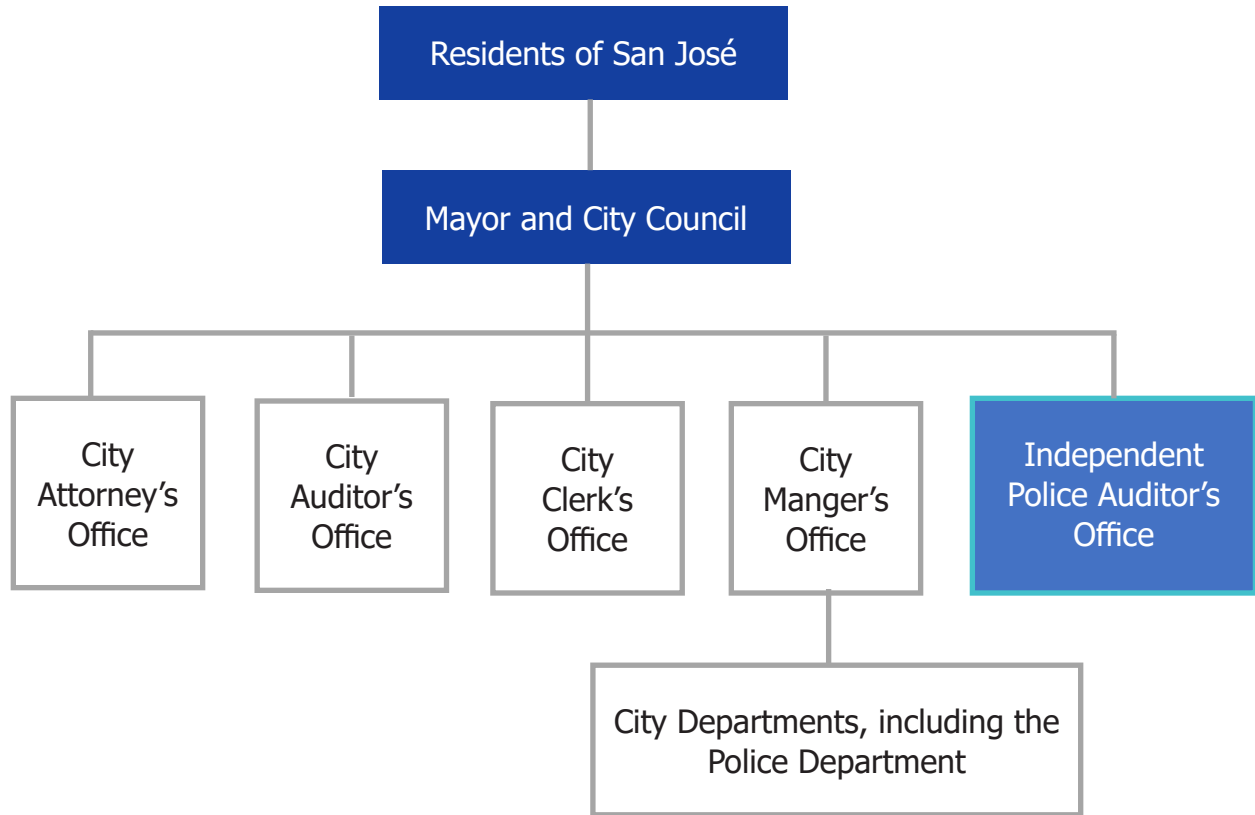


2019 IPA YEAR END REPORT



Office of the Independent Police Auditor
City of San José

City of San José Organizational Chart



2019 IPA Year End Report



Issued September 2020

by

Shivaun Nurre

Independent Police Auditor

and Staff

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Table of Contents

About this Report	01
Facts at a Glance	02
About our Office	03
Complaints Received and Classified	06
The Complaint Process	08
Internal Affairs Investigations and Findings	13
IPA Audit of Closed Investigations	16
Force Complaints	20
Officer-Involved Shootings	24
Recommendations	27
Community Outreach	35
Endnotes	41
Appendix	44
IPA Staff	44
Frequently Asked Questions About the IPA Office	45
Role of IPA in Officer-Involved Shootings Incidents	48
UTEP Recommendations	49
Additional Statistical Information	51

ABOUT THIS REPORT

The format of this year's report is different from that of prior years because this year has been unlike any other year.

This year, issues about police have been front and center.

Protests raged across cities nationwide following the May 25, 2020 death of George Floyd, a Black man who was killed when a white Minneapolis police officer knelt on his neck. Persons formally uninterested in police issues have been energized by the nationwide discussion of the role of policing in our society. A growing number of community members acknowledge that there is evidence of racial bias in our criminal justice system. Newspaper and journal articles have documented racial disparities throughout that system, including police stops, arrest rates, prosecutions, sentencing, and the treatment of juveniles.

In San José, individuals took to the streets raising their voices about policing and racial injustice. On May 29, 2020, there were clashes between demonstrators and police in the downtown area. The demonstrations and related police actions continued over the following days leading the City to impose a nightly curfew. Approximately 1,024 persons contacted the IPA office to complaint about the interaction between the police and demonstrators or about police Department policy.

In response, the Mayor and Councilmembers proposed a variety of police reform directives. Many of these were approved by unanimous vote. A detailed Police Reforms Work Plan has been created and progress on those efforts is underway.

Several items on the City's Police Reform Work Plan include explicit direction to engage the community for their input. The City wants to have meaningful conversation on these topics with the community and the community wants to be part of the process.

Given this time when a large number of our community members are interested in police issues, we wanted an annual report that was more accessible and usable to a wide audience. We have attempted to organize the content as more visually appealing and less dense. Details on multi-year data are moved to the appendix. We hope that creating such a report will encourage more persons to read the entire report and, in doing so, learn more about the current model of civilian oversight in San José. We encourage everyone to engage with the City and the community in discussing what the future of policing should look like in San José.

