	Training	Agree. The Department will research the Memphis CIT model and determine what components should be incorporated into our CIT model as best practices.			
195	CNA U of F	24.2	The SJPD should incorporate elements of crowd control into other types of training.	2	Training	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs. Crowd control training may be incorporated into relevant Continuing Professional Training scenarios. The Department would need to identify and commit a funding source to hire role players. The approximate cost per year would be \$75,600 or more depending on the size of the desired "crowd." (Civilian role players: \$15.75/hour. 4 hours per CPT session. Minimum of 10 role players per CPT session. 60 CPT sessions in one CPT cycle. Two CPT cycles per year.) Using sworn personnel on overtime would incur a higher cost.		X	
196	Internal AAR	1a	As increasing staffing permits return to prioritizing training on overlap days.	2	Training	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
197	Internal AAR	1d	Mandate a minimum number of Mobile Field Force (MFF) training annually for all sworn personnel, to include practical scenarios.	2	Training	Agree. The Department will develop a comprehensive training plan for all sworn personnel. The required training will be added to the Bureau of Field Operations Watch Guidelines.			
198	Internal AAR	1f	Ensure designated personnel attend Santa Clara County Managing Civil Actions in Threat Incidents (MCATI) bi-annual training.	2	Training	Agree. The Department will identify and send personnel to the Santa Clara County Managing Civil Actions in Threat Incidents training.			
199	Internal AAR	1g	Maintain detailed training records to include rosters and curriculum outlines.	2	Training	Agree. The Department will develop a method to maintain detailed training records.			
200	IPA	2011-09	Provide training for officers working the SJPD lobby about rules for accepting summons.	2	Training	Agree. The Department will provide training to the personnel working in the Main Lobby about the rules for accepting summons and subpoenas, pursuant to Duty Manual chapter L 4000 Criminal Subpoena Service.			
201	IPA	2012-18	Require periodic training for officers assigned to the police lobby; review and improve the Gatekeeper system that tracks visitors waiting for service in the lobby.	2	Training	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
202	IPA	2017-01	SJPD should require officers to undergo periodic refresher Crisis Intervention Training. Such training should address relevant updates to the policy manual (including de-escalation), developments in best practices, and changes in available community-based resources and services.	2	Training	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
203	IPA	2021-1.1	The Department should explore current best practices and training used by other police agencies and determine what, if anything, should be incorporated in San José .	2	Training	Agree. The Department will implement the recommendation			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
204	RIPS	39 ACC18	The City of San José will adopt enhanced training to law enforcement provided by members of the community from underserved communities, those impacted by police violence, disability rights organizations, and youth.	2	Training	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
205	RIPS	40.1 ACC11	The City of San José will evaluate and revamp CIT training for law enforcement to ensure officers can recognize and practice responses to individuals with multiple, overlapping disabilities, working with local and national organizations.	2	Training	The Department will evaluate the CIT training and best practices nationwide to ensure the curriculum meets national standards.			
206	RIPS	40.2 ACC11	CIT training will be required every 2 years.	2	Training	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
207	RIPS	40.3 ACC11	CIT will also include trauma-informed training on domestic violence and caregiver abuse response.	2	Training	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
208	RIPS	46.3 ACC19	Provide community sensitivity training developed in concert with community members.	2	Training	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
209	RIPS YCR	17.2	The City of San José will include a graded assessment in the understanding of LGBTQ+ history, biases, and gender identity (implemented during the screening and/or training process).	2	Training	Agree. The Department teaches LGBTQ+ Awareness in the Police Academy. The Department will develop a graded quiz for the conclusion of the class.			
210	RIPS YCR	25	The City of San José will increase focus on human trafficking, including better training and resources to identify indicators of human trafficking, how to carefully approach the cases without putting victims in danger, providing access to community services to assist in the victims recovery journey, and dispatching appropriate professionals to help victims open up about their experience.	2	Training	Agree. The Department will develop a training bulletin focusing on human trafficking.			
211	RIPS YCR	33	The City of San José will require officers to take ethnic studies and cultural awareness courses with grade standards to assure they have the competent cultural awareness skills to do their jobs. Training should cover the cultures of residents they will assist in the community to ensure community members feel more comfortable.	2	Training	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
212	State Audit	9	Specify a range of early intervention options – such as trainings, mentoring, or other supervisory approaches, mental health services, or reassignment – with guidance about how to apply them to the particular circumstances of each officer's conduct. The system should require prompt interventions that address the identified issues with or patterns in the officers' conduct, including conduct related to bias.	2	Training	Agree. The Department will be evaluating a range of potential early intervention options as part of the Early Intervention System pilot project. It will also develop the process for interventions, including timing, notifications, and documentation. The pilot project is expected to end in December 2022, at which time any recommendations for changes to Department policy will be analyzed and proposed.			
213	State Audit	12	Require that the investigations apply a definition of bias the incorporates the following: biased conduct can include conduct resulting from implicit as well as explicit biases; conduct is biased if a reasonable person would conclude so using the facts at hand; an officers need not admit biased or prejudiced intent for conduct to reasonably appear biased; and biased conduct may occur in an encounter with the public, with other officers, or online, such as conduct on social media.	2	Training	Agree. Pursuant to the State Auditor's recommendation to the California Commission on Peace Officer Standards and Training (POST), the Department will adopt POST's explanations of implicit and explicit bias, including how they can influence behavior and will mirror them in internal policies. In addition, the Department will develop a policy clarifying that biased conduct may occur in an encounter with the public, with other officers, or online, such as conduct on social media. The expected completion date for this recommendation is unable to be determined at this time, as it is reliant on POST's development of the applicable definitions.			
214	State Audit	13	Require that the individuals handling bias-related investigations follow detailed investigative guidelines for identifying biased conduct and be specifically trained in how to perform these assessments.	2	Training	Agree. The Department will train all Internal Affairs personnel in investigating bias-related allegations. The Department will develop investigative guidelines for identifying biased conduct, and require all Internal Affairs investigators follow those guidelines.  The expected completion date is unable to be determined at this time. The Department will need to identify the appropriate training for investigating bias-related allegations, secure ongoing funding to send all 16 investigators to the training, and schedule the training in a manner that does not affect the functioning of the unit. The Department will continue to evaluate its ability to implement this recommendation in its annual report to City Council on pending recommendations.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
215	City Auditor	12-04, 05	To promote transparency and accountability, the Police Department should know and post annually, on the City's web site, total compensation earned by Police Department employees working secondary employment in SJPd uniform. The Department should know and post information for each employee by name, each employer where that employee worked, and the amount earned from each employer during the year as reported by the employee to the Police Department.	2	Transparency	A memo proposing a restructuring of SEU has been submitted to the City Manager's Office that would address reporting officers' compensation being reported. Completion is pending review by the City Manager's Office, Budget Office, and City Council.			
216	CNA 21st CP	1.3.1 2.6.1	Where allowed by law, provide publicly available data regarding SJPd stops, summonses, and arrests.	2	Transparency	Agree. The Department will research to determine if this recommendation may be completed by creating a public-facing dashboard. If this recommendation incurs a cost, it will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.			
217	CNA 21st CP	1.3.2	Translate all documents on the SJPd website, prioritizing important items first (e.g., Duty Manual).	2	Transparency	Agree. The Department will research a technology solution to translate all documents on the website. If this recommendation incurs a cost, it will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.			
218	CNA 21st CP	1.9.2	Translate the Language Access Plan into Spanish and Vietnamese (among other languages spoken in San José).	2	Transparency	Agree. The Department will research a technology solution to translate all documents on the website. If this recommendation incurs a cost, it will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.			
219	CNA 21st CP	2.5.2	Put the information voluntarily provided by SJPd members on the SJPd website.	2	Transparency	Agree. The Department will research to determine if this recommendation may be completed by creating a public-facing dashboard. If this recommendation incurs a cost, it will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.			
220	IPA	2015-01.B	The IPA recommends that the related data should also be published as open data and included in the City of San José 's developing open data initiative.	2	Transparency	Agree. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
221	IPA	2020-02	Make RIPA datasets publicly available and provide an annual report	2	Transparency	Agree. The Department will research to determine if this recommendation may be completed by creating a public-facing dashboard. If this recommendation incurs a cost, it will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.			
222	RIPS	42 ACC8	The City of San José will require SJPd to develop and publicly report a strategy and timeline for their diversity, equity, and inclusion goals in hiring and retention of police officers and leadership to the extent allowable by law.	2	Transparency	Agree. The Department will develop and publicly report a strategy and timeline for diversity, equity, and inclusion goals.			
223	UTEP	5	The SJPd should develop and disseminate better and more relevant information about crime patterns and trends in the city, including citizen calls for service, and how those patterns intersect with race and ethnicity. . . . . These crime and race/ethnicity patterns may not be well-understood by some community stakeholders in San José, yet they are highly relevant to who the police stop and arrest for certain crimes in certain areas of the city. The SJPd should develop the capacity to produce analyses of race/ethnicity, crime, and calls for service data for distribution and discussion with community members.	2	Transparency	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
224	UTEP	6	Assuming the SJPd continues to collect and analyze stop data, it should produce an annual or bi-annual report that outlines the findings from its yearly analyses and discusses its ongoing efforts (training, policy-approaches, accountability efforts) to reduce racial and ethnic disparities in its contacts with citizens.	2	Transparency	Agree. This recommendation is unable to be completed within the Department's current staffing and work plan. Completion of this recommendation will require enlisting an outside consultant. Allocation of budget resources for this item will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.		X	
225	RIPS	19 pp4	The San José City Council will place on the ballot an initiative to modernize the business tax, by levying a tax on the income of large businesses in San José, rather than a calculation based on the number of employees. Proceeds from the tax would be used to support initiatives to make vulnerable communities safer.	3	Alternative Approach	This recommendation was considered during the City Council's deliberation on the 2022-2023 City Roadmap, but was not included on the Roadmap or Roadmap backlog.		X	X
226	RIPS	6b PP2	The City of San José will transition community event permitting and safety coordination to another City Department.	3	Alternative Approach	Special event permitting is primarily the responsibility of the Office of Cultural Affairs. Event applicants may also need to submit applications to the Police Department if their event involves street closures or alcohol sales. Given the potential public safety implications of these matters staff believes that continued Police Department involvement is appropriate.			X



Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
227	RIPS YCR	10.1	The City of San José will abolish the Team Kids program	3	Community Engagement	<p>Disagree. The TEAM (Together Empowering and Mentoring) Kids program allows patrol officers to visit elementary schools with 6 weekly visits to build positive relationships between the police, students, staff and parents. The primary goal of the program is to support crime prevention and youth safety with an emphasis on gang prevention education.</p> <p>Based on the Department's Challenges and Choices program, the curriculum development team found that a classroom size group is most effective to teach a lesson plan. Each class visit is suggested to be 45-60 minutes, once a week, for at least six weeks. Crime Prevention Specialists also support the program and often help facilitate classroom learning.</p> <p>The senior grade students at the school are the target audience as they are often looked upon as leaders in the school. However, based on the needs of the school, younger students may also be an appropriate audience. Enlisting the groups buy-in to set a gang prevention climate can have positive ripple effects upon other students.</p> <p>Five Core Lessons are designed to build upon one another and include:</p> <ul style="list-style-type: none"><li>1. Zero Tolerance</li><li>2. Choices and Consequences</li><li>3. Peer Pressure</li><li>4. Bullying &amp; Harassment Prevention</li><li>5. Gang Prevention</li></ul> <p>From the above lessons, students participating in the program create a class project to share a gang prevention message to the other students at the school. If the officer or the school have time constraints, the officer can reduce the program down to just the core lessons as needed. If the officer and the school are able to commit a greater amount of time, core lessons can be expanded and taught over several weeks. Additional lessons can also be adopted from the original Challenges and Choices curriculum as needed by each school. Based on the success of the program and feedback from community members, the Department will continue the TEAM Kids program.</p>			
228	IPA	2018-05	Install surveillance cameras in the evidence room at the substation	3	Facilities Improvement	Disagree. The Department does not store evidence at the Substation. All evidence is stored at Central Supply and the Evidence Warehouse. There are surveillance cameras at both locations.			
229	RIPS YCR	5	The City of San José will direct Office of Administration, Policy, and Intergovernmental Relations to lobby for and sign support letters for S2103: "Accountability for Federal Law Enforcement Act" which allows individuals to sue federal law enforcement officers & agencies in civil court for violations of their civil and constitutional rights.	3	Legislative Advocacy	This is a Federal bill that would change liability rules for Federal law enforcement agencies. Given that it applies to Federal agencies, not the City, and is thus outside the City's expertise and usual scope of legislative advocacy, staff recommends against taking a position on this bill.			X

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
230	Internal AAR	5e	In addition to media credentials, the Department should issue easily identifiable reflective vests, and/or other conspicuous indicators to media representatives, so they are more easily distinguishable in a crowd.	3	New or Additional Equipment	<p>Per Duty Manual section L 2306.2, the Department issues Press Passes and Media Vehicle Identifications as a convenient means for officers to identify duly authorized representatives of the media and their vehicles. These identifications also serve as a way for the media to identify themselves to officers at the scene of disasters, First Amendment activities, and crime scenes. Media credentials issued by other police agencies or by the media representative's employer should be considered valid. However, a Press Pass or Media Vehicle Identification is not a requirement of being identified as a duly authorized representative of the media.</p> <p>Note: "Freelance" media personnel, including reporters, photographers, videographers, bloggers, or vloggers without valid media credentials, but possessing other identification establishing affiliation and employment with a third-party news service, should be considered duly authorized representatives of the media. A personal blogger with no credentials and no supporting third-party news service identification does not meet the criteria of duly authorized.</p> <p>Officers shall use reasonableness and sound decision-making when considering a person a duly authorized representative of the media. In the event of uncertainty, officers should contact a supervisor for direction.</p>			
231	RIPS	21 ACC10	The San José City Council will place on the ballot an initiative to establish an Independent Office of Investigation external to the Police Department charged with fully investigating incidents of police misconduct and police shootings.	3	Oversight	This recommendation was considered during the City Council's deliberation on the 2022-2023 City Roadmap, but was not included on the Roadmap or Roadmap backlog.		X	X
232	RIPS	22 ACC10	The San José City Council will place on the ballot an initiative to establish a Public Safety Oversight Commission to oversee policing policies, practices, training, and investigations of police misconduct.	3	Oversight	This recommendation was considered during the City Council's deliberation on the 2022-2023 City Roadmap, but was not included on the Roadmap or Roadmap backlog.		X	X
233	RIPS	23 ACC10	The San José City Council will place on the ballot an initiative to establish an Office of Inspector General to review policing systems, patterns, practices, policies, and training.	3	Oversight	This recommendation was considered during the City Council's deliberation on the 2022-2023 City Roadmap, but was not included on the Roadmap or Roadmap backlog.		X	X
234	RIPS YCR	6	The City of San José will establish an independent Community Civilian Audit and Oversight group that incorporates representatives/liaisons from community based organizations, including residents broadly reflective of the city's diversity to oversee critical incident investigations, to monitor and make recommendations on the SJPD budget.	3	Oversight	This recommendation is consistent with Recommendation 22 from the Reimagining Public Safety Committee, which proposed the creation of a Public Safety Oversight Commission. Recommendation 22 was considered during the City Council's deliberation on the 2022-2023 City Roadmap, but was not included on the Roadmap or Roadmap backlog. Staff recommends that this recommendations be treated consistent with Recommendation 22.		X	X
235	RIPS YCR	7	The City of San José will establish an independent Youth Audit and Oversight group made up of residents ages 15-25. These paid positions would review and make recommendations on police reports, investigations, and the SJPD budget.	3	Oversight	This recommendation is consistent with Recommendation 22 from the Reimagining Public Safety Committee, which proposed the creation of a Public Safety Oversight Commission. Recommendation 22 was considered during the City Council's deliberation on the 2022-2023 City Roadmap, but was not included on the Roadmap or Roadmap backlog. Staff recommends that this recommendations be treated consistent with Recommendation 22.		X	X
236	CNA 21st CP	1.3.4	During public briefings of OII events, provide information related to each application of force, particularly for OII events in which multiple officers fire multiple shots.	3	Policy Change	Disagree. This information is not available at the time of a public briefing from an officer-involved incident. The public briefing occurs as soon as practicable, usually within 72 hours of the incident. At the time of the briefing, the facts surrounding each application of force are not yet known. This information is available from the District Attorney's Office when they release the facts of the case at the conclusion of the investigation.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CWO Management
237	CNA 21st CP	1.3.8	Require supervisors to make findings during a supervisory investigation.	3	Policy Change	Disagree. Duty Manual section C 1707.5 defines a supervisory referral as, "a citizen initiated allegation which involves a minor transgression that may best be handled by bringing the matter to the attention of the subject member's supervisor and chain of command. A Supervisory Referral will not require a formal investigation or investigatory questioning. Any counseling of the employee shall be conducted by the Captain in his/her chain of command. The Captain shall discuss the transgression and any impacts the transgression may have on Department operations. The utilization of this process shall not imply the subject member has in fact committed the transgression as described by the complainant." Based on this definition, a supervisory referral allows the Department member's chain of command to address the transgression outside the formal investigatory process. By doing it in this manner, changes to the Department member's behavior may be made expeditiously and without punitive consequences. If the supervisor were to make a finding, it would need go through the entire investigative process and would be subject to the protections and timelines guaranteed by the Peace Officer's Bill of Rights.			
238	CNA 21st CP	1.5.6	Expand restrictions on use of force against vulnerable populations.	3	Policy Change	Duty Manual section L 2602 defines objectively reasonable force as, "that level of force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the officers or others and whether the subject is actively resisting arrest or attempting to evade arrest by flight." Based on this, the use of force against vulnerable populations is evaluated based on the totality of the circumstances and is judges as reasonable or unreasonable according to established judicial standards.			
239	CNA 21st CP	2.10.1	Require officers to gain consent during warrantless searches and document this consent in a consistent manner. If officers are documenting the community member's consent to search through body-worn camera recordings, this footage should be tagged with a specific category specifying "consent" and stored accordingly.	3	Policy Change	Disagree. The Department agrees with the premise behind obtaining consent prior to conducting a warrantless search. Open, transparent communication with the public is a cornerstone of building trust with the community. However, officers may choose not seek consent for some searches because it could be detrimental to rapport building between officers and the public. If, for example, an officer is intending to conduct a warrantless search incident to probable cause, they could choose to seek the subject's consent. However, if the subject refuses consent and the officer conducts the search anyway (due to preexisting probable cause), this could erode the public's trust and give the individual a feeling they were not heard by the police. For this reason, the Department will not mandate officers are required to gain consent for warrantless searches. However, the Department does and will continue to encourage officers to seek consent when it is appropriate to do so.			
240	CNA 21st CP	2.10.2	In cases where consent was refused but where the officer still has the right to search based on case law (i.e., search incident to arrest, wingspan search, etc.), require the officer to explain why they are conducting the search despite the subject's objection.	3	Policy Change	Disagree. The Department agrees with the premise behind obtaining consent prior to conducting a warrantless search. Open, transparent communication with the public is a cornerstone of building trust with the community. However, officers may choose not seek consent for some searches because it could be detrimental to rapport building between officers and the public. If, for example, an officer is intending to conduct a warrantless search incident to probable cause, they could choose to seek the subject's consent. However, if the subject refuses consent and the officer conducts the search anyway (due to preexisting probable cause), this could erode the public's trust and give the individual a feeling they were not heard by the police. For this reason, the Department will not mandate officers are required to gain consent for warrantless searches. However, the Department does and will continue to encourage officers to seek consent when it is appropriate to do so.			
241	CNA U of F	4.1	The SJPd should better define levels of resistance.	3	Policy Change	The purpose for defining levels of resistance is to be the barometer for the level of force applicable to each level of resistance, as indicated in CNA Use of Force recommendation 4.2. The Department will not be completing recommendation 4.2, thereby negating the need for this recommendation.			

