



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Vice-Mayor Chappie Jones
Councilmember Raul Peralez

SUBJECT: 2018 INDEPENDENT POLICE
AUDITOR YEAR END REPORT

DATE: August 9, 2019

Approved

Date

08/09/19

RECOMMENDATION

Accept all five policy recommendations in the 2018 IPA Year End Report, and:

- 1) Direct the City Manager to publicly report incidents involving the pointing of the firearm, and to display this information within the SJPD "Use of Force Analysis" dashboard.
- 2) Direct the City Manager to provide a progress report as part of the Public Safety Finance Strategic Services work plan before the May 2020 PSFSS meeting on the implementation of the recommendations in this memo, as well as of the expansion of the early intervention system.

DISCUSSION

We thank the Independent Police Auditor for her and her Office's work on compiling the 2018 Annual Report, and the San José Police Department for their response.

Under the Racial and Identity Profiling Act of 2015, law enforcement agencies in the State of California are required to document when a firearm is pointed at a person. San José Police officers have been collecting this data since January 1, 2019. The data will be reported to the California Attorney General as specified by the California Code of Regulations; making that information available to the public requires very little additional work.

In order to ensure accurate apples-to-apples comparisons across jurisdictions, SJPD should consider varying definitions of "use of force" of other municipalities in this context. For example, San Francisco Police Department General Orders¹ states "When an officer *intentionally* points any firearm at a person, it shall be considered a reportable use of force. Such use of force must be reasonable under

¹ DGO 5.01, Section G, Item 1, Letter E; <https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO%205.01.pdf>

HONORABLE MAYOR AND CITY COUNCIL

August 13, 2019

Subject: CC Agenda Item 8.1: IPA 2018 Year End Report

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the objective facts and circumstances.” This does not include the mere drawing a weapon, or placing hand on holster. Supervisors can correct potential misconduct by tracking these uses of force in an early intervention system, and we look forward to the development of a more comprehensive, robust early intervention system in the months ahead.