FACTS AT A GLANCE



Received **216** complaints



Received **802** allegations



21% of complaints contained force allegations



17% of sworn officers received at least one complaint



Audited **159** completed investigations



Agreed with IA investigation at first review in **84%** of complaints



Outreach plan touched **4,158** community members



Issued **6** policy recommendations



November 3rd Ballot measure may impact **IPA authority**

ABOUT OUR OFFICE

In 1993, the San José City Council passed an ordinance creating the Office of the Independent Police Auditor.¹ Three years later, the voters of San José amended the City Charter² to establish the Office of the Independent Police Auditor (IPA) as a permanent arm of city government.

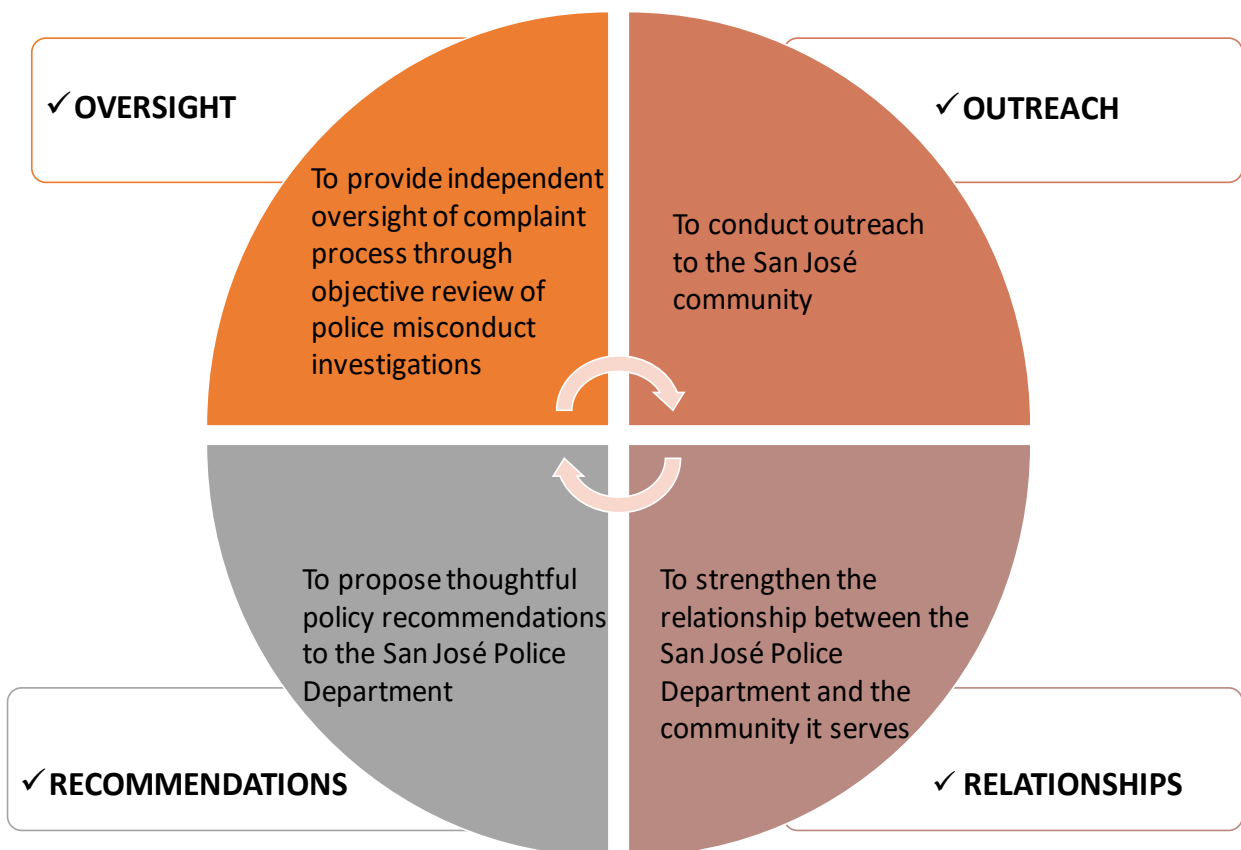
The mission of the Office of the Independent Police Auditor is to strengthen the relationship between the San José Police Department (SJPD) and the community it serves. We accomplish this goal by listening to the community, by suggesting good policy changes, and by making sure that the Department addresses officer misconduct.

The IPA office provides a safe space for people to share their experiences and concerns about San José police officers. We are a dedicated team of six employees. Members of our staff have language skills in Spanish, Vietnamese, Cantonese, Japanese and Gujarati.

Even if investigations do not reveal misconduct, complaints are important. They can reveal trends about what police actions are problematic for community members. They can also identify officers that may need intervention counseling. Listening to complainants provides an opportunity for individuals to be heard and acknowledged.

For more information about our office, see our website at www.sanjoseca.gov/ipa

The mission of the Office of the Independent Police Auditor is four-fold



The Auditor Model and Recent Developments:

While different models of civilian oversight agencies had emerged with varying success since the 1920s, San José was the first auditor model in the United States.³

Under the San José Auditor model:

- * The IPA does not investigate. IPA staff evaluate investigations completed by the Internal Affairs (IA) Unit. The IPA does not have any power to investigate misconduct. Internal Affairs is the only city entity that investigates police misconduct. Once IA completes its investigation, the IPA reviews the evidence and analysis to ensure that the investigation is fair, thorough, completed and objective.
- * IPA review limited to citizen complaints. IPA staff can only review investigations made by a community member. IPA staff cannot access or review investigations initiated by the Police Department against one of its officers.

Since 1996, the auditor/monitor model of oversight has been recreated, in various forms, in many cities. Through the years, the auditor/ monitor model of oversight has revealed its strengths and weaknesses. Some jurisdictions have changed to other oversight models or added additional layers of oversight onto the existing auditor model. Experts agree that there is no perfect model of oversight; each jurisdiction must evaluate its own unique culture and circumstances to determine how best to structure oversight that is effective and creates trust between the police and the community it serves.⁴

In 2014, former IPA Judge LaDoris Cordell (Ret.) recommended that there should be increased oversight of the San José Police Department (SJPD).⁵ This led to discussions exploring other options for oversight expansion. In 2016, the IPA office recommended that SJPD provide it with access to investigations of the most serious uses of force.⁶ In 2018, the City Council held a study session to discuss the existing framework of San José's auditor model, as well as other possible authorities that may enhance or strengthen the auditor framework.⁷ In July 2018, Council started bargaining discussions with the San José Police Officers' Association about possible expansion of IPA authority under the City Charter.