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
242	CNA U of F	4.2	The SJPD should state the minimum resistance level needed for each use of force option.	3	Policy Change	Disagree. Pursuant to the US Supreme Court ruling in Graham v. Connor (490 U.S. 386, 1989), force is evaluated using an "objective reasonableness" standard. Officer use of force is judged "from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "in light of the facts and circumstances confronting them." Formulaic force triggers (minimum resistance levels) do not fit within the established legal precedence and best practice for evaluating force based on objective reasonableness. Duty Manual section L 2601 states, "The type and degree of force used will be objectively reasonable and based upon the facts and circumstances of the situation." Duty Manual section L 2602 defines objectively reasonable force as, "that level of force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the officers or others and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to all uses of force, including deadly force."			
243	CNA U of F	6.3	The SJPD should revise the Duty Manual to remove the reference to use of force being a de-escalation tool.	3	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-040 regarding Duty Manual Revisions: Use of Force. In this memorandum, the Department defined de-escalation. This definition included a statement saying, "The application of force is not, by definition, a failure to properly de-escalate a situation."	<a href="#">Memorandum #2022-040</a>		
244	CNA U of F	7.1	The SJPD should revise its Duty Manual to include the language of the President's Task Force on 21st Century Policing when describing vulnerable populations in all uses of force.	3	Policy Change	Disagree. The Department evaluates force pursuant to the US Supreme Court ruling in Graham v. Connor (490 U.S. 386, 1989) using an "objective reasonableness" standard. This standard is based on established legal precedence and is best practice among law enforcement agencies. Duty Manual section L 2601 states, "The type and degree of force used will be objectively reasonable and based upon the facts and circumstances of the situation." Duty Manual section L 2602 defines objectively reasonable force as, "that level of force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the officers or others and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to all uses of force, including deadly force." Should a use of force fall outside the reasonableness standard when used on a vulnerable population, it would inherently be outside both policy and law.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
245	CNA U of F	7.2	The SJPD should require enhanced review of use of force incidents against vulnerable populations.	3	Policy Change	Disagree. The Department evaluates force pursuant to the US Supreme Court ruling in <i>Graham v. Connor</i> (490 U.S. 386, 1989) using an "objective reasonableness" standard. This standard is based on established legal precedence and is best practice among law enforcement agencies. Duty Manual section L 2601 states, "The type and degree of force used will be objectively reasonable and based upon the facts and circumstances of the situation." Duty Manual section L 2602 defines objectively reasonable force as, "that level of force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the officers or others and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to all uses of force, including deadly force." Should a use of force fall outside the reasonableness standard when used on a vulnerable population, it would inherently be outside both policy and law. Furthermore, every use of force is reviewed based on the standards established in Duty Manual section L 2605.5, which provides a "standardized and comprehensive force review process."			
246	CNA U of F	10	The SJPD should adopt a "physical coercion against resistance" definition of force and apply it throughout the Duty Manual.	3	Policy Change	Disagree. Pursuant to Duty Manual section L 2600, "The San Jose Police Department recognizes and understands the complexity of those situations necessitating the use of force. Officers follow established authorizations to use force provided by state law (Penal Code Sections 835 and 835a). At times, officers are confronted with situations where control is required to affect arrests or protect the public safety. Attempts are made to achieve control through advice, warnings and persuasion. However, in situations where resistance, a threat to life or a threat of physical force against officers or others is encountered and verbal persuasion has not been effective, is not feasible or would appear to be ineffective, an officer may use objectively reasonable force. In the event deadly force is utilized, a thorough investigation is conducted. All use of force is appropriately investigated, documented and reviewed by supervisory/command staff. Peace Officers' authority to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Department finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law. The decision by an officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force." Based on this, the use of force is not merely a physical coercion against resistance. Duty Manual section L 2605.5 categorizes all use of force into one of four categories. Each category requires a different level of review based on the level of force used or the seriousness of the injuries sustained as a result of the force. In addition, Duty Manual section L 2605.6 establishes the Executive Force Review Committee and their guidelines for force review and oversight.			
247	Internal AAR	1e	Designate patrol Specialists as MFF squad leaders and provide them the relevant training.	3	Policy Change	Patrol supervisors are trained as mobile field force squad leaders. Based on the Department's command structure, it is more appropriate to use patrol supervisors for this role.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
248	IPA	1994-01	Require written authorization before conducting a search of a home based on consent	3	Policy Change	Disagree. In 1994, when this recommendation was developed, the concern was regarding proper documentation of consent. With the advent of body worn cameras, all consent is documented on body worn camera. This method of documentation is more robust than requiring a written authorization. In addition, Duty Manual section L 4908 states, "Officers may conduct a warrantless search of a person, vehicle or dwelling whenever such officers have legally detained the person or vehicle or have legally entered a dwelling and obtained consent to search from a person having authority to give such consent. Whenever in the judgment of the officer it is possible and practical, the officer may obtain and document consent through optional, but not mandatory, compliance with the written Consent to Search (Form 202-54), audio recording, video recording and independent witnesses. Details of the consent obtained, consent search conducted, and whether or not any items of contraband were found and seized will be documented in the General Offense Report (Form 200-2-AFR)."			
249	IPA	2000-01	The Disciplinary Review Panel, which determines if a complaint should be sustained and the type of discipline to impose, should document the basis for their findings to enable the IPA to conduct an audit of this phase of a citizen complaint investigation.	3	Policy Change	Disagree. The discipline imposed by a Discipline Review Panel is a personnel record. Pursuant to Penal Code section 832.7 and 832.8 personnel records are not subject to public disclosure. In addition, the City of San José Charter section 809 does not provide the Independent Police Auditor with the powers and duties to review personnel records. The Independent Police Auditor has the authority to review investigations of complaints, but not the discipline imposed.			
250	IPA	2002-02	Complete the investigation of all citizen complaints within six months.	3	Policy Change	Disagree. The Department abides with the one-year limitation set forth in Government Code section 3304(d)(1).			
251	IPA	2013-06	Revise the Field Training Officer (FTO) Handbook to include better instruction and guidance about how recruits should interact with people of color	3	Policy Change	Disagree. All recruits attend 40 hours of cultural diversity training in the Police Academy. During this training they are provided guidance on interactions with people of color. Any violation of the expectations of behavior would fall under Duty Manual section C 1710, which states in part, "Bias-Based Policing (BBP) An allegation that a department member engaged in conduct based on a person's race, religion (religious creed), age, marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition or disability."			
252	IPA	2015-01	SJPD should require officers to issue citations to non-licensed drivers 14 and under who cause vehicle accidents. Moreover, it is our recommendation that the Department should issue policy that requires officers to cite underage un-licensed drivers instead of merely warning them.	3	Policy Change	Disagree. Duty Manual chapter C 1100 addresses Discretionary Judgment. In that chapter, discretionary judgment is described as, "Reasonable and appropriate police action varies with each situation. Different facts or circumstances may justify an investigation, a detention, a search, an arrest or no further action. Thus, department members must continually exercise discretionary judgment in order to ensure that the safety and security of the public is properly protected." Requiring officers to issue citations to minors may or may not be in the best interest of the public. It is incumbent upon the officer at the scene to weigh the totality of the circumstances to determine if a citation is the most appropriate disposition. Furthermore, Duty Manual section L 3003 states in part, "Officers are encouraged to dispose of juvenile matters in the field using an appropriate citation or counseling and release whenever the circumstances indicate that the use of such alternatives are in the best interest of the juvenile and consistent with the safety and well-being of the community."			
253	RIPS	28.1 ACC7	The City of San José will change its policies following critical incidents involving the treatment of family members and public information on those involved in such incidents. Families will not be interrogated in the first 24 hours after an incident.	3	Policy Change	Disagree. Immediately following an officer-involved incident, the Homicide Unit is responsible for gathering the facts of the case to present to the District Attorney's Office for filing consideration. These facts include interviewing victims, witnesses, suspects, and any persons with information about the case. Often, this involves interviewing family members who may be able to provide contextual information to the actions preceding or following the incident. The Department recognizes the sensitive nature of these interviews. However, the recency of the event and the need to gather the facts of the case may, in some instances, outweigh the potential trauma incurred by the interview. For this reason, the Department will not remove the ability of investigators to interview family members. However, the Department will be sensitive to the distress the interviews may cause.			
254	RIPS	30 ACC5	The City of San José will change its policy to place police officers on leave without pay after a first critical incident triggering an investigation.	3	Policy Change	Disagree. Per Government Code section 3304(b), a pre-discipline hearing is required prior to removal from paid status.			
255	RIPS	31 ACC5	The City of San José will change its policy to immediately remove officers who have committed multiple critical incidents.	3	Policy Change	Disagree. Per Government Code section 3304(b), a pre-discipline hearing is required prior to removal from paid status.			



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
256	RIPS	33 ACC5	The City of San José will change its policy to require officers to carry their own personal excessive force insurance.	3	Policy Change	Government Code section 995 states, "Except as otherwise provided in Sections 995.2 and 995.4, upon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity." In addition, Labor Code section 2802(a) states, "An employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful." Based on this legal obligation, the City of San Jose will defend all police officers in actions resulting within the course and scope of their employment unless such action is so egregious that it would be able to be identified as outside the course and scope of employment.	<a href="#">Labor Code section 2802(a)</a>		
257	RIPS	34a.2 ACC14	Policies will limit recording while on the grounds of elementary or secondary schools.	3	Policy Change	Disagree. Duty Manual section L 4435 provides an extensive list of required times Department members activate their body worn cameras. Many of these apply to when officers are on school grounds, such as during the course of investigations, enforcement encounters, public interactions, obtaining statements from victims, witnesses, and suspects, responding to calls for service, etc. Recording and documenting interactions with our vulnerable communities, especially children, is a best practice in the use of body worn cameras. As such, the Department will continue to require officers to record interactions while on school grounds.			
258	RIPS	34b.1 ACC14	Footage shall be retained for at least 6 months after date it was recorded.	3	Policy Change	Disagree. Every event is retained based on the type of event, not the type of evidence or record. Please see City's retention schedule.	<a href="#">City of San Jose Records Retention Schedule</a>		
259	RIPS	34c.1 ACC14	Footage shall be retained for at least 10 years if it captures an interaction of a critical incident, an interaction where a complaint has been filed, or at the request of a subject, guardian of a minor subject, or next of kin of a deceased subject, or any of their legal representatives.	3	Policy Change	Disagree. Every event is retained per the City's retention schedule maintained by the Office of the City Manager.	<a href="#">City of San Jose Records Retention Schedule</a>		
260	RIPS	34c.2 ACC14	For incidents resulting in death, the footage would be held in perpetuity.	3	Policy Change	Disagree. Every event is retained per the City's retention schedule maintained by the Office of the City Manager.	<a href="#">City of San Jose Records Retention Schedule</a>		
261	RIPS	35 ACC15	The City of San José will change the SJPd Body Worn Camera (BWC) policy to reverse the criminal preponderance of guilt, considering guilty until proven innocent any officers found failing to properly turn on a BWC resulting in a critical incident.	3	Policy Change	Disagree. Duty Manual section C 1723 states, "The preponderance of the evidence (51%/49%) standard shall be applied to each allegation. The 'preponderance of the evidence' is usually defined in terms of probability of truth, or of evidence that when weighed with that opposed to it, has more convincing force and greater probability of truth. This standard of proof means that the IA Unit determines that the existence of a fact is more probable than its nonexistence. If after weighing all of the evidence the IA Unit cannot decide that an allegation is more likely to be true than not true, the IA Unit must conclude that the allegation is not sustained." Where "beyond a reasonable doubt" is the legal burden of proof required to affirm a conviction in a criminal case, the Department employs a far lower standard to determine misconduct. The Department will not shift the presumption of innocence until proven guilty in contradiction of the standards in the United States court system or Article 11 of the Universal Declaration of Human Rights by the United Nations (1948).	<a href="#">Universal Declaration of Human Rights</a>		
262	RIPS	46.4 ACC19	Ensure police officers serve a minimum of 2 years per assignment to a patrol district.	3	Policy Change	Disagree. Police officers are assigned to districts for a 1-year period. Any changes to this policy are negotiated between the Police Officers' Association and the City of San Jose through the Office of Employee Relations.	<a href="#">San Jose Police Officers' Association Labor Contract Information</a>		
263	RIPS	47 PP6	The City of San José will end enforcement of laws, citations, and fines that target people who are unhoused and redirect resources to support housing, safe parking locations, and supportive services to them.	3	Policy Change	Disagree. The Department recognizes the potential impact the enforcement of laws, citations, and fines has on the unhoused community. When circumstances permit, Department members seek alternative options to solve problems without exacerbating the issue through financial hardship. However, the Department must maintain the ability to enforce laws when alternative solutions are ineffective, inadequate, or unsuccessful.			
264	RIPS	47 PP6	The City of San José will end enforcement of laws, citations, and fines that target people who are unhoused and redirect resources to support housing, safe parking locations, and supportive services to them.	3	Policy Change	Given that enforcement of laws against homeless individuals may at times be necessary in the interests of public health and safety, staff does not recommend ending enforcement.			X

