



Memorandum

TO: City Council

FROM: Mayor Reed
Vice-Mayor Cortese
Councilmember Nguyen
Councilmember Constant

SUBJECT: POLICE RELATED REPORTS **DATE:** June 18, 2007

Approved

Chuck Reed *Con Constant* *Madison P. Nguyen* Date 06-18-07

RECOMMENDATION

In response to the many recommendations in four reports the City Council has under consideration, I make the following recommendations for Council action:

2006 IPA Year End Report

1. Confirm the Independent Police Auditor's (IPA) right to challenge the Police Department's classification of complaints and inquiries, with ultimate resolution by the City Manager.
2. Direct the Chief to establish policies on the types of inquiries that should be made a part of the early warning and intervention counseling system.
3. Direct the Chief to develop a specific policy prohibiting retaliation against complainants.
4. Direct the Chief to continue to incorporate rudeness awareness training and reinforce the need for respectful treatment into regular training for all officers.
5. Add regular monitoring of major downtown nighttime events like Cinco de Mayo and Mardi Gras to the workplan of the Human Rights Commission (HRC).
6. Continue use of the mediation process and publicize its availability.
7. Direct the City Manager and Independent Police Auditor to work together to develop information packets for individuals contacting the IPA or Internal Affairs Unit (IA).
8. Restrict the inclusion of data regarding the dispute of routine traffic citations from reports of complaints and inquiries until the matter is addressed by the traffic court. Complaints that are strictly disputes of the citation should be resolved by the traffic court and eliminated from the reports of complaints and inquiries.
9. Direct the IPA and IA to develop a packet of intake materials to be given to complainants at both agencies that would include complaint definitions, an explanation of the process, and necessary forms.

10. Direct the City Manager to work with the IPA and IA to develop a standardize script that explains the inquiry process, which IPA and IA staff will read at the time of intake.

Community Forums Conducted by the HRC and IPA

1. Direct the Police Department to present its rudeness prevention training to the Human Rights Commission.
2. Direct the Independent Police Auditor to add further information- such as whether a complaint was filed, date and city of incident- to data collected at all future public forums regarding the Police Department and to convey this information explicitly in post-forum reports. This same information should be included in reports brought forward by the Human Rights Commission.
3. Add review of the Police Department's cultural diversity training to the workplan of the Human Rights Commission.
4. Accept the SJPD's self-initiated process to re-establish the Citizens' Police Academy, and grant priority for participation to HRC members.

SJPD 2006 Annual Force Response Report

1. Direct the Chief to conduct deeper data analysis for an annual use of force report. This analysis should include, but is not limited to, the location of arrest, residence of those arrested, and time of day the arrest occurred.

San José Internal Affairs Peer Review Study

1. Direct the Chief to explore alternate terminology for "Inquiries," such as "information request" or "informational query."
2. Require an independent and annual evaluation of key performance measures of the SJPD citizen complaint process.
3. Direct the City Manager to accept the Police Department's self-initiated practice, as of April 2007, of tracking police officers' names on Inquiries for a six-month period, and direct the City Manager to report on the status of this effort once six months of data are available, along with a staff resource and "value added" impact report.

BACKGROUND

The Office of the Independent Police Auditor was established to audit the Internal Affairs investigations of misconduct complaints. The Internal Affairs personnel are assigned the responsibility to conduct complete investigations of complaints made against Police Department members.

City Council

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To ensure residents' faith in our system, we need to increase their awareness of the process we have set in place. To ensure residents feel safe in all areas of our city, the San José Police Department must continue to provide training and improve service in areas in which residents have raised concerns, such as rudeness and cultural diversity.

San José is proud to be the safest big city in the country. Our residents, visitors, and businesses all benefit greatly from having a safe place to live, work, and raise a family. Having a safe city does not happen by accident. It is the result of years of cooperation, communication and collaboration between our Police Department and our community.

When compared to other big cities, San José has an excellent record with one of the lowest levels of citizen complaints against the Police Department. With more than 400,000 calls for service and approximately 34,000 arrests, the Department totaled only 1,200 uses of force and about 245 complaints and 233 inquiries per year. That's an extraordinary record, matched by only a few other major cities in the country.

Our past success does not mean we can rest on our accomplishments. We must strive for continuous improvement. We want to be the best. I want to thank the Chief of Police, the Independent Police Auditor, the Human Rights Commission, and the community for their continued efforts to help us improve.