We are an AUDITOR form of oversight.


The IPA does not investigate complaints of police misconduct.

The IPA does not have any investigatory powers.

We review investigations completed by the SJPD's Internal Affairs Unit.

We review only complaints filed by the community.

We do not review investigations initiated by the Department.



GENERAL ELECTION
NOVEMBER 3, 2020

The ballot for the General Election on November 3, 2020, will contain a measure asking the voters among other things whether the San José City Charter should be amended to expand the Independent Police Auditor’s authority. See ballot language for details.

In June 2020, the City and SJPOA reached an agreement.⁸ In August 2020, as part of a measure making the other amendments to the City Charter, the Council directed that language consistent with that agreement be placed on the November 2020 ballot for voter approval.⁹ **If** the ballot measure is approved, these changes would be implemented.

- #1 — Review of Internal Misconduct Investigations**

The IPA may review investigations of police misconduct initiated by the Police Department (DIIs), in the same manner as the IPA reviews citizen-initiated complaint.
- #2 — Records about Force Resulting in Serious Injury or Death**

With limitations, the IPA may review any records of officer-involved shootings incidents and other use of force incidents if the force results in death or great bodily injury.
- #3 — Access to Police Records and Reports**







With limitations, the IPA will have access to Police records redacted by the Department, in order for the IPA to make recommendations with regard to Police Department policies and procedures.
- #4 — Other Duties**

The Council may authorize the IPA to perform other duties consistent with the City Charter subject to any meet and confer requirements with the police union.

Of these provisions, #4 is key. This will allow the City and the police union to agree to further expansion of the IPA’s duties, subject to the meet and confer process, without the need to return to the voters to amend the City Charter.

COMPLAINTS RECEIVED AND CLASSIFIED

The complaint process begins when a member of the public files a complaint about a San José Police Department (SJPD) officer(s) or an SJPD policy. Complaints can be filed either with the IPA or with the Internal Affairs (IA) Unit of the SJPD. A majority of complaints (60%) are filed with the IPA office. Anyone can file a complaint regardless of age, immigration status, or city of residence. Members of the community may file complaints even if they do not have a direct connection to the incidents or the persons involved. Complainants may also remain anonymous.

Many Ways to Reach the IPA Office
 On-line complaint form at: www.sanjoseca.gov/ipa
 Email to: ipa@sanjoseca.gov
 Telephone: 408-794-6226
 U.S. mail to office location: 96 N. Third St., Ste.150, San Jose, CA
 In-person at office location (Temporarily closed due to Covid-19)
 Fax to: 408-977-1053

After obtaining consent, IPA staff or IA staff record complainants' statements to ensure that their descriptions are documented accurately. IPA staff review every contact to ensure that each concern about misconduct is captured and classified. The IPA staff sends an acknowledgment of receipt if contact information is provided. The complaint is then entered into a shared IA/IPA database. This initial process is called **intake**.

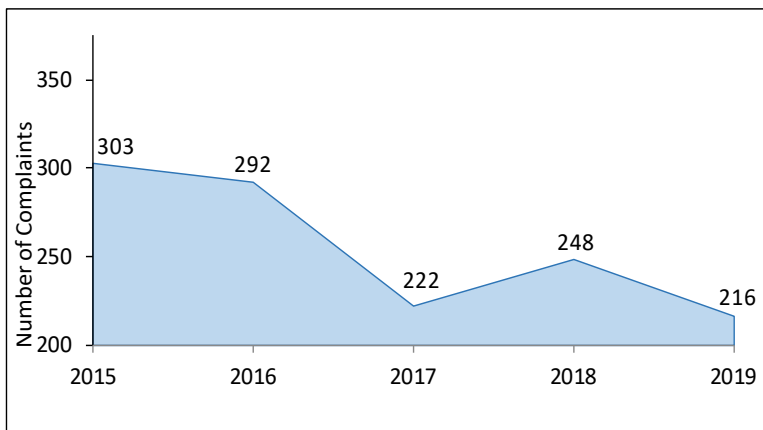
Learn more about the IPA office at
www.sanjoseca.gov/ipa
and
[@SanJoseIPA](https://www.instagram.com/SanJoseIPA)