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
265	RIPS	48 PP13 RIPS YCR 11	The City of San José will end the School Resource Officer programs with local schools. The City should invest in restorative justice programming and alternative unarmed safety / security responses for schools.	3	Policy Change	Disagree. When Department members are on campus, there are several positive impacts. First, students and staff are able to establish relationships with the police through positive, non-enforcement contacts. Second, Department members are able to provide immediate police services without having to rely on the availability of patrol officers. Third, familiarity with the school, discipline policies, and restorative justice practices allow for alternative responses that would otherwise be citations and reports for alleged criminal conduct. Based on these, the Department sees having Department members on campus as a positive community interaction and an excellent resource for the school. It should be noted that when individual school districts choose not to have officers on campus, the Department respects this decision and remains off-campus unless called upon. Regarding being armed while on campus, the US Department of Education reported 93 school shootings with casualties at public and private elementary and secondary schools during the 2020–21 school year, more than in any other year since data collection began. Department members will not be unarmed and unable to protect children and staff in the event of a critical incident while on school grounds.			
266	RIPS	7.2 PP2	SJPD will eliminate pretextual traffic stops in San Jose, ensuring that SJPD officers have specific, crime-related justifications for stopping someone if their intent is to investigate a crime.	3	Policy Change	In Whren v. United States (517 U.S. 806, 1996), the Supreme Court ruled that a traffic stop is reasonable under the Fourth Amendment if a police officer has probable cause to believe that a traffic violation has occurred, even if the stop is a pretext for the investigation of a more serious offense. The Supreme Court recognized that when law enforcement officers use vehicle code violations as a pretext for contacting a driver, they are not relieved of the Constitutional requirements under the Fourth and Fifth Amendments. Pretextual stops are an excellent tool for ensuring public safety by locating wanted and missing persons, recovering stolen property, and finding contraband including drugs and weapons. The Department will not take this tool away from the officers in their efforts to keep our community safe.			
267	RIPS YCR	29.1	The City of San José will revise police use of force policies to ensure use of a minimum amount of force to apprehend a subject.	3	Policy Change	Disagree. Pursuant to the US Supreme Court ruling in Graham v. Connor (490 U.S. 386, 1989), force is evaluated using an "objective reasonableness" standard. Officer use of force is judged "from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "in light of the facts and circumstances confronting them." Formulaic force triggers (minimum resistance levels) do not fit within the established legal precedence and best practice for evaluating force based on objective reasonableness. Duty Manual section L 2601 states, "The type and degree of force used will be objectively reasonable and based upon the facts and circumstances of the situation." Duty Manual section L 2602 defines objectively reasonable force as, "that level of force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the officers or others and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to all uses of force, including deadly force."			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
268	RIPS YCR	29.2	Specific guidelines for the types of force and tools authorized for a given level of resistance, de-escalation tactics, and use of less lethal weapons.	3	Policy Change	Disagree. Pursuant to the US Supreme Court ruling in Graham v. Connor (490 U.S. 386, 1989), force is evaluated using an "objective reasonableness" standard. Officer use of force is judged "from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "in light of the facts and circumstances confronting them." Formulaic force triggers (minimum resistance levels) do not fit within the established legal precedence and best practice for evaluating force based on objective reasonableness. Duty Manual section L 2601 states, "The type and degree of force used will be objectively reasonable and based upon the facts and circumstances of the situation." Duty Manual section L 2602 defines objectively reasonable force as, "that level of force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the officers or others and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to all uses of force, including deadly force."			
269	RIPS YCR	38	The City of San José will reallocate police department funding to expand resources that protect undocumented immigrants, school counselors equipped for mental health crises, after-school programs for K-12 aged youth, fair and affordable housing for all, food pantries, library programs, mental health service centers, support for families and children	3	Policy Change	Given the City's public safety needs and the Department's current staffing level, Staff recommends against reducing funding to the Police Department.		X	X
270	RIPS YCR	6a	The City of San José will increase budget transparency, by providing more detail and better descriptions of what is in the budget.	3	Policy Change	For all departments, including the Police Department, the City Budget provides descriptions of both the core services provided by the department and each program delivered under that core services. The department budget is broken down by core service and by program, and provides the number of approved positions allocated to each program. Performance measures and workload highlights are provided for each core service, and can be matched with the budget for that core service. Detailed descriptions are provided for any proposed changes to the base budget. Staff believes that these existing practices ensure transparency in the City Budget, and recommend continuing with these current practices.			X
271	RIPS YCR	8	The City of San José will establish the Police Chief as an elected position. Certain prerequisites in experience can be set to ensure proper experience and qualifications are met. The elections will occur in alignment with Mayoral races. Candidates can only take money from individuals and businesses that do not have foreign influence. The position can be recalled via public petitions.	3	Policy Change	This recommendation was considered during the City Council's deliberation on the 2022-2023 City Roadmap, but was not included on the Roadmap or Roadmap backlog.		X	X
272	RIPS YCR	34	The City of San José will establish associate or bachelor's degree requirements to serve on the police force.	3	Recruiting & Hiring	Disagree. Attending college to obtain a bachelor's degree is not an option for everyone. To best reflect the community, the Department offers alternatives to higher education, including obtaining an associates degree, achieving a minimum number of college credits, or military-in-lieu credit. The Department recognizes the value of life experience and uses these opportunities to hire individuals who are a reflection of the goals of diversity and inclusion, despite not obtaining a bachelor's degree.			
273	IPA	2018-07	A receptionist should be placed in the San José Police Station lobby to provide assistance and information to the general public.	3	Staffing	Disagree. The Main Lobby is currently staffed, full time, by one sergeant, five officers, and one CSO. The CSOs began working in the Main Lobby in June 2017. As of 9-22-22, OSSD staffing is 15 persons Monday through Thursday, 14 persons on Fridays, and seven persons Saturday and Sunday. A minimum of 3 OSSD employees are assigned lobby windows #1, #6, and #7. All remaining OSSD employees assist the general public based upon current demand. For this reason, a receptionist is unnecessary.			
274	IPA	2012-02	Establish an Annual Taser Recalibration Day on which all Department-issued tasers are recalibrated	3	Technology Improvement	Disagree. In 2012 the Department's Tasers needed to be recalibrated by plugging the Tasers into a computer, downloading the firmware, and installing it. Today, when a Taser battery is docked to charge, the firmware updates automatically download to the battery. When the battery is replaced into the Taser, the firmware is updated. Therefore, there is no need for a manual process to recalibrate the Tasers.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
275	CNA 21st CP	2.3.3	Upon completion of investigations and legal proceedings, provide written summaries of OII events and post on the SJPD website.	3	Transparency	Disagree. The Santa Clara County District Attorney's Office is responsible for completing the investigation of officer-involved incidents. The Police Department is responsible for gathering the facts of the case and presenting them to the District Attorney for filing consideration. Based on this, written summaries of officer-involved incidents may be found at the Santa Clara County District Attorney's Office website. As an example, the following is a link to one of those reports.	<a href="#">Santa Clara County District Attorney Report on the Fatal Shooting of David Tovar, Jr. on January 21, 2021</a>		
276	RIPS	28.2 ACC7	No public or private discussions will be held with press or community about those involved, such as sharing mugshots, previous history of involvement in the criminal justice system, or edited footage seeking to shape the public narrative.	3	Transparency	Disagree. The Department will continue to release information requested by the public and the media in the spirit of open communication, transparency, and in observance of legal requirements. In the event of an officer-involved incident, numerous pieces of information are requested by the public and the media including the facts of the case, event timelines, information on the involved Department members, information on the involved members of the public, mugshots, criminal histories, and body worn camera footage. The Department releases this information in consultation with the City Attorney's Office and within the confines of the Penal Code and Government Code. It should be noted that other information requested by the public and the media is not released because it is not subject to public disclosure, such as the psychological and medical histories of the involved members of the public. When body worn camera footage is released, it is presented in two formats. For the community briefing the footage is integrated with maps, images, audio, focus and zoom, multiple angles, and edits to provide context and understanding of what is being seen. At the end of the community briefing video, the raw, unedited footage is included.			
277	RIPS	29 ACC7	The City of San José will release the disciplinary records of all officers involved in critical incidents.	3	Transparency	Disagree. Records that are not releasable pursuant to SB-1421 and SB-16 are prohibited from release by Penal Code section 832.7. The Department will continue to release only those records allowed by the law.			
278	RIPS	34b.2 ACC14	Footage should be accessible to those who were the subject of the footage, the parent or legal guardian of a subject if they are a minor, family of a deceased subject, or law enforcement officer, their superior officer, or the designated counsel of any of the above.	3	Transparency	Disagree. Government Code section 6254(f) details that if records are released beyond the allowances made for certain entitled parties, then the records must be released to all members of the public.			
279	RIPS YCR	31	The City of San José will ensure body camera footage is accessible to the public.	3	Transparency	Disagree. Records that are not releasable pursuant to SB-1421 and SB-16 are prohibited from release by Penal Code section 832.7. The Department will continue to release only those records allowed by the law.			
280	RIPS	6 PP2	The City of San José will develop a strategy to move traffic and parking enforcement personnel and responsibilities into the Department of Transportation Traffic Safety Division to the extent allowable by state law.	C	Alternative Approach	The Department of Transportation (DOT) is already responsible for parking compliance and employs a civilian staff for this purpose. As for traffic enforcement, the California Vehicle Code requires that traffic laws (e.g., offenses involving the rules of the road, driving offenses such as reckless driving, speed contests, exhibitions of speed, and other public offenses) be enforced by a peace officers. Thus, state law limits the City's ability to transition this function to civilian employees in DOT.			X
281	RIPS YCR	10.2	Introduce a community-led Public Safety Workshop that teaches students what their rights are, what to do if detained by the police, the history of law enforcement and how it has been used, the criminal justice system, and how youth can get involved.	c	Alternative Approach	The Office of the Independent Police Auditor maintains a Student's Guide to Police Practices Booklet, which helps young people to make informed decisions when they come into contact with Police. The Independent Police Auditor's Office also provides presentation on this topic. While this effort is run by the City and is thus not "community-led," the Independent Police Auditor welcomes engagement from individuals or groups in the community who would like to participate in or assist with this work.		X	X
282	City Auditor	21-02, 06	The Police Department should expand work with community partners for outreach about advocacy services and crime prevention, targeting communities disproportionately affected by domestic violence, sexual assault, child/sexual abuse, and human trafficking, or that have lower utilization of advocacy services.	C	Community Engagement	Per City Auditor report this has been Implemented-As recommended by the City Auditor's Office, the San José Police Department is working with community partners for outreach about advocacy services and crime prevention, targeting communities disproportionately affected by domestic violence, sexual assault, child/sexual abuse, and human trafficking, or that have lower utilization of advocacy services. SAIU is collaborating with the LGBTQ+ community and is working on making connections with other communities.			
283	CNA 21st CP	3.2.4	Incorporate meaningful input from stakeholders, including but not limited to community members, City Council, line officers, the union, and the district attorney's office when implementing a BWC audit program.	C	Community Engagement	The Department sought input from stakeholders in developing the memorandum for City Council, as well as from other law enforcement agencies across the country. The recommendations from the community were heard during the City Council meeting and in community meetings held by Divisional Captains.			
284	CNA 21st CP	4.4.1	Continue ride-alongs when health safety guidelines allow for them.	C	Community Engagement	Ride-alongs were reinstituted in March 2022.			
285	CNA 21st CP	4.4.2	Follow up with Muslim community about repercussions for the officers involved with the Facebook group.	C	Community Engagement	The Chief of Police met with leaders in the Muslim community throughout 2021 and 2022.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
286	RIPS YCR	9	The City of San José will create/expand on safe spaces initiative inclusive of all youth while also specifically tailoring to the needs of the community it serves.	C	Community Engagement	The Department implemented the Safe Place Program at businesses and sites throughout the City. This unique collaboration involves businesses placing SJPD SAFE PLACE decals at their entrance, to serve as an easily recognizable symbol that the SJPD and the business community are actively collaborating with each other to assist the victims of hate crimes and that the community as a whole cares about those affected by hate.	<a href="#">Safe Place Program Website</a>		
287	CNA 21st CP	6.1.6	Consider supplemental approaches to fitness and incorporate as necessary.	C	Department Member Wellness	The Department's Health and Safety Officer regularly provides opportunities for fitness, wellness, yoga, meditation, and mindfulness training and events open to all Department members.			
288	CNA 21st CP	6.2.4	Develop a line of communication with the proper authority in the Communications / Dispatch division to ensure that Dispatch can debrief with the officers from the critical incident.	C	Department Member Wellness	The Crisis Management Unit collaborates with several individuals in key roles in the Communications Division. In doing so, Communications personnel are able to avail themselves of the services provided by the Crisis Management Unit.			
289	CNA 21st CP	6.2.5	Assess if the current wellness training and resources for Dispatch are appropriate or if further resources are needed.	C	Department Member Wellness	The Crisis Management Unit met with Communications on 06/15/22. It was agreed to continue open lines of communications with Dispatch and to provide further resources if needed. CMU will provide resources for Critical Incident Debriefs as needed/requested. They discussed wellness and communication techniques for people in crisis. They also discussed programs and subjects to be trained in their upcoming CPT.			
290	City Auditor	21-01, 02	To optimize police staffing, the Police Department should include an analysis of alternative schedules either in its current redistricting work or in a separate study, and report to the City Council on the results of the studies.	C	External Analysis or Review	Per City Auditor report this has been Implemented-The Department is currently working on issuing an RFP for consultant services to start the analysis for redistricting and intends to include the analysis of alternative work schedules based on redistricting recommendations as part of this process. While the analysis can be completed within the next year, implementation of any recommended action will take longer and need to coincide with implementation of redistricting, which includes updating department technology such as the communications systems, computer-aided dispatch, and various other computer and reporting systems. Additionally, any recommended changes to schedules may be subject to meet-and-confer.			
291	CNA U of F	19	The SJPD should explore and gather feedback about communication with friends and family of officer-involved shooting victims. This should include interviewing SJPD members and, where appropriate and welcomed, the friends and family of subjects in the officer-involved shootings.	C	External Analysis or Review	Chief of Police Anthony Mata has met with friends and family of the subjects of officer-involved shootings. Chief Mata will continue to do so throughout his tenure and incorporate the feedback, where appropriate, into Departmental guidance on communication during officer-involved incidents.			
292	City Auditor	19-01, 07	The Police and Fire Departments should work with the Public Works Department to make closer parking options available to Communications staff that work night shifts.	C	Facilities Improvement	Police and Fire Communications still have parking options across the street and an interior lot for afterhours employees. Employee parking subject to review pending emergency housing project.	<a href="#">Memorandum #2021-035</a>		
293	IPA	2001-02	Access to public restrooms should be made available to the public from within the San José Police Station lobby. This would eliminate the requirement to sign in with desk officers, go through the security gate, and provide access to restricted areas of the police department.	C	Facilities Improvement	The Department is unable to build new restrooms for the public due to budget and infrastructure constraints. However, a process was implemented that allows for the public to use the restroom in the hallway adjacent to the Main Lobby, while still maintaining security for the rest of the building.			
294	IPA	2013-10	Provide a Department facility for the storage of seized "chop shop" items	C	Facilities Improvement	The Department member assigned to RATTF operates only as a member of the Task Force. The Department does not have operational control over RATTF. The Task Force currently uses the County protocol for "chop shop" evidence and booking procedures. All evidence items are booked under County requirements and guidelines. All items are stored at the Sheriff Office property facility or the offsite RATTF vehicle warehouse.			
295	CNA 21st CP	1.4.2	Incorporate consistent and completed processes for gathering employee feedback on the development and revision of policies.	C	Internal Analysis or Review	The Department emails pending policy changes to all Department members participating in Vertical Staff and Officer Advisory Boards. Those members have three weeks to review and respond. If they respond with concerns or recommendations, the Commander of the Research and Development Unit engages in personal contact to ensure their voices are heard and any applicable changes are made.			
296	CNA 21st CP	3.2.7	Discuss new policies at vertical staff program meetings to allow for officer feedback on new and existing programs and initiatives.	C	Internal Analysis or Review	All Bureaus have developed an Officer Advisory Board or a form of Vertical Staff to provide open communication and transparency between all ranks and assignments within the Department.			
297	CNA 21st CP	6.2.7	Create a direct line of communication between leadership and sergeants to address sergeants' concerns.	C	Internal Analysis or Review	All Bureaus have developed an Officer Advisory Board or a form of Vertical Staff to provide open communication and transparency between all ranks and assignments within the Department.			
298	CNA 21st CP	6.3.1	Gather systematic information on officers' perceptions of current shift and assignment process through an organizational survey and OAB meetings.	C	Internal Analysis or Review	All Bureaus have developed an Officer Advisory Board or a form of Vertical Staff to provide open communication and transparency between all ranks and assignments within the Department. This topic is discussed regularly at the Officer Advisory Board and Vertical Staff meetings. The results of the discussions are brought to the executive staff for consideration.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
299	Internal AAR	4e	Research whether the Department is equipped with the state-of-the-art crowd control tools.	C	Internal Analysis or Review	On February 9, 2021, the Department presented a Less-than-lethal Uses of Force Options Report to City Council. In this report, the Department analyzed all available options for less-than-lethal use of force. The report concluded that deployment of the Taser 7, switching pepper spray to pepper gel, and providing additional training were key implementation strategies moving forward. Upon acceptance of the report by City Council, the Department completed these three steps, while continuing to provide ongoing training for crowd control. The Department will continue to monitor technologies and strategies moving forward and will bring them to the Department when appropriate.	<a href="#">City Council Meeting Details</a>		
300	IPA	2019-01	Evaluate the FTO Program	C	Internal Analysis or Review	The Department conducted an evaluation of the Field Training Program. Additional training was provided to FTOs to ensure the highest standards of training and adult learning are met. In addition, a community-based research project was added to the requirement for the 10-month oral board. During the project, recruits identify a neighborhood and learn about it - its history, population, culture, and points of interest. The recruits then make this presentation to the oral board. They are rated on the depth of their research and how they participated in community outreach in the project area.			
301	OIR AAR	15	SJPD should evaluate its practices and protocols governing the number and type of munitions issued to officers, including Special Operations personnel, and reinforce with officers the importance of uniformity and consistency in the number of rounds carried.	C	Internal Analysis or Review	The Department reviewed the current practices and protocols governing the number and type of munitions issued to officers. The Department will not require finite quantities of munitions due to the variability of assignments, lethal and less-lethal weapons platform capabilities, training requirements, in-field uses, and individual officers' abilities to carry or access those munitions.			
302	OIR AAR	20	SJPD should continue to evaluate the use of less lethal munitions in a crowd control context in future incidents, and if the more restrictive policy still results in injuries to non-assaultive individuals, should reconsider whether to ban their use in a crowd control context altogether.	C	Internal Analysis or Review	The Department reviewed the current policies and usage of less lethal munitions in a crowd control context. The current policies and usage align with best practices. The Department will continue to monitor legal standards and law enforcement benchmarks to ensure the Department's application of less lethal munitions in a crowd control context remain within best practices.			
303	RIPS	6a pp2	The City of San José will pass a resolution to encourage state legislators to give municipalities flexibility in developing alternative traffic enforcement strategies.	C	Legislative Advocacy	The "Safety and Vision Zero Initiative" policy position approved by the Council as part of the City's 2021 Legislative Program accomplishes this recommendation. The position calls for "policies that provide local cities with additional flexibility to ensure safety and accessibility for all users."	<a href="#">City Council Meeting Details</a>		X
304	RIPS YCR	3	The City of San José will direct Office of Administration, Policy, and Intergovernmental Relations to lobby for and sign support letters for AB 1947 (Ting) - Redefine Hate Incidents as Hate Crimes in Local Law Enforcement.	C	Legislative Advocacy	This bill failed to move forward in the current legislative session, but staff will continue to monitor similar bills that may affect San José, if they are introduced in the future.			X
305	RIPS YCR	4	The City of San José will direct Office of Administration, Policy, and Intergovernmental Relations to lobby for and sign support letters for AB 988: Creation of Mental Health Response Act.	C	Legislative Advocacy	The City issued a letter of AB 988. It was signed into law by the Governor in September 2022.			X
306	City Auditor	12-04, 01	The Police Department should develop and immediately implement a written procedure for periodic review of off-duty employment timecards including comparisons of: (a) City timecards to off-duty timecards, (b) timecards for multiple off-duty jobs to each other to test for fraud, and (c) hours taken for administrative/disability/sick leave to hours worked off-duty. The Department should also hold supervisors accountable for paying attention to on-duty and secondary employment time keeping.	C	Policy Change	Per City Auditor report this has been Implemented-Completed in Memo #2021-015 Overtime Controls-Coordination for secondary employment are now able to enter the hours for officers working at their sites and SEU staff are able to review hours for officers to ensure compliance.	<a href="#">Memorandum #2021-015</a>		
307	City Auditor	12-04, 03	The Police Department should: (a) keep lists of work permits and employers updated and be able to provide summary data; (b) include tests in periodic reviews to ensure the completeness of pay job hours that are reported to the City; (c) specify in the Duty Manual the disciplinary consequences for both employees and supervisors for failure to consistently report off-duty hours worked; and (d) develop a way to track enforcement actions taken at pay jobs; one possibility is a special code or call sign in CAD to designate calls from those working secondary employment.	C	Policy Change	Per City Auditor report this has been Implemented-Completed in Memo #2021-015 Overtime Controls DM Sections C1540-C1541	<a href="#">Memorandum #2021-015</a>		



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
308	City Auditor	12-04, 04	The SEU should report to the Police Chief at least annually on the following data about the secondary employment program: (a) the number of hours worked, (b) the amount of pay earned by employee from each off-duty employer, (c) the number of employees who have off-duty work permits, (d) the total number of permits, and (e) the number of employers participating in the program. The report should also note major changes or challenges with program during the prior year.	C	Policy Change	Per City Auditor report this has been Implemented-SEU can run reports upon request for the Chief's Office. As mentioned above, a quarterly report is submitted that provides information on the number of employer applications processed, hours of off-duty uniformed work at special events, number of work permits processed, number of special events coordinated by SEU, estimates of costs billed, cost of providing secondary employment capability, and cost to event promoters for off-duty officers as compared to City costs for equivalent on-duty personnel. The report further highlights challenges faced by the program. eResource has been updated to allow for coordinators to enter officer's secondary employment hours.			
309	City Auditor	12-04, 23	The Police Department should: (a) immediately develop and enforce a reasonable daily hour limit and should consider a rest period prior to a regular shift; (one possibility is to reinstate the 14-hour daily limit previously in place), and (b) apply the 24-hour weekly limit for off-duty jobs even in weeks when employees have taken time off, and (c) develop a way to ensure sufficient days off per month.	C	Policy Change	Per City Auditor report this has been Implemented-As stated above, Duty Manual changes have been made with daily limits and weekly limits. Based on our review of hours, it is very rare for an officer to work every day in a week and officers subject to callback may also be impacted causing service delivery disruptions.			
310	City Auditor	12-04, 26	The SEU should be housed in the Police Chief's office with the appropriate mix of civilian and sworn employees, with an emphasis on civilians to perform administrative duties and an emphasis on stable staffing and sufficient staffing to provide oversight. Sworn employees should be of sufficient rank to oversee all lower ranks that work secondary employment.	C	Policy Change	Per City Auditor report this has been Implemented-Completed in Memo #2017-012 Reorganization of the San Jose police Department	<a href="#">Memorandum #2017-012</a>		
311	City Auditor	16-08, 08	While vacancies remain high and operational needs require high use of overtime, the Police Department should allow more overtime to be worked for pay and/or require the first ten hours of overtime to be worked for pay.	C	Policy Change	Per City Auditor report this has been Implemented-The Department has implemented in that it allows for overtime for pay up to 10 hours per pay period when the overtime is worked. However, the Department will maintain the flexibility to change the number of hours allowed for pay versus compensatory time, based on current budgetary considerations. The Department will continue to monitor and control overtime and compensatory balances. Under the current orders, sworn staff are limited to working only mandatory overtime and can get paid a maximum of 10 hours of overtime worked each pay period if the overtime is worked. Where specific funding has been allocated for projects/assignments, those overtime assignments are "pay only" and cannot be earned as comp; this includes assignments like foot patrols, grant funded projects, and others. Additional paid overtime is subject to budgetary conditions. The Department is responsible for monitoring overtime, overtime costs, and compensatory time balances. The Department maintains flexibility to increase overtime for pay or limit overtime for pay based on the budget situation. There are various things that impact the budget, including the City's economic forecast and unplanned events requiring additional resources. The Department will continue to manage its overtime budget and use the flexibility to increase or decrease the number of hours for pay for continued success. Overtime orders will be updated and issued to remind Department members of the overtime rules and parameters and to make any changes in overtime for pay versus compensatory time, subject to budgetary considerations.			
312	City Auditor	21-01, 09 (b)	To supplement sworn police services and manage overall workload challenges in the department, the Police Department should: b. Develop guidelines to ensure more equitable distribution of CSOs across districts, such that districts with higher workloads receive appropriate coverage. This may include redistributing workload and assignments as vacancies occur.	C	Policy Change	The duties of a Community Service Officer are outlined in Duty Manual section A 3003. These duties are updated with additional responsibilities according to Department needs. For example, a 2021 revision added the documentation of non-investigative sexual assault reports. CSOs are distributed throughout the City, one per district.			

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
313	City Auditor	21-02, 01	To improve how the City connects survivors to advocacy services, the Police Department should update: a) The Duty Manual to include the advocate referral communication language recommended by Santa Clara County's Sexual Assault and Domestic Violence protocols, and to reference the applicable California penal codes, b) The domestic violence resource card to clearly state that the survivor has the right to an advocate and a support person in any interview during the investigation, c) The domestic violence and sexual assault resource cards to include language that a survivor's immigration status does not affect their right to advocacy services and that these services are offered at no cost to the survivor. Both the domestic violence and sexual assault resource cards should also be fully translated into Spanish and Vietnamese.	C	Policy Change	Per City Auditor report this has been Implemented-a) Section has been completed and implemented. B) and c) Both the Domestic violence and Sexual Assault resource cards have been updated and printed to reflect the above-mentioned recommendations.			
314	City Auditor	21-02, 02	To standardize how referrals are provided to the YWCA for cases of sexual assault, the Police Department should update the Sexual Assault Investigation Unit's standard operating procedures to clarify that detectives should offer to forward a survivor's contact information to the YWCA during all investigations immediately upon receipt of the case.	C	Policy Change	Per City Auditor report this has been Implemented-Accomplished through URL (Warm Referral) and monthly information provided by the YWCA to SAIU. The following information is shared by the YWCA on a monthly basis: 1. # of SAIU Referrals 2. Total # of Follow-ups (per month) 3. # of general referrals 4. # of legal referrals 5. #of therapy referrals 6. # of voicemails left with referral to support line 7. # of crisis counseling sessions 8. # of clients who declined services 9. # of clients with invalid phone numbers 10. # of clients who received safety planning 11. Total case management sessions 12. # of clients who received CMGT 13. Total # of clients who provide a release of information to SJPD 14. The YWCA also provides a written summary (notes) with general information			
315	City Auditor	21-02, 03	To support the Police Department's response to domestic violence survivors at high risk of lethal events, the Department should work with the YWCA in its evaluation of the domestic violence high-risk response team pilot program to determine program effectiveness and future resource needs, including: a) Reviewing the level of reach to survivors and assessing whether the criteria for referring survivors to the domestic violence high-risk response team are clear and appropriate, and b) Reviewing the level of service provided to survivors, including whether additional coordination with Santa Clara County agencies or other organizations would be beneficial.	C	Policy Change	Per City Auditor report this has been Implemented-: a) The HRRT program is no longer a pilot program, and more funds will be asked for to continue the program. The department continues to work with the YMCA. B) The department is looking to branch out and try to expand to other agencies.			
316	City Auditor	21-02, 05	The Police Department should work with Community Solutions to establish a process for regularly sharing data about the timeliness and utilization of advocacy services for human trafficking survivors.	C	Policy Change	Per City Auditor report this has been Implemented-The Department has implemented this recommendation and is currently working with Community Solutions.			
317	CNA 21st CP	1.3.5	Require all department members to accept allegations of misconduct as currently described in Section C 1703.	C	Policy Change	Duty Manual section C 1703 states, "All Department members will accept allegations from any source, whether made in person, by mail, by telephone or by an anonymous person."			
318	CNA 21st CP	1.3.6	Revise the Duty Manual to focus on maintaining community trust though fair and impartial investigations.	C	Policy Change	On May 13, 2022, the Department issued Memorandum #2022-018 regarding Duty Manual Revision: C 1702 Purpose of Investigations.	<a href="#">Memorandum #2022-018</a>		
319	CNA 21st CP	1.3.9	Revise the Duty Manual to reserve strip searches for criminal matters, and only in accordance with strict criteria and with the approval of the Chief or Deputy Chief.	C	Policy Change	On May 13, 2022, the Department issued Memorandum #2022-017 regarding Duty Manual Revision: C 1734 Strip Searches of Department Members.	<a href="#">Memorandum #2022-017</a>		
320	CNA 21st CP	1.4.4	Continue developing the SJPD discipline guide, incorporating best practices from other agencies.	C	Policy Change	The Discipline Guide is a living document managed by the commander of the Internal Affairs Unit.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CWO Management
321	CNA 21st CP	2.11.1	Revise Duty Manual to require officers to proactively identify themselves during stops and the reason for the stop.	C	Policy Change	On September 3, 2022, the Department issued Memorandum #2022-045 regarding Duty Manual Revision: L 2406 Violator Contact. This memorandum requires officers, as soon as time and circumstances permit, to identify themselves and provide the reason for the stop.	<a href="#">Memorandum #2022-045</a>		
322	CNA 21st CP	2.12.1	Revise Duty Manual to discuss gender limitations when conducting a search of transgender individuals as part of the arrest process.	C	Policy Change	On May 25, 2022, the Department issued Memorandum #2022-023 regarding Duty Manual Revisions: Searches of Transgender or Intersex Individuals.	<a href="#">Memorandum #2022-023</a>		
323	CNA 21st CP	3.1.1 3.2.1	Create a pilot directive for the remainder of the pilot phase of the Gunshot Detection System program.	C	Policy Change	On September 20, 2022, the Digital Privacy Office presented a status report on the progress of the Digital Privacy Program to City Council. During that meeting, the Council approved the Data Usage Protocol for Automated License Plate Readers. This policy was a collaboration between the City Manager's Office, Police Department, City Attorney's Office, and Parks, Recreation, and Neighborhood Services. The community was engaged through six in-person neighborhood association meetings, online meetings, social media, flyers at community centers and libraries, emails to neighborhood associations, and a press release. The information sessions alone reached more than 300 families in-person and more through the City-wide webinar.	<a href="#">City Council Meeting Details</a>		
324	CNA 21st CP	3.1.2 3.2.2	Incorporate pilot policies as a standard practice for all future pilot tests.	C	Policy Change	On September 20, 2022, the Digital Privacy Office presented a status report on the progress of the Digital Privacy Program to City Council. During that meeting, the Council approved the Data Usage Protocol for Automated License Plate Readers. This policy was a collaboration between the City Manager's Office, Police Department, City Attorney's Office, and Parks, Recreation, and Neighborhood Services. The community was engaged through six in-person neighborhood association meetings, online meetings, social media, flyers at community centers and libraries, emails to neighborhood associations, and a press release. The information sessions alone reached more than 300 families in-person and more through the City-wide webinar.	<a href="#">City Council Meeting Details</a>		
325	CNA 21st CP	3.3.1	Review and update the BWC policy on a yearly or bi-yearly basis to address internal and external drivers of change.	C	Policy Change	The body worn camera policy is found in Duty Manual chapter L 4400. This policy is updated, as needed, pursuant to Department needs and best practices. For example, On September 2, 2022, the Department issued Memorandum #2022-044 regarding Duty Manual Revision: L 4433 Officer Responsibilities. This revision provided Department members with the ability to remove body worn cameras from their uniforms and mount them to stable objects or platforms to achieve an optimum recording field of view. The Department will continue to monitor best practices to ensure the body worn camera policy remains up-to-date.	<a href="#">Memorandum #2022-044</a>		
326	CNA 21st CP	4.3.4	Give departmental support for having peer specialists as part of MCRT.	C	Policy Change	In August 2022, the Department deployed the Psychiatric Emergency Response Team (PERT). This team pairs an officer with a mental health professional. They are able to respond to incidents in the field involving mental health crises. The training and expertise brought to patrol by the PERT team exceeds that which would be available by deploying peer support personnel.			
327	CNA 21st CP	5.13.1	Where appropriate, incorporate elements from the Reno, NV model, including shortened rotations with community policing units and engaging in neighborhood portfolio exercises.	C	Policy Change	A community-based research project was added to the requirement for the 10-month oral board in the Field Training Program. During the project, recruits identify a neighborhood and learn about it - it's history, population, culture, and points of interest. The recruits then make this presentation to the oral board. They are rated on the depth of their research and how they participated in community outreach in the project area.			
328	CNA 21st CP	6.1.5	Consider modifying the tattoo policy to be less restrictive.	C	Policy Change	The Department conducted research on tattoo policies at 15 agencies throughout the country. The results of that research were presented to the Chiefs. The Chiefs declined to change the policy at this time.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
329	CNA 21st CP	6.2.3	Revise the Critical Incident Stress Debriefing policy to clearly delineate the factors that determine whether the event is deemed eligible or necessary for a CISD.	C	Policy Change	Duty Manual Section L7501 Critical Incident Stress Debriefing-  After a particular critical incident, the event will be assessed for the necessity of a Critical Incident Stress Debriefing (CISD).  Critical incidents may include but are not limited to the death of any minor by any means (i.e. baby death, teen suicide, fatal vehicle accident involving a juvenile, etc.). The assessment for the necessity of these critical incidents will be determined by the nature of the call (as listed above) or by the level of reported negative emotional impact of any officer on-scene of the critical incident.  Critical Incident Stress Debriefings may be requested by the on-duty patrol watch commander or appropriate unit commander.  If it is determined that a CISD is necessary, then attendance is mandatory.			
330	CNA 21st CP	6.6.2	Revise the Duty Manual to clarify departmental guidance on pursuits.	C	Policy Change	On August 4, 2022, the Department issued Memorandum #2022-037 regarding Duty Manual Revisions: Vehicle Pursuits.	<a href="#">Memorandum #2022-037</a>		
331	CNA 21st CP	6.7.1	Create a process for a force audit, force review board, or force inspector to identify "near misses" and assign peer members to discuss event with involved officers.	C	Policy Change	On December 22, 2021, the Department issued Memorandum #2021-044 regarding the Executive Force Review Committee.	<a href="#">Memorandum #2021-044</a>		
332	CNA U of F	5.1	The SJPD should create a force review board or unit to identify policy, training, equipment, and personnel implications.	C	Policy Change	On December 22, 2021, the Department issued Memorandum #2021-044 regarding the Executive Force Review Committee.	<a href="#">Memorandum #2021-044</a>		
333	CNA U of F	6.1	The SJPD should elevate and emphasize affirmative duty to attempt de-escalation during encounters when time and circumstances permit.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-040 regarding Duty Manual Revisions: Use of Force.	<a href="#">Memorandum #2022-040</a>		
334	CNA U of F	6.2	The SJPD should better define the concept of de-escalation.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-040 regarding Duty Manual Revisions: Use of Force.	<a href="#">Memorandum #2022-040</a>		
335	CNA U of F	8	The SJPD should revise the Duty Manual to require that each application of force be evaluated under the totality of the circumstances independent of other force applications.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-040 regarding Duty Manual Revisions: Use of Force.	<a href="#">Memorandum #2022-040</a>		
336	CNA U of F	9	The SJPD should remove the paragraph on excited delirium from the Duty Manual.	C	Policy Change	On December 22, 2021, the Department issued Memorandum #2021-045 regarding Duty Manual Revision: L 2614 Use of Electronic Control Weapons and Reporting Requirements.	<a href="#">Memorandum #2021-045</a>		
337	CNA U of F	11	The SJPD should categorize all force tools and options in the categories identified in the SJPD Duty Manual.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-040 regarding Duty Manual Revisions: Use of Force.	<a href="#">Memorandum #2022-040</a>		
338	CNA U of F	13	The SJPD should revise the Duty Manual to provide concrete prohibitions where appropriate or substitute a higher standard of review (i.e., when deadly force would be authorized) for such uses of ECWs.	C	Policy Change	On December 22, 2021, the Department issued Memorandum #2021-045 regarding Duty Manual Revision: L 2614 Use of Electronic Control Weapons and Reporting Requirements.	<a href="#">Memorandum #2021-045</a>		
339	CNA U of F	16	The SJPD should revise the Duty Manual to require force warnings for all uses of force unless time and circumstances do not allow for a warning.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-040 regarding Duty Manual Revisions: Use of Force.	<a href="#">Memorandum #2022-040</a>		
340	CNA U of F	17	The SJPD should revise the Duty Manual to provide comprehensive guidance on post-incident actions that should be taken after a lethal force event.	C	Policy Change	Duty Manual section L 2643 states, "When an Officer-Involved Incident occurs, the investigation shall be conducted consistent with the most recently published Santa Clara County Police Chiefs' Association Officer-Involved Incident Guidelines." The persons or entities responsible for these tasks are outlined in the Officer-Involved Incident Guidelines.			
341	CNA U of F	18	After using lethal force, the involved officer should communicate the force to the communications unit, which would assume responsibility for making notifications.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-040 regarding Duty Manual Revisions: Use of Force.	<a href="#">Memorandum #2022-040</a>		
342	CNA U of F	20.1	The SJPD should revise the Duty Manual to identify the required post-incident tasks to be performed.	C	Policy Change	Duty Manual section L 2643 states, "When an Officer-Involved Incident occurs, the investigation shall be conducted consistent with the most recently published Santa Clara County Police Chiefs' Association Officer-Involved Incident Guidelines." These tasks are outlined in the Officer-Involved Incident Guidelines.			
343	CNA U of F	20.2	The SJPD should revise the Duty Manual to identify who is responsible for performing post-incident tasks.	C	Policy Change	Duty Manual section L 2643 states, "When an Officer-Involved Incident occurs, the investigation shall be conducted consistent with the most recently published Santa Clara County Police Chiefs' Association Officer-Involved Incident Guidelines." The persons or entities responsible for these tasks are outlined in the Officer-Involved Incident Guidelines.			
344	CNA U of F	20.3	The SJPD should revise the Duty Manual to include requirements and constraints on gathering public safety statements.	C	Policy Change	Duty Manual section L 2643 states, "When an Officer-Involved Incident occurs, the investigation shall be conducted consistent with the most recently published Santa Clara County Police Chiefs' Association Officer-Involved Incident Guidelines."			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
345	CNA U of F	22.3	The SJPD should memorialize the requirements for post-event debriefings between the incident commander and command staff and what those debriefings should entail	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
346	CNA U of F	28	The SJPD should ensure that all trainings, guides, and reporting requirements emphasize that each application of force is to be coded independently.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-040 regarding Duty Manual Revisions: Use of Force.	<a href="#">Memorandum #2022-040</a>		
347	CNA U of F	22. 2	The SJPD should revise the Duty Manual to memorialize the requirement for initial and ongoing communication with social justice movement organizers.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
348	Internal AAR	1k	Ensure formal debriefings are conducted after unusual or tactically complex events to enable rapid knowledge transfer.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
349	Internal AAR	3b	Review Department policies, procedures, and unit guidelines to determine the appropriate use of chemical agents during crowd control situations.	C	Policy Change	On December 31, 2021, the Department issued Memorandum #2021-049 regarding the Use of Chemical Agents or Projectile Impact Weapons at First Amendment Activities or Unlawful Civil Disturbances.	<a href="#">Memorandum #2021-049</a>		
350	Internal AAR	3c	Revise the Department’s dispersal order script to include POST recommended language, including an explicit warning about force and gas.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
351	Internal AAR	3d	Pre-record dispersal orders in the three languages most likely to be encountered in San Jose: English, Spanish and Vietnamese.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
352	Internal AAR	3e	Incorporate into protocols a recommendation that unlawful assembly orders be repeated periodically once the Department is prepared to take enforcement action to avoid prolonged repeated announcements that may cause the crowd to become complacent.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
353	Internal AAR	3f	Unlawful assembly orders should be given repeatedly and then enforcement action taken soon thereafter so the crowd does not become emboldened or complacent.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
354	Internal AAR	3g	Requirement that briefings prior to deployment to large-scale events includes a review of rules of engagement, use of force and other relevant policies.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
355	Internal AAR	3h	Establish a system to accurately record and document the deployment of less lethal weapons, to include the date, time, circumstances and number of munitions.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
356	Internal AAR	3i	Supervisors and commanders should ensure the accurate documentation of all events, facts and uses of force as soon as practicable after the event.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
357	Internal AAR	3j	Field supervisors should emphasize and ensure complete and accurate information is provided to the transport officers before arrestees are transferred to their custody.	C	Policy Change	On August 16, 2022, the Department issued Training Bulletin #2022-023 regarding First Amendment Activity and Civil Disturbance Performance Reminders.	<a href="#">Training Bulletin #2022-023</a>		
358	Internal AAR	3k	Develop written guidelines for prisoner processing during large-scale events that provide clear direction to arresting, transporting, and booking officers.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
359	Internal AAR	3l	Develop a protocol for quality control of booking paperwork/citations, etc. to minimize mistakes that compromise prosecution.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
360	Internal AAR	4c	Fully implement the UAS program and utilize UAS for aerial surveillance in large scale civil unrest events	C	Policy Change	On June 16, 2022, the Department issued Memorandum #2022-027 regarding Duty Manual Revision: L 2702 Unmanned Aircraft System (UAS).	<a href="#">Memorandum #2022-027</a>		
361	Internal AAR	4h	Employ civilian supply personnel during large-scale events to better track equipment use and inventory.	C	Policy Change	On August 16, 2022, the Department issued Training Bulletin #2022-023 regarding First Amendment Activity and Civil Disturbance Performance Reminders.	<a href="#">Training Bulletin #2022-023</a>		
362	Internal AAR	4i	Continue diverse and ethnic recruitment.	C	Policy Change	Completed-Training Unit during August PSFSS			
363	Internal AAR	5a	During large-scale incidents, a Press Information Officer (PIO) should be assigned to the command post for impromptu press interviews and messaging.	C	Policy Change	On August 16, 2022, the Department issued Training Bulletin #2022-023 regarding First Amendment Activity and Civil Disturbance Performance Reminders.	<a href="#">Training Bulletin #2022-023</a>		
364	Internal AAR	5b	Press Information Officers should leverage social media to communicate important messages to the public during events.	C	Policy Change	On August 16, 2022, the Department issued Training Bulletin #2022-023 regarding First Amendment Activity and Civil Disturbance Performance Reminders.	<a href="#">Training Bulletin #2022-023</a>		
365	Internal AAR	5c	When dispersal orders are given, they should be published on various social media platforms and include instructions that the order applies to everyone present.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
366	Internal AAR	5d	Before deployment, commanders should remind personnel of policies and protocols for interaction with media, and operational plans should include such reminders.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
367	IPA	1999-04	It is recommended that the SJPd formalize a process whereby an officer is assigned to be the contact person or liaison to family members of people that were killed or died in police custody.	C	Policy Change	The Homicide Unit investigators assigned to officer-involved incident investigations contact the family members of decedents as a matter of standardized practice. When the family members are willing to communicate with the Department, it is primarily through the Homicide Unit investigators or the Chief of Police.			
368	IPA	2001-01	The Chief of Police should implement incentives to attract officers to work at the Information Center.	C	Policy Change	Since this recommendation was suggested in 2001, the Police Department has made several changes to the Main Lobby that now result in more senior personnel bidding the positions. For example, the Main Lobby shifts are all on first watch, from 07:30-17:30, one team has Saturday, Sunday, and Monday off (full weekends), and several processes have been automated, alleviating personnel of repetitive tasks. While the Department is unable to offer a pay incentive, as was suggested in the recommendation, the Department greatly improved the working environment in the Main Lobby.			
369	IPA	2011-01	Establish a policy limiting tobacco chewing/spitting.	C	Policy Change	On September 13, 2001, the Department issued Memorandum #2001-043 regarding the Use of Tobacco Products in City Vehicles. In addition, on April 19, 2013, the Department issued Training Bulletin #2013-001 regarding the 2011 IPA Recommendations. In that training bulletin, the Department reminded officers of the following: "There have been occasions where citizens have voiced their disapproval during their contacts with officers who are using chewing tobacco products. The administration wants to refrain from making a policy that chewing tobacco products shall not be used while at work. Instead, the purpose of this Training Bulletin is to remind officers that some citizens are offended when officers who are using chewing tobacco, spit, even when into a cup, during their contact with citizens. Officers are reminded to refrain from using chewing tobacco and spitting during citizen contacts (DM Section C 1308)."	<a href="#">Training Bulletin #2013-001</a>		
370	IPA	2011-02	Establish written guidelines for the use of informants, establish a policy that prohibits officers from using their personal funds to pay informants.	C	Policy Change	Duty Manual chapter L 3600 addresses Informants. Specifically, Duty Manual section L 3616 addresses Rewarding Informants Working for Money.			
371	IPA	2011-04	Establish a policy for field strip searches for arrestees.	C	Policy Change	Duty Manual section L 2911 states in part, "All strip searches, visual and physical body cavity, shall be conducted at the San José Police Department's Pre-Processing Center (PPC), unless prior authorization is obtained from the watch commander. Strip searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search."			
372	IPA	2011-05	Adopt a formal process for moving SJPd memos and bulletins into the Duty Manual in a timely fashion.	C	Policy Change	The Duty Manual is updated, at a minimum, twice annually. In addition, all Department memorandums and training bulletins are posted to the Intranet and Internet within 72 hours of issuance.			
373	IPA	2011-06	Adopt a social media policy that addresses real and perceived conflicts of interests.	C	Policy Change	On March 5, 2021, the Department issued Memorandum #2021-005 regarding Duty Manual Additions: Online Presence.	<a href="#">Memorandum #2021-005</a>		
374	IPA	2011-07	Adopt a curb-sitting policy that requires officers to document in the CAD or in an incident report when they order curb-sitting, the ethnicity/race of those ordered to sit on the curb and the specific reasons for the curb sitting (e.g. officer safety because the officer was verbally threatened by the suspect).	C	Policy Change	On January 14, 2013, the Department issued Memorandum #2013-002 regarding Duty Manual Addition: L 5108 Documenting Detentions and/or Searches.	<a href="#">Memorandum #2013-002</a>		
375	IPA	2011-08	Require officers to document in the CAD reasonable suspicion for detentions (during vehicle and pedestrian stops) when not incident reports are written.	C	Policy Change	On January 14, 2013, the Department issued Memorandum #2013-002 regarding Duty Manual Addition: L 5108 Documenting Detentions and/or Searches.	<a href="#">Memorandum #2013-002</a>		