Why Each Complaint Matters

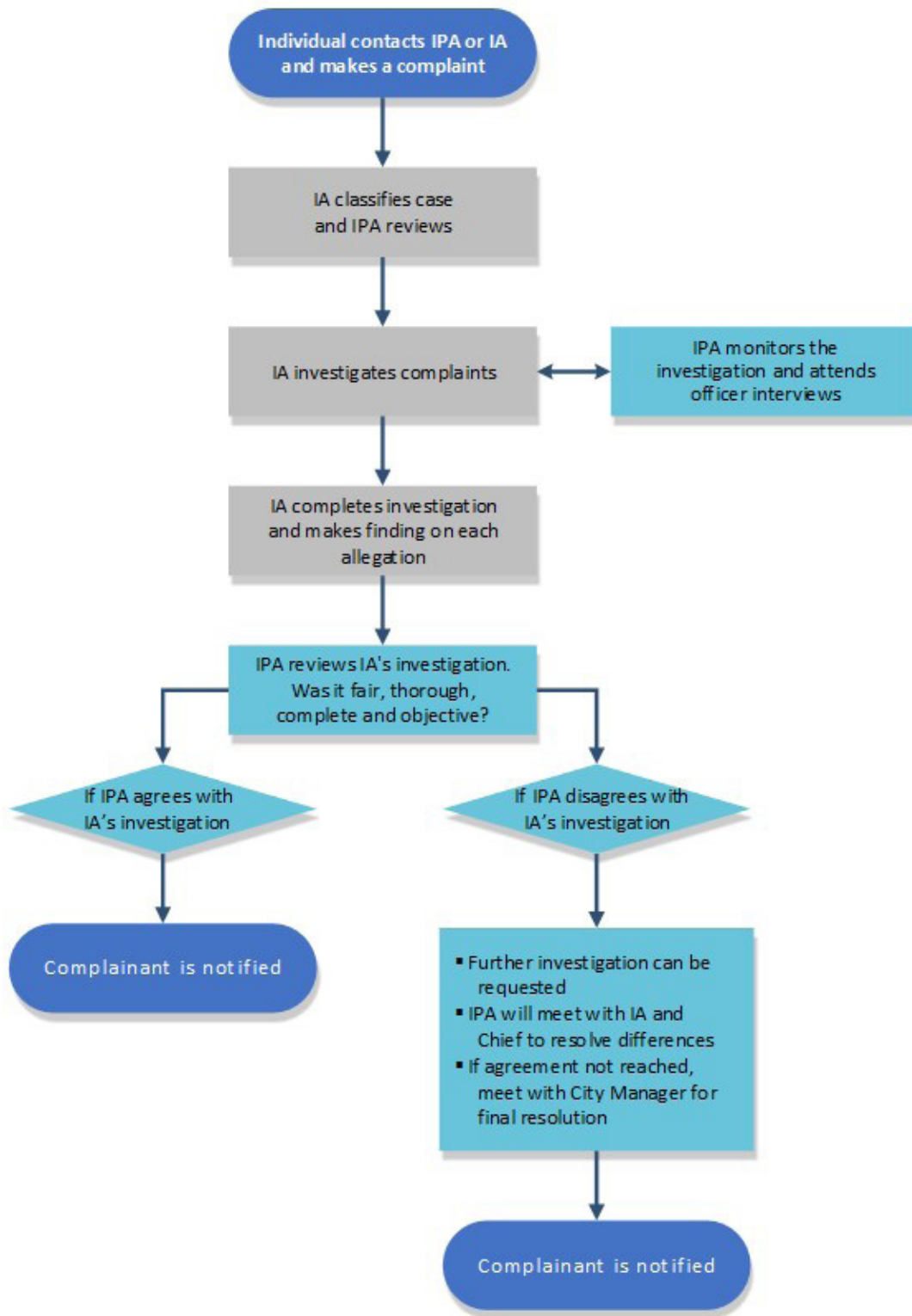
Holding Officers Accountable	Counseling
Every time a complaint is filed, the complaint must be reviewed by the Police Department, regardless of the alleged severity.	If an officer receives too many complaints, the officer will receive mandatory Intervention Counseling by the Police Department to identify and correct problematic behaviors.
Unbiased Review	Policy Changes
IPA staff provides an unbiased review to ensure that the Police Department’s investigations and analyses of the allegations are fair, thorough, and objective.	When civilians voice concerns about SJPD policies, the IPA has the unique opportunity to make policy recommendations to the Police Department. Many of our recommendations have had a positive impact on policing in the City.
Trends	Mediation
One way the IPA can determine if a certain police practice has become a trend in the community is if members of the public voice their concerns and file complaints.	Many times, complainants say they want to discuss their complaints directly with the officers. Mediation provides a confidential and respectful setting for both the complainant and the officer to discuss the incident candidly in the presence of a mediator.

Complaints Received — Five-Year Overview (2015-2019)



In 2019, a total of 216 complaints and concerns were received. This is a 13 percent (13%) decrease in the number of complaints and concerns received compared to 2018. The factors that influence the number of complaints received each year are difficult to measure.

The Complaint Process

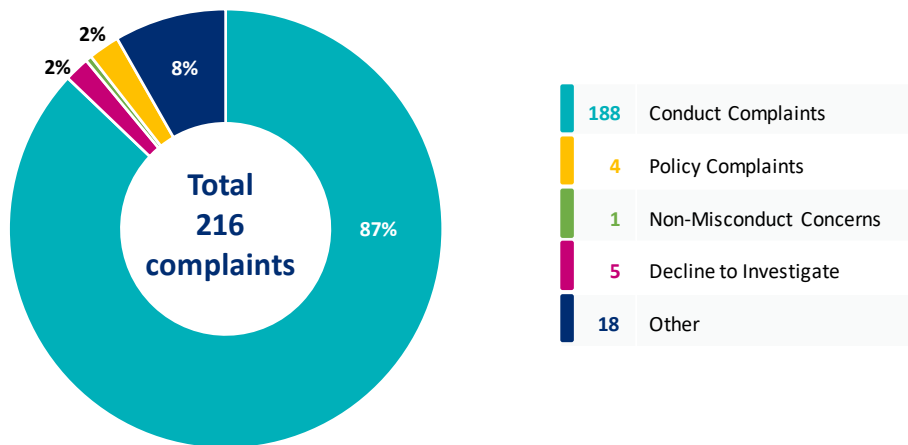


Complaints fall into five classifications. The Police Department is ultimately responsible for classifying complaints based on the content of each and whether a full investigation is warranted. IPA staff reviews the Department’s decisions early in the process and can appeal if the classification is not appropriate.

Five Classifications

CONDUCT COMPLAINT	POLICY COMPLAINT	NON-MISCONDUCT CONCERN	DECLINE TO INVESTIGATE	OTHER
Complaints that allege that an officer(s) violated Police Department policy, City policy, or the law	Complaints about SJPD policies or procedures or the lack thereof	Complaints that do not rise to the level of a violation of policy that could result in officer discipline	The facts in the complaint are so fantastical that they are unlikely to be based on reality	The complaint <ul style="list-style-type: none"> ▪ did not involve SJPD officers ▪ was duplicative; ▪ was filed beyond the one-year time limitation.