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
376	IPA	2011-10	Improve oversight of SJPd officers' secondary employment and timecard submission.	C	Policy Change	Duty Manual chapter C 1500 regarding Secondary Employment has been revised several times since 2011. On April 18, 2012, the Department issued Memorandum #2012-013 regarding Duty Manual Revision: C 1500 Secondary Employment. On March 18, 2013, the Department issued Memorandum #2013-004 regarding Duty Manual Revision: C 1500 Secondary Employment. On January 13, 2014, the Department issued Memorandum #2014-002 regarding Duty Manual Change: C 1542 Regular Department Shift and Secondary Employment Assignment Conflicts. On July 23, 2014, the Department issued Memorandum #2014-024 regarding C 1543 Reporting of Secondary Employment Hours, New SEU Tracking Form Procedures, and New SEU Work Permit Procedures. On May 25th, 2016, the Department issued Memorandum #2016-028 regarding Duty Manual Revision: C 1531 Unauthorized Outside Work. On May 12, 2017, the Department issued Memorandum #2017-022 regarding Duty Manual Revisions: C 1450 Conflict of Interest, C 1520 Obtaining Authorization, and C 1531 Unauthorized Outside Work. On August 23, 2019, the Department issued Memorandum #2019-022 regarding Duty Manual Revision: C 1506 Secondary Employment Off-Duty Uniform Pay. On November 21, 2019, the Department issued Memorandum #2019-025 regarding Duty Manual Revision: C 1516 Application for Authorization for Secondary Employment - Work Permit Requirement. On April 23, 2021, the Department issued Memorandum #2021-013 regarding Duty Manual Revision: C1506 Secondary Employment Off-Duty Uniform Pay.  In addition, on July 25, 2016, the Department issued Training Bulletin #2016-008 regarding Secondary Employment.	<a href="#">Memorandum #2021-013</a>		
377	IPA	2011-12	Require officers to track in the CAD the race/ethnicity of individuals who are the subjects of pedestrian stops.	C	Policy Change	On January 14, 2013, the Department issued Memorandum #2013-002 regarding Duty Manual Addition: L 5108 Documenting Detentions and/or Searches.	<a href="#">Memorandum #2013-002</a>		
378	IPA	2011-13	Require officers to receive training about how to interact with members of the public who have hearing loss.	C	Policy Change	On August 22, 2014, the Department issued Memorandum #2014-026 regarding Duty Manual Addition: C 1317 Procedures During Encounters with Limited English Proficient Persons. This was the beginning of the Language Access Plan. On April 14, 2022, the Department issued Training Bulletin #2022-010 regarding Language Interpretation and Translation Services.	<a href="#">Training Bulletin #2022-010</a>		
379	IPA	2011-14	Reconcile Duty Manual sections C 1308 and C 1404 with section C 1710, pertaining to the allegations of Courtesy and Conduct Unbecoming an Officer	C	Policy Change	On July 8, 2013, the Department issued Memorandum #2013-017 regarding Duty Manual Revision: C 1710 Determining the Classification of Allegations.	<a href="#">Memorandum #2013-017</a>		
380	IPA	2012-01	Revise DM Section C 1411 to establish a flat prohibition on service of civil processes in any jurisdiction by officers, whether on or off duty.	C	Policy Change	On May 29, 2014, the Department issued Memorandum #2014-019 regarding Duty Manual Revision: C 1411 Civil Cases and Processes.	<a href="#">Memorandum #2014-019</a>		
381	IPA	2012-02	Revise the tow hearing procedure to ensure that civilians understand that their "conversations" with the tow officers are, in fact, tow hearings; and require that all tow hearings be recorded.	C	Policy Change	The Tow Hearing Unit guidelines were revised July 7, 2021 and posted on SJPd.org. Per the guidelines Tow Hearing Officers are required to provide an admonishment to hearing participants and audio or video record all tow hearings.	<a href="#">Tow Hearing Unit Guidelines</a>		
382	IPA	2012-03	SJPd should discuss and develop with Emergency Medical Services (EMS) a protocol for the transport of individuals with medical issues, chronic inebriants, and those with psychiatric issues.	C	Policy Change	On February 4, 2020, the Department issued Memorandum #2020-006 regarding Duty Manual Revisions: Reporting Contact and Transportation of Mentally Ill Persons.	<a href="#">Memorandum #2020-006</a>		
383	IPA	2012-04	Create guidelines for officers who may interact with transgendered individuals so that officers can avoid using words that are offensive to this population	C	Policy Change	On February 9, 2021, the Department issued Memorandum #2021-004 regarding Duty Manual Additions: Transgender or Intersex Individuals. On May 25, 2022, the Department issued Memorandum #2022-023 regarding Duty Manual Revisions: Searches of Transgender or Intersex Individuals.  In addition, on February 8, 2021, the Department issued Training Bulletin #2021-004 regarding LGBTQ+ Community Interactions.	<a href="#">Memorandum #2021-004</a>		
384	IPA	2012-04	Require officers to obtain parental and/or school permission before transporting minors (who are not suspects) in patrol vehicles. Require officers to log any time that they are driving city-owned vehicles, including the times that they are driving to and from their homes.	C	Policy Change	On May 5, 2014, the Department issued Training Bulletin #2014-006 regarding the 2012 IPA Recommendations. In that training bulletin, the Department reminded officers of the following. "Officers are reminded to complete all the required forms for anyone requesting a ride-a-long. This includes the transportation of minors for presentations and/or events. When transporting minors in those situations, parental permission is required and documented on the forms. Completion of the forms is not necessary during temporary transportation for purposes of a courtesy service, such as relocating a victim after a vehicle accident or if the minor is in custody. Refer to DM Sections L 1705, S 1600 – 1611, and R 1531 for further details."	<a href="#">Training Bulletin #2014-006</a>		
385	IPA	2012-05	Require officers who draw and point their weapons t or in the direction of a person to document such action in the CAD or in an incident report.	C	Policy Change	On December 21, 2020, the Department issued Memorandum #2020-049 regarding Duty Manual Additions: Drawing and Pointing a Firearm at Another Person.	<a href="#">Memorandum #2020-049</a>		

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
386	IPA	2012-05	Ensure that officers who request social security information from civilians, advise them that they have the option of declining to provide this information.	C	Policy Change	On May 5, 2014, the Department issued Training Bulletin #2014-006 regarding the 2012 IPA Recommendations. In that training bulletin, the Department reminded officers of the following, "Officers are reminded that providing a person's social security number is voluntary and that a refusal to disclose a social security number will not result in denial of any right, benefit or privilege provided to that citizen by law. The social security account number may be used to verify the identity of the individual and the data may be computerized in local, state and national files as stated in DM Section R 1612."	<a href="#">Training Bulletin #2014-006</a>		
387	IPA	2012-06	Discontinue the practice of signing affidavits of probable cause by officers who are not percipient witnesses.	C	Policy Change	On May 5, 2014, the Department issued Training Bulletin #2014-006 regarding the 2012 IPA Recommendations. In that training bulletin, the Department reminded officers of the following, "As a reminder, officers must follow the "Directions For Completion" portion of the felony affidavit form. The directions state to document: 'What facts led you to believe that the defendant committed the above felony/misdemeanor offense(s)? State reasons for initial contact/car stop. Describe actions of the defendant, addressing the elements of the offense(s), including symptoms of intoxication FSTs; injuries and how inflicted. If you relied on third party information, describe the incident and state who can establish the facts.' Officers are reminded that if they rely on another officer's statement when completing the affidavit, officers must document the name and badge number of the officer who observed the defendant's actions. Refer to DM Section R 1566 /County Form 438 for further details."	<a href="#">Training Bulletin #2014-006</a>		
388	IPA	2012-09	Stop the practice of using Penal Code Section 849 (b) "informally."	C	Policy Change	On May 5, 2014, the Department issued Training Bulletin #2014-006 regarding the 2012 IPA Recommendations. In that training bulletin, the Department reminded officers of the following, "Subdivision (b) of Penal Code Section 849 provides three separate grounds for releasing a person arrested without a warrant rather than taking the person before a magistrate. Officers are reminded not to use/write "849(b)" without also documenting in a report the applicable ground(s) for release specified in subdivision (b)."	<a href="#">Training Bulletin #2014-006</a>		
389	IPA	2013-09	Revise RATTF operating procedures to include specific guidelines for the inventory of "chop shop" items to ensure the proper chain of custody.	C	Policy Change	The Department member assigned to RATTF operates only as a member of the Task Force. The Department does not have operational control over RATTF. The Task Force currently uses the County protocol for "chop shop" evidence and booking procedures. All evidence items are booked under County requirements and guidelines.			
390	IPA	2014-01	Create an inventory form for use with the CHP 180 for towed/impounded vehicles	C	Policy Change	On May 10, 2016, the Department issued Training Bulletin #2016-004 regarding the 2014 IPA Recommendations. In that training bulletin the Department reminded officers of the following: "Duty Manual section L 5403 requires that officers prepare an inventory of all items contained in vehicles that they have towed/impounded. If items need to be listed and/or inventoried, it shall be documented on the CHP 180 form. On the first page of the CHP 180 form, there is a section stating "Remarks (List property, tools, vehicle damage, arrests). Refer to DM Section L 5403 for further details."	<a href="#">Training Bulletin #2014-006</a>		
391	IPA	2014-03	Expand the Department's definition of use of force (deadly force and non-deadly force) to include the circumstances leading up to the use of force (e.g., who provoked the force?), and proportionality (was the force used proportional to the force encountered?).	C	Policy Change	On August 15, 2016, the Department issued Memorandum #2016-037 regarding Duty Manual Addition: L 2602.5 Tactical Conduct.	<a href="#">Memorandum #2016-037</a>		
392	IPA	2017-02	The Duty Manual should provide guidance to officers that, under normal circumstances, an individual who is resisting being detained for a 5150 W&I commitment for psychiatric evaluation – for individuals who pose an immediate threat of harm to themselves or others because of a psychiatric disability – should be transported to Emergency Psychiatric Services, not to the jail. The policy should make clear that officers should, whenever appropriate, exercise their discretion to decline to cite and/or arrest the individual for the crime of resisting or obstructing police in the discharge of their duties and provide for transportation by emergency/fire services rather than by police.	C	Policy Change	On September 19, 2022, the Department issued Training Bulletin #2022-032 regarding Mental Health Crises and Resisting, Obstructing, Delaying an Officer.	<a href="#">Training Bulletin #2022-032</a>		
393	IPA	2018-01	The IPA recommends that the SJPD track and document when an officer points a firearm at a person as reportable force. This excludes un-holstering or holding a firearm at the low-ready position.	C	Policy Change	On December 21, 2020, the Department issued Memorandum #2020-049 regarding Duty Manual Additions: Drawing and Pointing a Firearm at Another Person. Drawing and pointing a firearm are not, by definition, a use of reportable force. However, the Department developed the requirement to document it and established a reporting template to do so.	<a href="#">Memorandum #2020-049</a>		
394	IPA	2019-04	When IA opens an investigation into criminal conduct, a corresponding administrative complaint should also be opened	C	Policy Change	Whenever the Criminal Investigations Detail conducts a criminal investigation, a corresponding administrative investigation is opened and tolled until the completion of the criminal investigation. Upon the no-filing or adjudication of the criminal investigation, the administrative investigation begins.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
395	IPA	2019-06	Provide guidance about individuals riding bicycles on sidewalks	C	Policy Change	On November 26, 2019, the Department issued Training Bulletin #2019-016 regarding Riding a Bicycle on the Sidewalk.	<a href="#">Training Bulletin #2019-016</a>		
396	IPA	2020-03	Clarify when an officer can require identification or merely request it. Community members may perceive an officer's demand to identify themselves or provide identification as harassing, intimidating, and/or bias-based policing. To improve community relations, it is important that our officers know when identification can be required or only requested.	C	Policy Change	On September 25, 2021, the Department issued Memorandum #2021-027 regarding Duty Manual Additions: Requiring Identification.	<a href="#">Memorandum #2021-027</a>		
397	IPA	2020-07	The IPA recommends the Department open an administrative investigation when an officer is named as a defendant. The Department currently does not have a system that initiates an administrative investigation when an SJPd officer is named in a lawsuit.	C	Policy Change	Whenever the Criminal Investigations Detail conducts a criminal investigation, a corresponding administrative investigation is opened and tolled until the completion of the criminal investigation. Upon the no-filing or adjudication of the criminal investigation, the administrative investigation begins.			
398	IPA	2021-10.3	IPA staff should be granted early and continued access to BWC video.	C	Policy Change	On June 1, 2022, Internal Affairs implemented an internal policy under which the IPA has continued access to BWC video throughout the duration of an administrative investigation.			
399	IPA	2021-10.4	IA should record all interviews/statements used in its investigation.	C	Policy Change	Internal Affairs records all material interviews by both policy and practice. Complainants, witnesses, subject officers, and those with first-hand knowledge of the event under investigation are recorded. However, tertiary individuals providing supporting information are not recorded. For example, records clerks who are asked about documentation are not recorded.			
400	IPA	2021-10.5	All IA investigations and memos should include the date on which the document was completed.	C	Policy Change	On June 6, 2022, Internal Affairs implemented an internal policy under which all documents will include the date on which they were completed.			
401	IPA	2021-10.6	IA should use the Coordinated Universal Time (UTC) when referring to BWC footage in investigation write-ups.	C	Policy Change	On June 6, 2022, Internal Affairs implemented an internal policy under which all video-related documents will use UTC time, a timestamp, or a marker to easily identify the described point in the video.			
402	IPA	2021-10.7	Documents and forms associated with an event shall be attached to IA Pro. This may include, but is not limited to, Taser downloads, consent forms, warrants and affidavits that are not sealed.	C	Policy Change	All documentation used in an administrative investigation is attached to IA Pro. If a particular piece of documentation is not used in the administrative investigation and is unnecessary, it is not attached to IA Pro.			
403	IPA	2021-2.1	We recommend that Duty Manual section C 1101 be amended to clearly prohibit officers from acting in a retaliatory manner under any scenario.	C	Policy Change	On June 9, 2022, the Department issued Memorandum #2022-025 regarding Duty Manual Revision: C 1101 Exercising Discretionary Judgment.	<a href="#">Memorandum #2022-025</a>		
404	IPA	2021-2.2	We also recommend that the Department provide direction on when to contact employers.	C	Policy Change	On June 9, 2022, the Department issued Memorandum #2022-025 regarding Duty Manual Revision: C 1101 Exercising Discretionary Judgment.	<a href="#">Memorandum #2022-025</a>		
405	IPA	2021-3.1	The IPA recommends that officers will provide name and badge number at the beginning of the traffic stop.	C	Policy Change	On September 3, 2022, the Department issued Memorandum #2022-045 regarding Duty Manual Revision: L 2406 Violator Contact.	<a href="#">Memorandum #2022-045</a>		
406	IPA	2021-3.2	With the exception of exigent circumstances, if there is any indication of a possible language barrier, officers should comply with the Department's Language Access Plan.	C	Policy Change	The Department's Duty Manual requires compliance with the Language Access Plan. Duty Manual section C 1317 PROCEDURES DURING ENCOUNTERS WITH LIMITED ENGLISH PROFICIENT (LEP) PERSONS states, "Department members shall provide language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Members shall not solely rely on their own assessment of an individual's English proficiency in determining the need for an interpreter or a translator, especially when an individual may be subjected to stressors or specialized terms that would make it difficult for that individual to communicate in English. If a person requests an interpreter or a translator, the Department member shall take reasonable steps to provide one." In addition, on April 14, 2022, the Department issued Training Bulletin #2022-010 regarding Language Interpretation and Translation Services.	<a href="#">Training Bulletin #2022-010</a>		
407	IPA	2021-3.3	Officers should provide the reason for the stop as early as possible.	C	Policy Change	On September 3, 2022, the Department issued Memorandum #2022-045 regarding Duty Manual Revision: L 2406 Violator Contact.	<a href="#">Memorandum #2022-045</a>		
408	IPA	2021-3.4 2021-5.3	When feasible, officers should provide the reason for the stop before officers ask for consent to search. There are legitimate law enforcement reasons to delay providing the basis for the car stop.	C	Policy Change	On September 3, 2022, the Department issued Memorandum #2022-045 regarding Duty Manual Revision: L 2406 Violator Contact.	<a href="#">Memorandum #2022-045</a>		
409	IPA	2021-3.5	Using their body-worn camera (BWC), officers should contemporaneously narrate the reason for (1) a pat-search of the driver/occupants, (2) the reason for handcuffing (if applicable), and (3) the reason for searching the car (i.e., incident to arrest, car exception, inventory search).	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles. In addition to providing extensive guidance on vehicle searches, the training bulletin suggested narrating notes, information, and the reason for certain actions onto the BWC. Narration onto BWCs will remain a recommended practice, not a requirement as part of a Duty Manual policy.	<a href="#">Training Bulletin #2022-018</a>		
410	IPA	2021-3.6	The IPA recommends the Department should encourage the primary officer to provide a business card to drivers who are not cited or arrested.	C	Policy Change	On September 3, 2022, the Department issued Memorandum #2022-045 regarding Duty Manual Revision: L 2406 Violator Contact.	<a href="#">Memorandum #2022-045</a>		

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
411	IPA	2021-4.1	We recommend that the Duty Manual expand its current guidance on avoiding tows. Officers should be mandated under L 5210 to affirmatively ask the driver if they (1) wish to surrender the vehicle to a qualified person, (2) wish to leave the vehicle lawfully parked, or (3) wish to dispose of the vehicle in another lawful manner that either the officer or the driver can suggest.	C	Policy Change	On August 10, 2022, the Department issued Memorandum #2022-039 regarding Duty Manual Revisions: Vehicle Seizures.	<a href="#">Memorandum #2022-039</a>		
412	IPA	2021-4.2	We recommend that the scope of L 5210 not be limited to arrestees. It should also cover drivers who do not have a valid license regardless of whether they are released with a citation or a warning.	C	Policy Change	On August 10, 2022, the Department issued Memorandum #2022-039 regarding Duty Manual Revisions: Vehicle Seizures.	<a href="#">Memorandum #2022-039</a>		
413	IPA	2021-5.1	We recommend that officers should document the principle supporting their search on BWC with contemporaneous narration and in their reports.	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles. In addition to providing extensive guidance on vehicle searches, the training bulletin suggested narrating notes, information, and the reason for certain actions onto the BWC. Narration onto BWCs will remain a recommended practice, not a requirement as part of a Duty Manual policy.	<a href="#">Training Bulletin #2022-018</a>		
414	IPA	2021-5.10	The IPA recommends that the Duty Manual L 5400 clearly state that an inventory search is not, and cannot be used as, a search for contraband or evidence of crime.	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles.	<a href="#">Training Bulletin #2022-018</a>		
415	IPA	2021-5.2	Officers seeking consent to search should document a yes or no answer.	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles.	<a href="#">Training Bulletin #2022-018</a>		
416	IPA	2021-5.4	Officers seeking consent should not ask the driver more than twice.	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles.	<a href="#">Training Bulletin #2022-018</a>		
417	IPA	2021-5.5	All initial searches based on consent should be limited in scope.	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles.	<a href="#">Training Bulletin #2022-018</a>		
418	IPA	2021-5.6	We recommend that if a search is done under the first prong, that BWC capture the reaching distance between the arrestee and the danger or evidence.	C	Policy Change	Duty Manual section L 4433 states, in part, "Uniformed officers will wear the body worn camera on their uniform at a location that will facilitate an optimum recording field of view. This location may vary from officer to officer based upon his/her specific uniform and body composition." In addition, this On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles.	<a href="#">Training Bulletin #2022-018</a>		
419	IPA	2021-5.7	We recommend that if a search is done under the second prong, that officers record on their BWC video the basis for believing that the vehicle contains evidence of the crime for which the defendant was arrested before conducting the search.	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles.	<a href="#">Training Bulletin #2022-018</a>		
420	IPA	2021-5.8	We recommend that if a search is conducted under the automobile exception that: - BWC captures the officer's statement justifying their entry into the vehicle before entering the vehicle. - The statement includes facts supporting the officer's belief that the vehicle contains (1) evidence of criminal activity, and/or (2) contraband.	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles.	<a href="#">Training Bulletin #2022-018</a>		
421	IPA	2021-5.9	The IPA recommends that the Duty Manual Policy L 5400 be explicit regarding the rationale supporting inventory searches.	C	Policy Change	On July 21, 2022, the Department issued Training Bulletin #2022-018 regarding Warrantless Searches of Vehicles.	<a href="#">Training Bulletin #2022-018</a>		
422	IPA	2021-6	We recommend that officers be provided clear direction on when and under what circumstances a search of the car is legal under Health & Safety Code § 11357 and/or Vehicle Code § 23222(b).	C	Policy Change	On March 4, 2022, the Department issued Training Bulletin #2022-005 regarding Marijuana Laws and Searching Vehicles.	<a href="#">Training Bulletin #2022-005</a>		
423	IPA	2021-8	The Duty Manual should provide Guidance on Handcuffing Detainees. This guidance should be in line with law enforcement best practices.	C	Policy Change	On August 8, 2022, the Department issued Memorandum #2022-038 regarding Duty Manual Addition: L 3304 Use of Handcuffs During Reasonable Suspicion Detentions.	<a href="#">Memorandum #2022-038</a>		
424	OIR AAR	1	SJPD should maintain a roster of lieutenants for immediate call back, on-call if necessary, to fulfill the platoon leader role in response to critical incidents.	C	Policy Change	The Department's staffing software, eResource Planner, maintains a phone list of personnel that may be used to call back personnel for a critical incident.			
425	OIR AAR	3	SJPD should revise its Mobile Field Force training to emphasize the need for self-discipline and unit cohesion and to include a message from the Chief regarding the Department's performance expectations.	C	Policy Change	On August 16, 2022, the Department issued Training Bulletin #2022-023 regarding First Amendment Activity and Civil Disturbance Performance Reminders.	<a href="#">Training Bulletin #2022-023</a>		
426	OIR AAR	6	SJPD should revise the Department's dispersal order script in the three predominant languages to include an explicit warning about arrest, force and gas should the order be defied, and clear instruction regarding the safe routes of departure.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
427	OIR AAR	7	SJPD should revise the Department's Demonstrations and Civil Disturbances policy to include an explicit warning about arrest and use of force (including chemical munitions) should the order be defied, and clear instruction regarding safe routes of departure.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
428	OIR AAR	8	In crafting dispersal orders to instruct crowds about the routes of egress from a protest, SJPD policy and training should advise officers to consider conditions such as parking, traffic and officer deployment to ensure the feasibility and safety of any direction provided about dispersal routes.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
429	OIR AAR	9	SJPD should consider adding language to its demonstration and civil disturbances policy advising, when practicable, that the Department contact event organizers or participants with the goal of gaining voluntary dispersal prior to issuing formal dispersal orders.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
430	OIR AAR	10	SJPD should revise the Department's Demonstrations and Civil Disturbances policy to include that when dispersal orders are given, they should also be published on various social media platforms immediately.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
431	OIR AAR	11	SJPD should ensure that briefings in advance of crowd control situations include reinforcement of the Department's expectations regarding the reporting of uses of force.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
432	OIR AAR	12	SJPD should ensure that supervisors responsible for reviewing use of force reports ensure the reports are sufficiently detailed before approval.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
433	OIR AAR	13	SJPD should consider practices such as body-camera narration that might enhance officers' ability to subsequently capture their observations and decision-making when reporting on dynamic, extended deployments.	C	Policy Change	On August 16, 2022, the Department issued Training Bulletin #2022-023 regarding First Amendment Activity and Civil Disturbance Performance Reminders.	<a href="#">Training Bulletin #2022-023</a>		
434	OIR AAR	21	The Department should develop a policy on mass arrest and booking procedures that establishes a clearly articulated plan for handling the range of necessary tasks and includes detailed information about necessary forms, staffing assignments and division of responsibilities.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
435	OIR AAR	25	SJPD and City leadership (specifically, the Deputy Managers assigned to manage the Emergency Operations Center) should continue to collaborate, especially around intelligence-sharing.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
436	OIR AAR	31	SJPD should explore training options and "in field" strategies to enhance officers' ability to communicate effectively with the public in the context of protest or demonstration activity, and to avoid lapsing into unprofessional commentary or behavior.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
437	OIR AAR	32	SJPD should focus additional attention on developing its response to protest-related interactions with the public in the context of "taking a knee" or similar shows of community solidarity, and should provide its officers with the tools to communicate effectively with protesters over the issue.	C	Policy Change	On August 16, 2022, the Department issued Memorandum #2022-041 regarding Duty Manual Revisions: First Amendment Activities and Civil Disturbances.	<a href="#">Memorandum #2022-041</a>		
438	OIR AAR	19	SJPD should consider options for improving the dissemination and clarification of mid-operation policy changes, so that affected personnel in the field are suitably equipped to adapt as intended.	C	Policy Change	On August 16, 2022, the Department issued Training Bulletin #2022-023 regarding First Amendment Activity and Civil Disturbance Performance Reminders.	<a href="#">Training Bulletin #2022-023</a>		
439	RIPS	1 AS2	Invest in mobile response teams that can respond to incidents involving individuals experiencing a mental health crisis. These teams will consist of service providers from community-based organizations rather than law enforcement to de-escalate crisis situations and provide connections to resources and support.	C	Policy Change	The Department deploys two mobile response teams for persons experiencing a mental health crisis. The Mobile Crisis Assessment Team (MCAT) is a group of specially-trained officers who respond to assist patrol in events where members of the public are experiencing a mental health crisis. MCAT also conducts follow-up with individuals who repeatedly required police services. The Psychiatric Emergency Response Team (PERT) is an officer paired with a mental health professional who respond similarly to MCAT, but bring an even higher level of expertise. Both programs are currently deployed in the Bureau of Field Operations.			
440	RIPS	11 AS5	The City of San José will expand the capacity of the Community Service Officer (CSO) program which responds to lower-level calls for service, such as non-criminal calls, nonviolent crimes, and other investigations. The City will analyze calls for service to determine if CSOs can respond to additional calls and develop protocols for call diversion to CSOs wherever possible.	C	Policy Change	The duties of a Community Service Officer are outlined in Duty Manual section A 3003. These duties are updated with additional responsibilities according to Department needs. For example, a 2021 revision added the documentation of non-investigative sexual assault reports. CSOs are distributed throughout the City, one per district.			
441	RIPS	2 AS1	The City Council should develop a plan to collaborate in the implementation of the national 988 behavioral crisis response system for the purposes of identifying and diverting 911 calls to appropriate response systems.	C	Policy Change	On July 13, 2022, the Department issued Training Bulletin #2022-017 regarding the 9-8-8 National Suicide Prevention Lifeline.	<a href="#">Training Bulletin #2022-017</a>		



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
442	RIPS	27 ACC9	The City of San José will change its policy to require all SJPD officers to provide their name, badge number, and a card with instructions for filing a complaint to the civilian oversight structure before conducting a search.	C	Policy Change	On September 3, 2022, the Department issued Memorandum #2022-045 regarding Duty Manual Revision: L 2406 Violator Contact. This memorandum requires officers, as soon as time and circumstances permit, to identify themselves. Duty Manual section C 1409 states, "Consistent with officer safety and protection of public, Department members, while acting in an official capacity, will supply their name, rank and position, and similar identifying information in a professional manner to any person who may inquire. Officers will identify themselves, when requested, by using an Incident Card (Form 200-45a) or Department approved business card." While the Department does not issue cards with the IPA's contact information, Department members are required by Duty Manual section C 1703 to "accept allegations from any source, whether made in person, by mail, by telephone or by an anonymous person." In addition, Duty Manual section C 1704 provides further instruction to refer the person to Internal Affairs if receiving the allegation during business hours or refer them to an on-duty command officer if receiving them during non-business hours.	<a href="#">Memorandum #2022-045</a>		
443	RIPS	34 ACC14	The City of San José will adopt new policies on the proper use of body worn cameras to ensure they are fully capturing the actions of all parties for the duration of calls for service and investigative stops.	C	Policy Change	On September 2, 2022, the Department issued Memorandum #2022-044 regarding Duty Manual Revision: L 4433 Officer Responsibilities (BWC).	<a href="#">Memorandum #2022-044</a>		
444	RIPS	34a.1 ACC14	Policies will limit the recording of crime victims or witnesses without consent.	C	Policy Change	Duty Manual sections L 4437, L 4438, and L 4439 address advisements, consent, and interviewing victims or witnesses.			
445	RIPS	34f ACC14	No footage may employ facial recognition technology.	C	Policy Change	The Department does not employ facial recognition technology.			
446	RIPS	36 ACC24	The City of San José will adopt new trauma-informed practices and training in response to incidents of gender-based violence to ensure accurate documentation of incidents, following through on violations of restraining orders, preventing the arrest of survivors, and revisiting mandatory arrest policies.	C	Policy Change	On July 27, 2022, the Department issued Training Bulletin #2022-020 regarding Intimate Partner Violence Investigations.	<a href="#">Training Bulletin #2022-020</a>		
447	RIPS	41.1 ACC13	The City of San José will enhance training officer qualifications to ensure they have no resident complaints against them, and they are screened for conscious and unconscious bias.	C	Policy Change	Applicants to the Field Training Program are screened for any complaints or allegations that would affect their ability to perform as a Field Training Officer, including Bias Based Policing. In addition, throughout their time in the Program, Field Training Officers regularly meet with their supervisor to evaluate their training competence, decision making, and public interactions.			
448	RIPS	41.3 ACC13	Training officers will be evaluated on the performance of officers they have trained.	C	Policy Change	Field Training Officers regularly meet with their supervisor to evaluate their training competence, decision making, and public interaction. As standard practice, Department members are provided an annual performance evaluation. While the evaluation does not consider the actions of others in reviewing Department members, those who are in the Field Training Program are evaluated on their training abilities. If they are below the expected standards of training practices, they may be removed from the Field Training Program.			
449	RIPS	7.1 PP2	The City of San José will focus SJPD traffic enforcement efforts on extremely high risk violations, such as reckless driving and extreme speeding.	C	Policy Change	The Department focuses the Traffic Enforcement Unit's attention on high-collision-rate intersections and corridors. Through participation in the Vision Zero program, Department members attempt to curb speeding and reckless driving throughout the City.			
450	RIPS	8 PP2	The City of San Jose will develop with community stakeholders a surveillance ordinance to ensure privacy and civil rights protections to guide policy making for potential future adoption of automated speed enforcement measures.	C	Policy Change	On September 20, 2022, the Digital Privacy Office presented a status report on the progress of the Digital Privacy Program to City Council. During that meeting, the Council approved the Data Usage Protocol for Automated License Plate Readers. This policy was a collaboration between the City Manager's Office, Police Department, City Attorney's Office, and Parks, Recreation, and Neighborhood Services. The community was engaged through six in-person neighborhood association meetings, online meetings, social media, flyers at community centers and libraries, emails to neighborhood associations, and a press release. The information sessions alone reached more than 300 families in-person and more through the City-wide webinar.	<a href="#">City Council Meeting Details</a>		
451	RIPS YCR	2	The City of San Jose will fully implement AB 490-Banning knee-to-neck holds	C	Policy Change	On January 24, 2022, the Department issued Memorandum #2022-001 regarding Duty Manual Revisions: Carotid Restraint and Choke Hold.	<a href="#">Memorandum #2022-001</a>		
452	RIPS YCR	14	The City of San José will remove police from community events and provide unarmed private security to make events inclusive to everyone.	C	Policy Change	Event organizers determine the level of security necessary for every event. Often, this is done in collaboration and discussion with the Police Department and/or the City's Office of Cultural Affairs. It is the responsibility of event organizers to decide whether they would like law enforcement or unarmed private security. The only exceptions to this are: (1) the state requirement to have law enforcement present if the event is serving alcohol and (2) the Municipal Code requirement for law enforcement to be present for street closures.			