Classification of Complaints/Concerns Received in 2019



Conduct Complaints contain one or more allegations. An *allegation* is an accusation that an SJPD officer violated Police Department or City policy, procedure, or the law. The Department policies are listed in the SJPD Duty Manual. At the intake stage, these allegations are assertions whose validity has not yet been determined. IA investigators will obtain records and statements that will provide additional details, including those which may corroborate or conflict with the initial details.

Complaints filed in 2019 contained 802 distinct allegations. While the total number of complaints received in 2019 decreased, the number of allegations received increased. This means that complainants frequently raised multiple issues of concern in their individual interactions with police. Members of the public filed more allegations in 2019 than in any of the last five years.

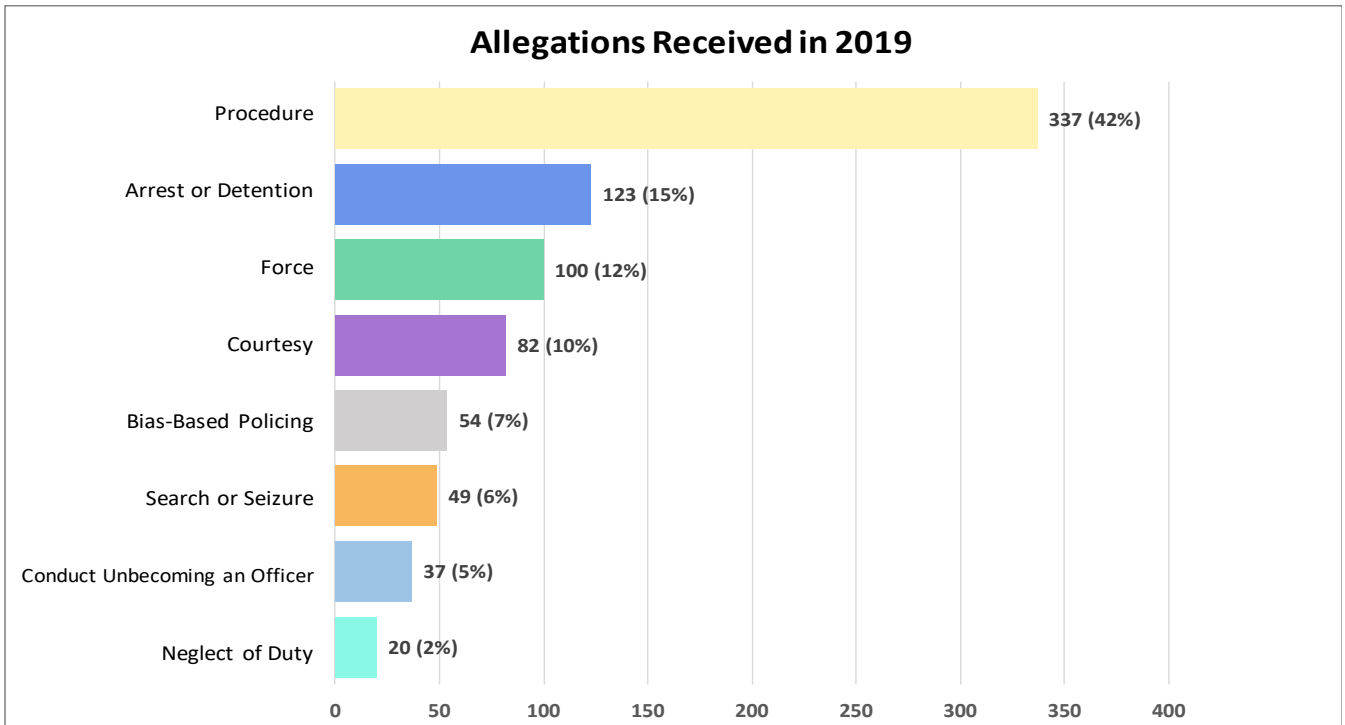
Procedure allegations continue to be the most common allegation in Conduct Complaints over the past five years. More Procedure allegations (337) were filed in 2019 than in any of the last five years. Neglect of Duty allegations dropped 53% from 43 in 2018 to 20 in 2019. Allegations of Bias-Based Policing remained steady at 7% of all allegations filed.

Anyone can access the Police Department's Duty Manual.
At this same link, you can also see other Department document
(training, bulletins, Unit guidelines, Orders).
http://www.sjpd.org/records/pc-13650_library/