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
453	RIPS YCR	22	The City of San Jose will develop protocols to have certified mental health professionals deployed to mental health crisis response calls rather than SJPd. [Support RIPS AS1/2]	C	Policy Change	The Department deploys two mobile response teams for persons experiencing a mental health crisis. The Mobile Crisis Assessment Team (MCAT) is a group of specially-trained officers who respond to assist patrol in events where members of the public are experiencing a mental health crisis. MCAT also conducts follow-up with individuals who repeatedly required police services. The Psychiatric Emergency Response Team (PERT) is an officer paired with a mental health professional who respond similarly to MCAT, but bring an even higher level of expertise. Both programs are currently deployed in the Bureau of Field Operations.			
454	RIPS YCR	28	The City of San José will require police to intervene to stop officers from using excessive force and reporting to a supervisor, and the use of first aid to provide medical attention to anyone in police custody who is injured or complains of injury. (See police department policies from Seattle, Cleveland, New York City, Las Vegas, Baltimore)	C	Policy Change	On December 23, 2021, the Department issued Memorandum #2021-047 regarding Duty Manual Revision: C 1402 General Responsibilities.	<a href="#">Memorandum #2021-047</a>		
455	RIPS YCR	29.3	Policies should ban use of force for talking back or punishment for running away, choke-holds, strangleholds, hog-tying and transporting people face down, or use of prone restraints.	C	Policy Change	On January 24, 2022, the Department issued Memorandum #2022-001 regarding Duty Manual Revisions: Carotid Restraint and Choke Hold. In addition, Duty Manual section L 2628.3 states, "Department members shall not use techniques or transport methods that involve a substantial risk of "positional asphyxia." Positional Asphyxia is defined as, "Situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing."  This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia."	<a href="#">Memorandum #2022-001</a>		
456	RIPS YCR	36.2	The City of San Jose will expand call center access to 988.	C	Policy Change	On July 13, 2022, the Department issued Training Bulletin #2022-017 regarding the 9-8-8 National Suicide Prevention Lifeline.	<a href="#">Training Bulletin #2022-017</a>		
457	State Audit	11	Require that misconduct investigations formally analyze whether an officer has acted in a biased manner whenever a complaint alleges bias, the facts of the incident indicate bias might have influenced an officer's behavior, or investigators recognize potential indications of bias during other reviews, such as use of force reviews.	C	Policy Change	The City of San José Policy Manual states, "Allegations of discrimination or harassment will be promptly and objectively investigated. The investigation and findings will be based upon the totality of circumstances and each situation will be evaluated on a case-by-case basis." The Police Department abides by the City Policy Manual.			
458	CNA 21st CP	1.8.3	Conduct an analysis of recruitment efforts to assess comparative effectiveness.	C	Recruiting & Hiring	On August 18, 2022, the Recruiting Unit presented the Police Department Recruitment and Hiring Activity Annual Report. In this report, the Department detailed its findings from a comparative analysis of recruiting effectiveness.	<a href="#">Public Safety, Finance, and Strategic Support Committee Meeting Details</a>		
459	RIPS	43 ACC22	The City of San José will concentrate recruitment efforts for police officer hiring in San Jose neighborhoods to better represent the diversity of the city.	C	Recruiting & Hiring	On August 18, 2022, the Recruiting Unit presented the Police Department Recruitment and Hiring Activity Annual Report. In this report, the Department detailed its efforts to boost applications and hiring of residents in San Jose.	<a href="#">Public Safety, Finance, and Strategic Support Committee Meeting Details</a>		
460	RIPS YCR	18	Given the over-representation of white Officers on the SJPd, the City of San José will recruit Black, Indigenous, and People of Color to the police force keeping diversity and ethnic clusters in mind.	C	Recruiting & Hiring	On August 18, 2022, the Recruiting Unit presented the Police Department Recruitment and Hiring Activity Annual Report. In this report, the Department detailed its efforts to boost applications and hiring of women, veterans, and a diverse applicant pool. These include recruiting at diversity-specific community events, colleges rated high in racial diversity, career and job fairs, military events, maintaining an online presence, and utilizing a recruiting website.	<a href="#">Public Safety, Finance, and Strategic Support Committee Meeting Details</a>		
461	RIPS YCR	19	The City of San José will prioritize hiring and maintaining officers who are local to San José.	C	Recruiting & Hiring	On August 18, 2022, the Recruiting Unit presented the Police Department Recruitment and Hiring Activity Annual Report. In this report, the Department detailed its efforts to boost applications and hiring of residents in San Jose.	<a href="#">Public Safety, Finance, and Strategic Support Committee Meeting Details</a>		

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CWO Management
462	RIPS YCR	32	The City of San José will conduct mental health screening tests to ensure that officer candidates are not coming in with any chronic mental illnesses that can affect their work.	C	Recruiting & Hiring	All sworn Department members undergo psychological testing prior to being hired. In addition to an approximately one-hour interview with a psychologist, the candidates all take the California Psychological Inventory-Police and Public Safety Selection Report (CPI-PPSR), Personality Assessment Inventory-Police and Public Safety Selection Report (PAI-PPSR), and State-Trait Anger Expression Inventory-II-Police and Public Safety Report (STAXI-II-PPSR). This level of testing exceeds the standards required by POST. Per the psychologist conducting the majority of psychological interviews, "Broadly speaking, everything considered in the psychological interview, including background and behavioral data, is viewed from a psychological perspective and analyzed according to the mandated POST psychological screening dimensions. More narrowly, we ask specific questions about mental health treatment history, medication for mental health issues, current symptomatology, and utilize results from our psychological tests to assess mental health issues. When an applicant has had recent mental health treatment, we review data and/or records from their treating mental health providers. A review of these data sources is necessary to perform an ADA required individualized assessment of the candidate's ability to perform the duties of a peace officer in a safe and effective manner." In addition, the Department abides by the information provided in the POST Peace Officer Psychological Screening Manual.	<a href="#">Peace Officer Psychological Screening Manual</a>		
463	RIPS YCR	35	The City of San José will screen and monitor police officers to assure they have no record of supporting racist, homophobic, transphobic causes, or any record of violent behaviors toward gender minorities.	C	Recruiting & Hiring	This is part of the background process. The Department screens officers for any implicit or explicit bias before hiring. When employed, the Department investigates every allegation of bias and takes disciplinary action, as appropriate.			
464	State Audit	1	By October 2022, have a process for regularly monitoring data on the diversity of its current personnel, its new hires, and to the extent possible, its applicant pools. It should use these data to evaluate the success of its recruitment efforts and identify need areas of improvement.	C	Recruiting & Hiring	On August 18, 2022, the Recruiting Unit presented the Police Department Recruitment and Hiring Activity Annual Report. In this report, the Department detailed its efforts to boost applications and hiring of women, veterans, and a diverse applicant pool. These include recruiting at diversity-specific community events, colleges rated high in racial diversity, career and job fairs, military events, maintaining an online presence, and utilizing a recruiting website.	<a href="#">Public Safety, Finance, and Strategic Support Committee Meeting Details</a>		
465	State Audit	2	By April 2023, develop and begin implementing a documented strategy aligned with best practices for recruiting officers who reflect the diversity of its community.	C	Recruiting & Hiring	On August 18, 2022, the Recruiting Unit presented the Police Department Recruitment and Hiring Activity Annual Report. In this report, the Department detailed its efforts to boost applications and hiring of women, veterans, and a diverse applicant pool. These include recruiting at diversity-specific community events, colleges rated high in racial diversity, career and job fairs, military events, maintaining an online presence, and utilizing a recruiting website.	<a href="#">Public Safety, Finance, and Strategic Support Committee Meeting Details</a>		
466	State Audit	3	Proactively seek and attempt to contact secondary references to obtain more candid information about applicants, such as information about past biased conduct or affiliation with hate groups.	C	Recruiting & Hiring	In March 2022, the Background Unit developed a standardized process for identifying and documenting secondary references. Contacting secondary references is a requisite portion of the background process. Any information provided by the secondary references is documented in the Background Summary. To preserve the integrity of the background process, the procedure will remain confidential, but a copy was provided to the State Auditor's Office for verification.			
467	State Audit	4	Using documented procedures that adhere to best practices, identify and review applicants' public social media profiles for content indicative of disqualifying biases, such as hate group affiliation.	C	Recruiting & Hiring	In March 2022, the Background Unit developed a standardized process for identifying and documenting an applicant's social media history. In addition, all Background Investigators have attended a 1-hour open-source social media search class. To preserve the integrity of the background process, the procedure will remain confidential, but a copy was provided to the State Auditor's Office for verification.			
468	City Auditor	21-01, 01	To better meet Priority 1 and 2 response times goals and address past staffing reductions, the Police Department should add sworn officers to field patrol in the context of the Department's and City's overall budget.	C	Staffing	Per City Auditor report this has been Implemented-In June 2022, in addition to approving 16 new police officer positions, as part of the Mayor's June Budget Message for Fiscal Year 2022-2023, Council approved MBA 41. MBA 41 included as a Committed Addition to future Five-Year General Fund Forecasts, the annual addition of up to 15.0 positions in the Police Department, which may be a mix of sworn and civilian positions depending upon the most pressing community safety needs, in each year where the City Manager determines that the addition of the positions would not require a decrease in existing basic neighborhood services.			
469	CNA 21st CP	3.5.1	Evaluate the goals for the Media Relations Unit and assess whether the current resources are sufficient to accomplish those goals.	C	Staffing	The Department hired a third member of the Media Relations Unit to dilute the Unit's responsibilities and move further toward achieving the Unit's goals of efficient communication, transparency, and collaboration.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
470	City Auditor	12-04, 02	The Police Department should develop a system to compile real-time data regarding the number of hours worked and pay earned from off-duty work.	C	Technology Improvement	Per City Auditor report this has been Implemented-Completed in Memo #2021-015 Overtime Controls-Coordiators for secondary employment are now able to enter the hours for officers working at their sites and SEU staff are able to review hours for officers to ensure compliance.	<a href="#">Memorandum #2021-015</a>		
471	City Auditor	16-08, 04	To reduce the risk that police officers are fatigued due to excessive City police work or secondary employment, the San José Police Department should: (a) Define the circumstances under which overtime is exempt from work limits in the Duty Manual; and (b) Review and enforce work limits for scheduled City overtime and secondary employment.	C	Technology Improvement	Per City Auditor report this has been Implemented-The updates have been completed to eResource.			
472	City Auditor	16-08, 05	To facilitate supervisory review of time worked, the San José Police Department should centralize the tracking of all work done in the Department and through secondary employment in a centralized software package. To do this, the Department should obtain additional information technology expertise to fully deploy eResource or an alternative software solution.	C	Technology Improvement	Per City Auditor report this has been Implemented-The updates have been completed to eResource.			
473	City Auditor	19-01, 13	To lessen SJPd Communications Center staff workload and provide the public with additional service/reporting options, the Police Department should publicize online reporting options to the community and review current online reporting options and determine if additional reporting can be handled online.	C	Technology Improvement	Per City Auditor report this has been Implemented-Online reporting remains available at <a href="http://www.sjpd.org/reportingcrime/online-report/">http://www.sjpd.org/reportingcrime/online-report/</a> . Further online reporting options will still take more work. However, during the Covid-19 Pandemic additional online reporting options were added including non-injury traffic accidents and hit and run traffic accidents.			
474	CNA 21st CP	6.1.4	Determine ways to cut down on the duplication of paperwork by sharing data or merging data fields and ensure officers understand the reasoning behind state-mandated data collection.	C	Technology Improvement	On February 11, 2022, the Department issued Training Bulletin #2022-002 regarding the New MDT RIPA Module.	<a href="#">Training Bulletin #2022-002</a>		
475	Internal AAR	2a	Develop a process by which off duty officers can be electronically notified of large-scale events to help bolster staffing.	C	Technology Improvement	The Department has a paging system in which Department members are able to receive emergency updates via text message on their Department-issued and personal cellular phones.			
476	OIR AAR	14	SJPd should create a Department-wide inventory system specifically for less-lethal munitions so that the Department can track inventory and less lethal usage at any point in time.	C	Technology Improvement	In January 2022, the Department implemented a new inventory system as part of the development of the Military Equipment policy. This inventory system is now utilized to maintain current records of all less lethal munitions. The inventory will continue to be updated on an annual basis and presented to City Council through the Public Safety, Finance, and Strategic Support Committee in the spring.			
477	RIPS YCR	20	The City of San José will develop a protocol to allocate and dispatch officers from certain areas, respond to calls from that area.	C	Technology Improvement	The Department uses a computer-aided "priority dispatch system" in which high-priority events are dispatched to the two geographically closest units, regardless of their district or beat assignment. Every unit is tracked using GPS and technology determines which units may respond the fastest to priority events. This allows officers to patrol their beats and districts, but still be available to respond to high-priority events. It also provides the ability for officers to be allocated to districts ("certain areas") and respond to calls from that area. For this reason, Department personnel are assigned to 16 districts throughout the City and are expected to remain in their district, with some exceptions, throughout their shift.			

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
478	RIPS YCR	30	The City of San José will redesign body cameras, and policies governing their usage. Cameras should have wider lenses, collect 360 degree footage, better quality, battery length and reliability of on/off control. Officers should not be permitted to turn cameras off until the end of shift. Cameras should not be covered at any time.	C	Technology Improvement	The Department uses the Axon Body Camera 3, which is the flagship model of body worn cameras produced by Axon. The camera provides the widest lens available and best video quality available in the Axon line of products. There is no body worn camera on the market today that would provide a 360-degree view of footage. The Department will continue to monitor available technologies and upgrade the officers' body worn camera systems as appropriate. Duty Manual section L 4433 states in part, "Officers will 'power on' the body worn camera before going into service and keep it powered on for the remainder of his/her shift, with the exception of bathroom breaks or those times when an officer is entering a Department locker room. The officer will only 'power off' his/her body worn camera at the conclusion of his/her shift prior to placing it in a camera dock to upload." On September 2, 2022, the Department issued Memorandum #2022-044 regarding Duty Manual Revision: L 4433 Officer Responsibilities (BWC). This memorandum states in part, "Uniformed officers will wear the body worn camera on their uniform at a location that will facilitate an optimum recording field of view. This location may vary from officer to officer based upon his/her specific uniform and body composition. Exception: When the optimum recording field of view might be better facilitated by removing the camera from the uniform and mounting the camera to a stable object or platform to better capture the event, officers may attempt do so at their discretion."	<a href="#">Axon Body 3</a>		
479	CNA 21st CP	1.4.3	Incorporate a mechanism for gathering employee input on the development of training.	C	Training	The Training Division developed an interactive survey that is able to be customized toward training topics. This survey is presented to every student in every class presented by the Department. Survey results are analyzed by both the Training Division and the class's instructors.			
480	CNA 21st CP	2.3.1	Ensure training is consistent with Chief's Office recommendations.	C	Training	The Training Division participates in all officer-involved incident debriefs. Using an analysis of best practices and development opportunities, the Training Division creates curriculum in which Department members are provided additional instruction from the actions viewed in officer-involved incidents. For example, the following blocks of CPT instruction were included: AB 392, First Aid/CPR/AED, De-escalation, High Risk Vehicle Contacts, Strategic Communications, and Use of Force. Additionally, training was incorporated into the Specialist Program as a result of the OII debriefs.			
481	CNA 21st CP	2.3.2	Evaluate the operation of the review panel for any policy or training implications.	C	Training	The Training Division participates in all officer-involved incident debriefs. Using an analysis of best practices and development opportunities, the Training Division creates curriculum in which Department members are provided additional instruction from the actions viewed in officer-involved incidents. For example, the following blocks of CPT instruction were included: AB 392, First Aid/CPR/AED, De-escalation, High Risk Vehicle Contacts, Strategic Communications, and Use of Force. Additionally, training was incorporated into the Specialist Program as a result of the OII debriefs.			
482	CNA 21st CP	5.3.1	Implement a broader set of evaluation methodologies to ensure training is effective.	C	Training	The Training Division developed an interactive survey that is able to be customized toward training topics. This survey is presented to every student in every class presented by the Department. Survey results are analyzed by both the Training Division and the class's instructors.			