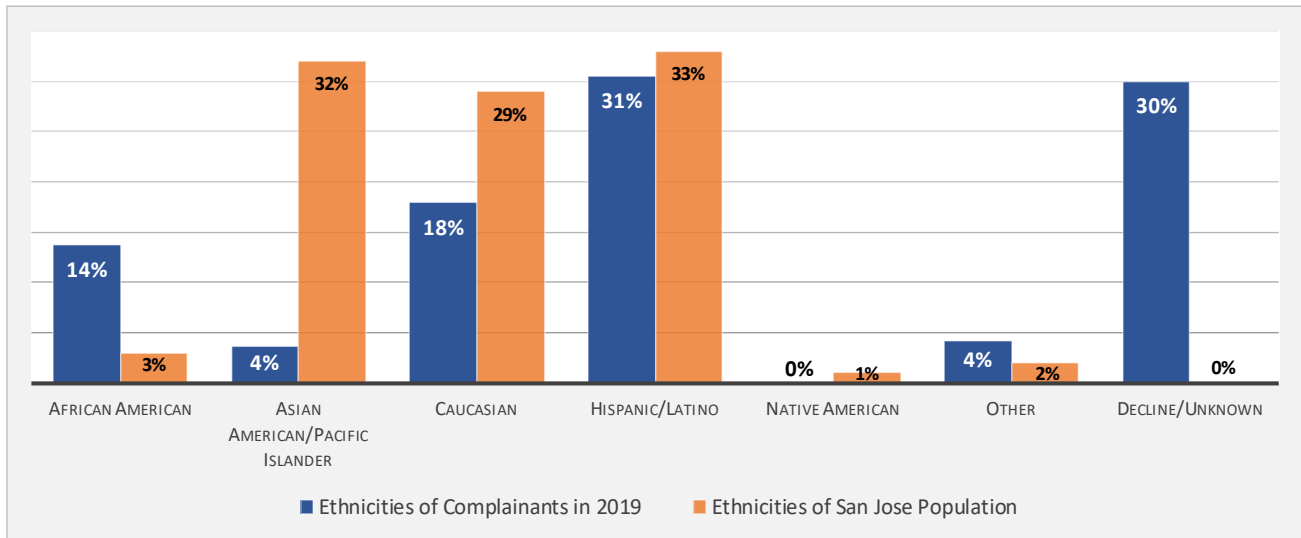
ALLEGATIONS and DEFINITIONS

<p style="text-align: center;">PROCEDURE —</p> <p>An officer did not follow appropriate policy, procedure, or guidelines.</p>	<p style="text-align: center;">ARREST or DETENTION —</p> <p>An arrest lacked probable cause or a detention lacked reasonable suspicion.</p>	<p style="text-align: center;">FORCE —</p> <p>The amount of force the officer used was not “objectively reasonable,” as defined by SJPD Duty Manual section L 2602.</p>	<p style="text-align: center;">COURTESY —</p> <p>The officer used profane or derogatory language, was not tactful, lost his/her temper, became impatient, or was otherwise discourteous.</p>
<p style="text-align: center;">BIAS-BASED POLICING —</p> <p>An officer engaged in conduct based on a person’s race, color, religion (religious creed), age, marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition, or disability.</p>	<p style="text-align: center;">SEARCH or SEIZURE —</p> <p>A search or seizure violated the 4th Amendment of the United States Constitution.</p>	<p style="text-align: center;">CONDUCT UNBECOMING an OFFICER —</p> <p>A reasonable person would find the officer’s on or off duty conduct to be unbecoming a police officer, and such conduct reflected adversely on the SJPD.</p>	<p style="text-align: center;">NEGLECT of DUTY —</p> <p>An officer neglected his/her duties and failed to take action required by policies, procedures, or law.</p>

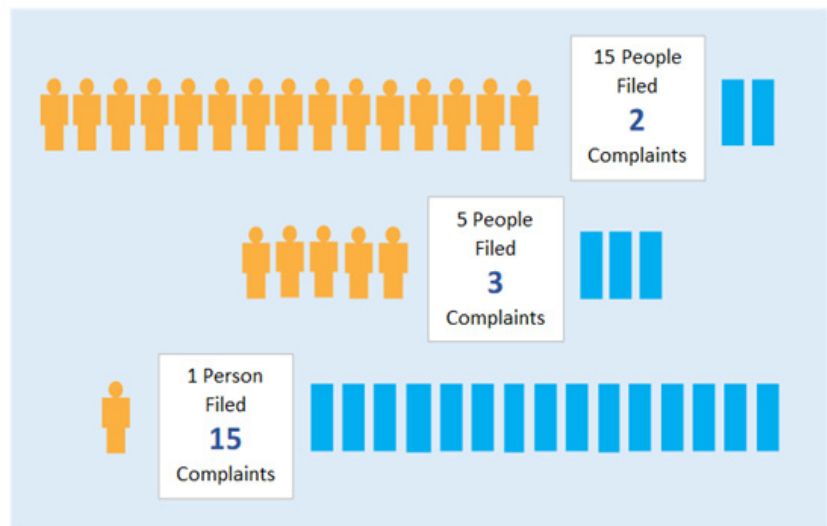


Information on Complainants

During the intake process, IA and the IPA office gather demographic data about complainants. In 2019, 70% of complainants chose to identify their ethnicities at intake; such disclosure is entirely voluntary. Below is a comparison chart of complainant and San José resident demographics in 2019. The 2019 data is similar to that in 2018.



In 2018, we began to track those persons filing multiple complaints. In 2019, 21 individuals filed more than one complaint. Thus, 28% of citizen-initiated complaints in 2019 were filed by people who filed multiple complaints. This is a decrease from multiple filers in 2018. This information does not imply that these complaints are unmeritorious or frivolous. On the contrary—only three of these complaints were classified as Decline to Investigate, and only four were classified as Non-Misconduct Concerns. We track this data to record the impact that complainants filing multiple complaints may have on our statistics. However, our policy will remain to accept every allegation of misconduct filed by a member of the public and assess the merits individually.



INTERNAL AFFAIRS INVESTIGATIONS AND FINDINGS

The Police Department's Internal Affairs Unit investigates conduct complaints. The IPA does not have any investigatory powers. IA investigators review relevant documentation such as police reports, body-worn camera video, and dispatch records. IA may also conduct follow-up interviews with the complainants, witnesses, and officers to gather more information about the incident. IPA and the Assistant IPA are authorized to attend officer interviews.

This evidence is collected to determine what facts support or refute the allegations in the complaint. The evidence is then analyzed in light of relevant SJPD Duty Manual policies and procedures.

Generally, the Police Department has one calendar year (365-days) from the date the complaint was filed to investigate and make findings.

In each complaint, the Police Department must make a *finding* of whether the alleged misconduct occurred. Findings are based on an objective analysis using the *preponderance of the evidence* standard. This standard determines the amount of evidence needed in order to make a determination. The preponderance standard is met if the evidence indicates that it is *more likely than not* that the officer committed a violation of the Duty Manual. There are eight possible findings for misconduct allegations.

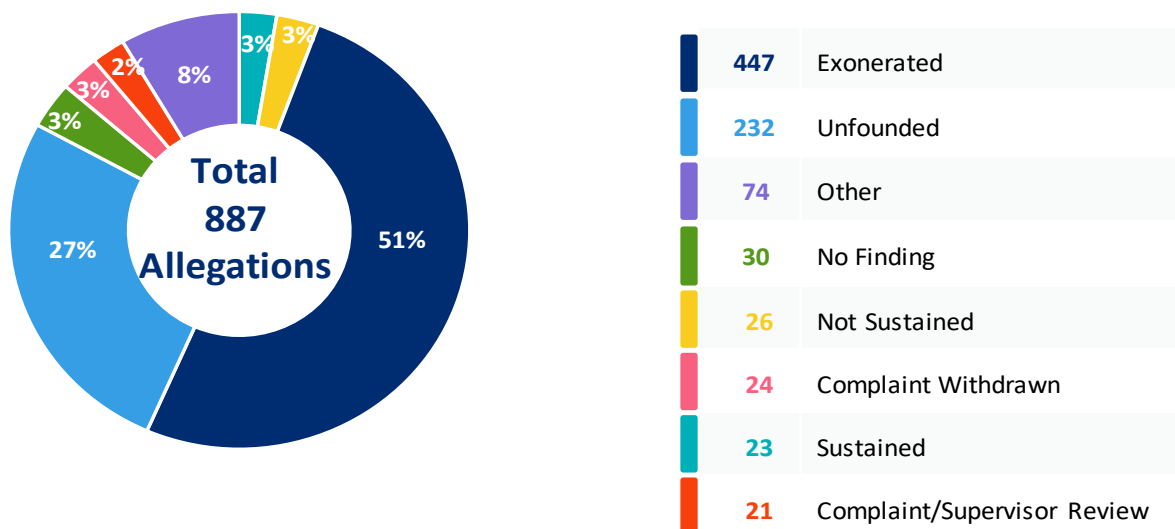


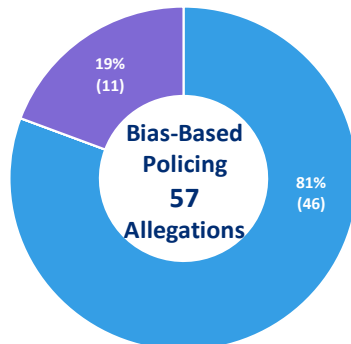
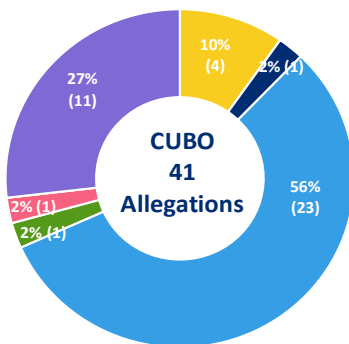
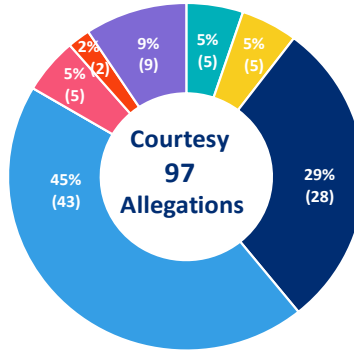
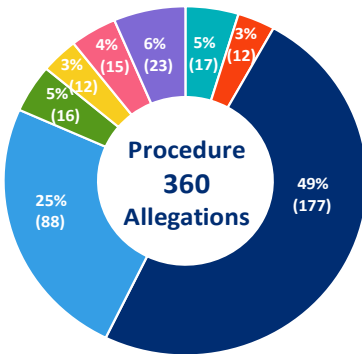
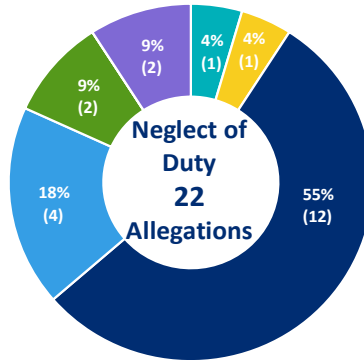
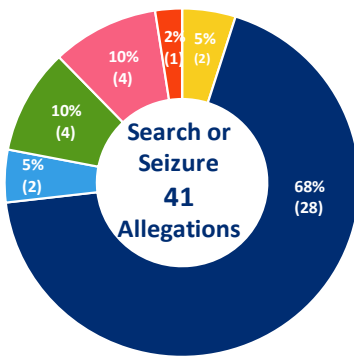
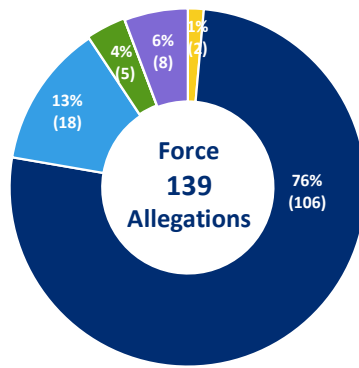
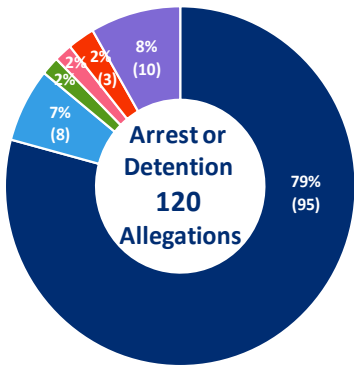
FINDINGS and DEFINITIONS

When a misconduct investigation is finished, IA makes a finding for each allegation.
There are eight possible findings for misconduct allegations.

<p style="text-align: center;">SUSTAINED — 23 allegations</p> <p>The investigation proved that the alleged misconduct occurred.</p>	<p style="text-align: center;">NOT SUSTAINED — 26 allegations</p> <p>The investigation did not have sufficient evidence to prove or disprove the alleged misconduct.</p>	<p style="text-align: center;">EXONERATED — 447 allegations</p> <p>The investigation proved that the alleged acts occurred; however, those acts were justified, lawful and proper.</p>	<p style="text-align: center;">UNFOUNDED — 232 allegations</p> <p>The investigation proved that the alleged misconduct did not occur, or that the subject officer was not involved in the alleged misconduct.</p>
<p style="text-align: center;">NO FINDING — 30 allegations</p> <p>The complainant did not disclose necessary information needed for the investigation, or the complainant is no longer available to clarify important facts, or the subject officer is no longer employed by the Department.</p>	<p style="text-align: center;">COMPLAINT WITHDRAWN— 24 allegations</p> <p>The complainant affirmatively indicates the desire to withdraw his/her complaint.</p>	<p style="text-align: center;">COMPLAINT SUPERVISOR REVIEW — 21 allegations</p> <p>The allegation involves a minor transgression that the Department feels is best handling by referring that the matter to the subject officer's supervisor and chain of command.</p>	<p style="text-align: center;">OTHER — 74 allegations</p> <p>Complaints filed outside the one-year time limitation as directed by the Office of the Chief of Police or cases not involving SJPD members</p>

Dispositions of Allegations Closed in 2019





Most allegations are closed with a finding of exonerated. 76% of Force allegations were closed in 2019 as exonerated, which was the same percentage as those closed in 2018. Over the past ten years, only three force allegations have been sustained.