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
483	CNA 21st CP	5.7.1	Incorporate recommendations from other sections in this report related to training evaluation, community input, and other considerations for training.	C	Training	<p>This recommendation pertains to basic training (the Academy). Regarding training evaluation, the recruits complete a total of 62 evaluations by the time they graduate the Academy. This includes evaluations of classroom instruction, scenario training, training staff, and the entire Academy experience. Those evaluations are reviewed by Academy staff and considered when planning the next Academy.</p> <p>Regarding community input, this is difficult to do with POST curriculum, which is the bulk of academy instruction. The Academy is required to teach to the specifications set by POST. These specifications are codified in Title 11, Division 2 of the California Code of Regulations. These specifications cannot be deviated from. If community input is desired, it would be curriculum above and beyond POST specifications which will add additional hours to the Academy.</p> <p>The Academy does already incorporate community input in the following areas of instruction:</p> <ul style="list-style-type: none"><li>· Victimology – a panel consisting of a medical professional specializing in sexual assault cases, YWCA community support advocates, and the supervisor of the Victim’s Advocates section of the DA’s Office present to the Academy recruits and host a Q&amp;A.</li><li>· Sex Crimes – YWCA community support advocates are used for role-playing scenarios during this block of instruction.</li><li>· Gang Awareness – members of the Mayor’s Gang Prevention Task Force bring in former gang members who present to the Academy recruits and host a Q&amp;A.</li><li>· Cultural Diversity – the Academy recruits spend an entire day visiting the Billy DeFrank LGBTQ+ Community Center and the Sikh Gurdwara Temple where respective group members present and host a Q&amp;A. Recently, two new employees of the IPA’s Office attended this block of instruction as well. Anti-Muslim Bigotry – members from the Islamic Networks Group (ING) present to Academy recruits and host a Q&amp;A.</li></ul> <p>Additionally, these community members work with Academy instructors to develop instruction in</p>			
484	CNA 21st CP	5.9.2	Provide consistent and ongoing training related to cultural diversity and related topics.	C	Training	<p>POST requires 16 hours of Cultural Diversity training for each Police Recruit Academy. However, SJPd provide 32 hours of Cultural Diversity Training in each Academy.</p> <p>PC 13519.4 Requires POST-certified Racial and Cultural Diversity Training/ Racial Profiling training for every Law Enforcement Officer every 5 years.</p> <p>P.O.S.T. also requires Strategic Communications for all officers every two years. This training specifically address Police-Citizen interactions and includes Procedural Justice oriented topics.</p>			
485	CNA 21st CP	6.2.6	All training provided to Dispatch should be evaluated, particularly on officer safety, to identify gaps in learning and opportunities for improvement.	C	Training	The Training Division developed an interactive survey that is able to be customized toward training topics. This survey is presented to every student in every class presented by the Department. Survey results are analyzed by both the Training Division and the class’s instructors.			
486	CNA U of F	24.1	The SJPd should provide training relevant to the findings of its 2020 AAR.	C	Training	This recommendation pertains to the frequency of MFF training. Patrol officers recently received MFF training. This was implemented after the 2020 protests. New sergeants receive MFF training during their in-house training upon promotion. All sergeants have been instructed to train their patrol teams and document their team training.			
487	Internal AAR	1b	Formalize training to be delivered consistently during briefings.	C	Training	In Summer 2020, the Department developed a standardized curriculum for mobile field force training. Typically, this training occurs during or immediately following briefing.			
488	Internal AAR	1c	Provide additional training to sworn personnel regarding the use of force during crowd control situations.	C	Training	In Summer 2020, the Department developed a standardized curriculum for mobile field force training. Typically, this training occurs during or immediately following briefing.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
489	Internal AAR	1i	Department should provide ongoing training in ICS, MFF, and other relevant areas to provide as much experience as practical.	C	Training	On March 25, 2022, the Department issued Memorandum #2022-009 regarding Critical Incident and ICS Training. This memorandum ordered all sworn personnel of the rank of sergeant and lieutenant to complete the POST trainings "Initial Response to Critical Incidents" and "Critical Incident Management" by July 31, 2022. In the 2022-2023 Fiscal Year budget, the Department was provided funds to ensure higher level training is provided to lieutenants. The Training Division is in the process of developing this additional training.	<a href="#">Memorandum #2022-009</a>		
490	Internal AAR	1j	Evaluate whether the training provided to patrol issued 40mm Launchers is adequate and feasibility of providing more comprehensive and ongoing training.	C	Training	The training provided to officers regarding the 40mm launcher is in alignment with POST standards and statewide practices. The Range has offered additional training opportunities to sworn personnel upon request. In addition, Special Operations personnel have provided in-house training to those in MERGE, Metro, Street Crimes, and VCET.			
491	RIPS	41.2 ACC13	Officers must receive training on adult learning theory, history of marginalized communities in San José, and ableism.	C	Training	Recruits in the Police Academy receive training on adult learning theory, the history of policing and marginalized communities, and a 40-hour Crisis Intervention Team training that includes ableism. When becoming a Field Training Officer, Department members again receive training in adult learning theory.			
492	RIPS YCR	13	The City of San Jose will provide focus police training on humanizing the community they see and interact with by framing their interactions in a community-oriented, non-harmful, non-persecuting manner with an intent on strengthening community bonds and helping individuals.	C	Training	One of the first classes received by recruits in the Police Academy is POST Learning Domain 1 regarding Leadership, Professionalism, and Ethics. Humanizing the community, relationship building, trust, and positive non-enforcement contacts are themes weaved throughout the class.			
493	RIPS YCR	17.3	The City of San José will employ LGBTQ+ supportive organizations to create curriculum.	C	Training	On March 10, 2022, the Department issued Memorandum #2022-005 regarding LGBTQ+ Awareness Training. This memorandum ordered all Department members outside Communications and the Patrol Division to attend a 4-hour LGBTQ+ Awareness Class. On August 26, 2022, the Department issued Memorandum #2022-042 regarding LGBTQ+ Awareness Training. This memorandum ordered all Department members in Communications and the Patrol Division to attend the class. Based on the above, the Department is currently training every Department member in LGBTQ+ Awareness.	<a href="#">Memorandum #2022-005</a>		
494	RIPS YCR	27	The City of San José will provide stress training on different situations with an emphasis on non-lethal tactics, alternatives to using weapons, and how to avoid physical brutality.	C	Training	This is completed during the annual Continuing Professional Training cycle.			
495	UTEP	3	The SJPD should evaluate and adopt evidence-based training for improving police-citizen interactions and reducing the influence of discriminatory factors, such as race and ethnicity, in contacts with citizens.	C	Training	In 2017 SJPD sent to the University of Texas El Paso Center for Law and Human Behavior all police initiated citizen contact data from September of 2013 to March of 2016. CLHB – UTEP analyzed 83,381 reports of limited detention actions, or traffic and pedestrian stops by SJPD. The CLHB executive director is Michael R. Smith, is a nationally recognized expert on racial profiling. The above listed recommendation was provided in the executive summary of the UTEP study. Since that recommendation, SJPD provides the following training(s) to each officer: Fair & Impartial Policing Training (focused on the "Science of Bias"); Procedural Justice Training (Dignity & Respect, Voice, Neutrality and Transparency, and Trustworthiness); Crisis Intervention Team Training; De-Escalation Training; and Strategic Communications Training. Furthermore, all use of force reports are independently analyzed by Police Strategies which uses Data, Science and Technology to help police agencies implement effective policies, training programs, and accountability systems. These finding and recommendations are incorporated into Academy and In-Service training modalities. The data collected for Police Strategies is made available to the public via an internet based Use of Force Dashboard. This data is also incorporated into Academy and In-service Trainings.			
496	CNA 21st CP	3.3.3	Develop a standard policy for video release, not conflicting with the California legislation mandating video release.	C	Transparency	All requested body worn camera footage subject to public disclosure pursuant to Government Code Title 1, Division 7, Chapter 3.5 Inspection of Public Records is released or pending release.	<a href="#">Government Code Title 1, Division 7, Chapter 3.5</a>		
497	CNA 21st CP	3.4.1	Upon completing the contractual process for the public records portal, implement the portal in a timely manner.	C	Transparency	On August 9, 2022, the Department launched the new Public Records Request webpage. This public-facing records portal provides access to the Department's entire library of releasable documents including those addressed in Senate Bill 1421 and Senate Bill 16.	<a href="#">Press Release</a>		



Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
498	CNA 21st CP	3.4.2	Ensure the public-facing public records portal meets community needs.	C	Transparency	On August 9, 2022, the Department launched the new Public Records Request webpage. This public-facing records portal provides access to the Department's entire library of releasable documents including those addressed in Senate Bill 1421 and Senate Bill 16. In the Press Release, the Department sought feedback from the community: "The San José Police Department highly desires your input regarding the GovQA public portal for the Department. Please submit questions or comments to the San José Police Department's Research & Development Unit by email to Senior Analyst Monique Villarreal at monique.villarreal@sanjoseca.gov or call (408) 277-5200." No responses were received from the public.	<a href="#">Press Release</a>		
499	IPA	2014-03	Include in the annual Department-Initiated Investigation (DII) Report descriptions of the misconduct that gave rise to each of the sustained findings	C	Transparency	On September 13, 2022, the Department presented the Department-Initiated Investigation Report to City Council. In this report, the Department provided case summaries for each of the Department-initiated investigations.	<a href="#">City Council Meeting</a>		
500	IPA	2015-01.A	The Department resumes publishing its Force Response Report annually, and preferably quarterly, for the benefit of the Council and the community.	C	Transparency	The Department continues to publish an Annual Force Response Report.	<a href="#">Force Analysis Data</a>		
501	RIPS	25 ACC6	The City of San José will fully implement SB 1421 and prioritize release of disciplinary records of all officers involved in critical use of force incidents.	C	Transparency	The release of materials relevant to SB-1421 and SB-16 is a priority for the Department. Additional professional staff were added to the Research and Development Unit to fulfill pending requests. The Department will continue releasing information at the maximum allowable rate within the Department's current staffing.  Regarding the release of all disciplinary records of all officers involved in critical use of force, those records that are not releasable pursuant to SB-1421 and SB-16 are prohibited from release by Penal Code section 832.7. The Department will continue to release only those records allowed by the law.			
502	RIPS	28.3 ACC7	The City will release unedited body cam footage to the public without captions, audio commentary, or copyrighted music.	C	Transparency	Pursuant to Government Code section 6254, the Department releases a Community Briefing video of officer-involved incidents within 45 days following the incident. During this Briefing, the Department releases unedited, raw body camera footage.			
503	RIPS	34d ACC14	Whenever doing so is necessary to protect personal privacy, the right to a fair trial, the identity of a confidential source or crime victim, or the life or physical safety of any person appearing in video footage, redaction technology may be used to obscure the face and other personally identifying characteristics of that person. An unedited original version of the video shall be retained.	C	Transparency	The Department makes all redactions on publicly-released video required by law, pursuant to Penal Code section 832.7 and Government Code section 6254, in consultation with the City Attorney's Office.			
504	RIPS	34e ACC14	Body camera footage may not be withheld of a law enforcement officer under investigation for their conduct in their official capacity.	C	Transparency	All requested body worn camera footage subject to public disclosure pursuant to Government Code chapter 3.5 Inspection of Public Records is released or pending release.			
505	RIPS YCR	26	The City of San José will increase transparency in the use of funds that SJPD and Human Trafficking Task Force is receiving to improve their activities regarding human trafficking.	C	Transparency	The Department's budget is posted annually to the City's Budget Documents website.	<a href="#">Budget Documents</a>		
506	RIPS	4 pp6	The City of San José will provide encampment maintenance services, distribution of basic necessities, and connection to case management services and problem-solving support, funded by the City and Santa Clara County.	M	Alternative Approach	The Housing Department's Services Outreach Assistance and Resources (SOAR) program provides hygiene and infection control, trash services, comprehensive street-based outreach and support services, and housing and shelter referrals for encampment residents.	<a href="#">City Council Meeting Details</a>		X
507	RIPS	5 pp2	The City of San José will invest in self-enforcing streets by expanding the Department of Transportation Traffic Safety role to effectively manage street safety, with an equity lens, through street design, traffic calming measures, and increased community engagement, thereby reducing speeding and reckless driving, and the need for enforcement in the first place.	M	Alternative Approach	Vision Zero is the City's transportation initiative to reduce traffic fatalities and severe injuries. It is a key project in the 2022-2023 City Roadmap that contributes to the creation of a Safe, Vibrant and Inclusive Neighborhood and Public Life. In February 2020, City Council approved a Vision Zero Action Plan and a \$25M investment strategy towards eliminating fatalities and reducing severe injuries while providing safe mobility on our roadways. A total of \$15M has been programmed to date, providing for a data analytic tool, safety redesign projects on high injury corridors, and outreach and community engagement to move towards a culture around safety.	<a href="#">Transportation and Environment Committee Meeting Details</a>		X
508	CNA 21st CP	4.7.1	Continue efforts to develop the Youth Advisory Board.	M	Community Engagement	The Department will continue this practice.			
509	CNA 21st CP	6.1.1	Continue to hold voluntary focus groups to study mental health issues at SJPD and look for other tenure-, rank-, or demographic-related trends.	M	Internal Analysis or Review	The Department will continue this practice.			
510	IPA	2018-06	The UTEP Study reflected a notable effort by the Department to engage in self-assessment and to establish benchmarks of stop data practices for the period 2013-2016.	M	Internal Analysis or Review	This recommendation does not contain a suggestion for improvement for the Department. The Department will continue to engage in data collection and self-assessment.			
511	CNA 21st CP	1.9.1	Maintain efforts to publicly clarify SJPD's relationship with ICE.	M	Policy Change	The Department will continue this practice.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
512	CNA 21st CP	2.13.1	Maintain current efforts related to Recommendation 2.13 (Law enforcement agencies should adopt and enforce policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.)	M	Policy Change	The Department will continue this practice.			
513	CNA 21st CP	2.4.1	Maintain current efforts related to Recommendation 2.4. (Law enforcement agencies are encouraged to adopt identification procedures that implement scientifically supported practices that eliminate or minimize [eyewitness identification] presenter bias or influence.)	M	Policy Change	The Department will continue this practice.			
514	CNA 21st CP	2.9.1	Maintain current efforts related to Recommendation 2.9. (Law enforcement agencies and municipalities should refrain from practices requiring officers to issue a predetermined number of tickets, citations, arrests, or summonses, or to initiate investigative contacts with citizens for reasons not directly related to improving public safety, such as generating revenue.)	M	Policy Change	The Department will continue this practice.			
515	CNA 21st CP	4.5.5	Maintain requirement to demonstrate an ability to lead a community meeting as part of the promotional process.	M	Policy Change	The Department will continue this practice.			
516	CNA 21st CP	6.7.2	Maintain efforts to implement broader EIS program.	M	Policy Change	The Department will continue this practice.			
517	CNA U of F	2	The SJPD should maintain its current practice for this finding. (The SJPD's use of force tools and options that are listed in the Duty Manual are consistent with other agencies.)	M	Policy Change	The Department will continue this practice.			
518	CNA U of F	3	The SJPD should maintain its current practice for this finding. (The SJPD Duty Manual and training contain consistent elements across all use of force tools and options.)	M	Policy Change	The Department will continue this practice.			
519	CNA U of F	12	The SJPD should maintain its current practice for this finding. (The SJPD Duty Manual covers many conventional sections related to ECWs.)	M	Policy Change	The Department will continue this practice.			
520	CNA U of F	29	The SJPD should maintain its current practice of documenting use of force incidents at this level of detail. (The SJPD's use of force data collection form allows for each specific combination of event, involved officer, type of force, sustained injuries, and involved community member to be assessed.)	M	Policy Change	The Department will continue this practice.			
521	CNA U of F	33	SJPD should continue to review the records and patterns of behavior of officers with high levels of use of force to understand why they are involved in use of force more frequently than typical, and if necessary, refer officers for appropriate intervention, including refresher training.	M	Policy Change	The Department will continue this practice.			
522	CNA U of F	34	The SJPD should maintain its current practice and continue to review patterns in type and category of force used to assess relative rates.	M	Policy Change	The Department will continue this practice.			
523	CNA U of F	38	The SJPD should maintain its current practice for this finding. (SJPD officers treat Black and Asian community members similarly in use of force events compared with white community members.)	M	Policy Change	The Department will continue this practice.			
524	CNA 21st CP	1.8.1	Maintain efforts to increase female recruits.	M	Recruiting & Hiring	On August 18, 2022, the Recruiting Unit presented the Police Department Recruitment and Hiring Activity Annual Report. In this report, the Department detailed its efforts to boost applications and hiring of women, veterans, and a diverse applicant pool. These include recruiting at diversity-specific community events, colleges rated high in racial diversity, career and job fairs, military events, maintaining an online presence, and utilizing a recruiting website.	<a href="#">Public Safety, Finance, and Strategic Support Committee Meeting Details</a>		
525	CNA 21st CP	1.8.4	Maintain efforts to implement the recommendations of the Auditor's staffing analysis.	M	Staffing	The Department will continue this practice.			
526	CNA 21st CP	3.2.8	Maintain other present practices related to Recommendation 3.2. (The implementation of appropriate technology by law enforcement agencies should be designed considering local needs and aligned with national standards.)	M	Technology Improvement	The Department will continue this practice.			
527	CNA 21st CP	5.1.1	Maintain current efforts related to Recommendation 5.1. (The Federal Government should support the development of partnerships with training facilities across the country to promote consistent standards for high quality training and establish training innovation hubs.)	M	Training	The Department will continue this practice.			
528	CNA 21st CP	5.12.1	Maintain current efforts related to Recommendation 5.12. (The Federal Government should support research into the development of technology that enhances scenario-based training, social interaction skills, and enables the dissemination of interactive distance learning for law enforcement.)	M	Training	The Department will continue this practice.			

Recommendations List

Number	Source	Identifier	Description	Priority	Type	Status	Hyperlink	Budget Consideration	CMO Management
529	CNA 21st CP	5.8.1	Maintain current efforts related to Recommendation 5.8. (POSTs should ensure that basic recruit and in-service officer training include curriculum on the disease of addiction.)	M	Training	The Department will continue this practice.			
530	CNA 21st CP	1.8.2	Continue attempts to gather officer race/ethnicity data.	M	Transparency	On August 18, 2022, the Recruiting Unit presented the Police Department Recruitment and Hiring Activity Annual Report. In this report, the Department detailed its efforts to gather officer race and ethnicity data.	<a href="#">Public Safety, Finance, and Strategic Support Committee Meeting Details</a>		
531	CNA 21st CP	2.5.1	Continue to ask officers to voluntarily provide this information and report it publicly, stressing to officers that it is a matter of import to community members.	M	Transparency	The Department will continue this practice.			