Exonerated findings on search/seizure allegations dropped from 85% in 2018 to 68% in 2019.

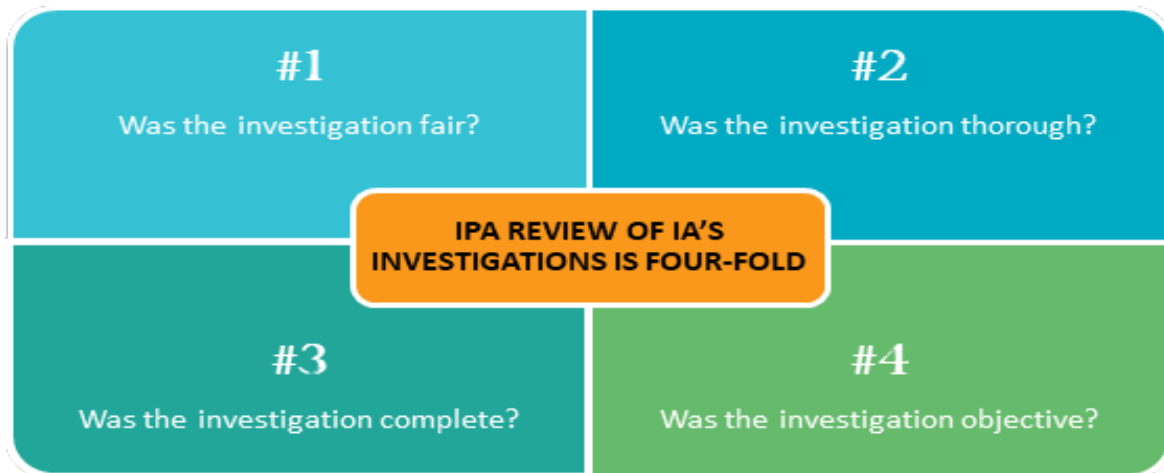
Of the 57 bias-based policing allegations, 81% were closed as unfounded, meaning that the investigation concluded the alleged misconduct did not occur. In the past ten years, only three allegations of bias-based policing have been sustained. One alleged bias based on race; two alleged bias based on disability.

IPA AUDIT OF CLOSED INVESTIGATIONS

After the Police Department completes its investigation and findings, it forwards all the materials to the IPA for audit. The IPA does not conduct additional investigation into the allegations. The IPA is required to audit all complaints with Force allegations and at least 20% of all other complaints. In 2019, the IPA audited all 48 force complaints and 111 non-force complaints - a total of 159 complaint investigations.

ISSUES REVIEWED DURING IPA AUDIT	
Timeliness / tolling	<ul style="list-style-type: none"> Was the investigation completed in a timely manner?
Classification	<ul style="list-style-type: none"> Was the case properly classified?
Presence/absence of allegations	<ul style="list-style-type: none"> Do the listed allegations adequately capture the concerns voiced by complainant?
Presence/absence of supporting documentation	<ul style="list-style-type: none"> If pertinent, did the investigator obtain and review documentation such as: <ul style="list-style-type: none"> CAD (SJPD Computer-Aided Dispatch logs) Medical records Photographs Body-Worn Camera video Police reports/citations TASER activation logs Use of force response reports
Presence/absence of interviews conducted by Internal Affairs	<ul style="list-style-type: none"> Witnesses — what efforts were taken to identify and contact witnesses? Witness officers — what efforts were taken to identify and interview officers who witnessed the incident? Subject officers — what efforts were taken to identify and interview subject officers?
Presence/absence of logical objective application of policy to the facts	<ul style="list-style-type: none"> What is the policy/Duty Manual section that governs the conduct in question? Is this authority applicable to the case or is other authority more pertinent? Does the analysis apply all the factors set forth in the authority to the facts?
Presence/absence of objective weighing of evidence	<ul style="list-style-type: none"> What weight was given to officer testimony? Why? What weight was given to civilian testimony? Why? Does the analysis use a preponderance standard? Does the analysis logically address discrepancies?

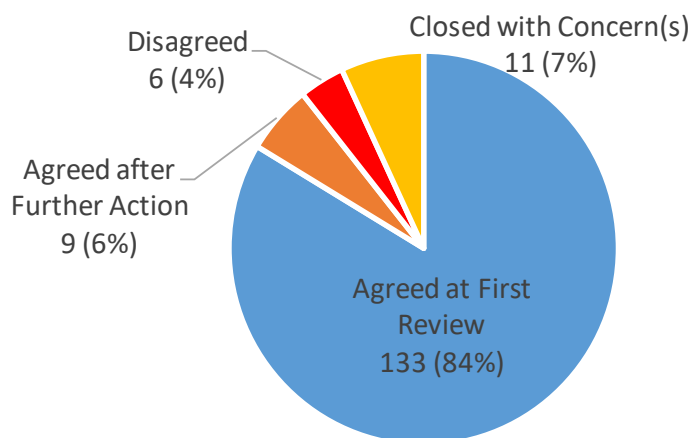
IPA REVIEW OF IA'S INVESTIGATIONS IS FOUR-FOLD



After auditing the complaint, the IPA will make one of the following determinations:

FOUR CATEGORIES OF IPA ASSESSMENT OF COMPLAINT INVESTIGATIONS

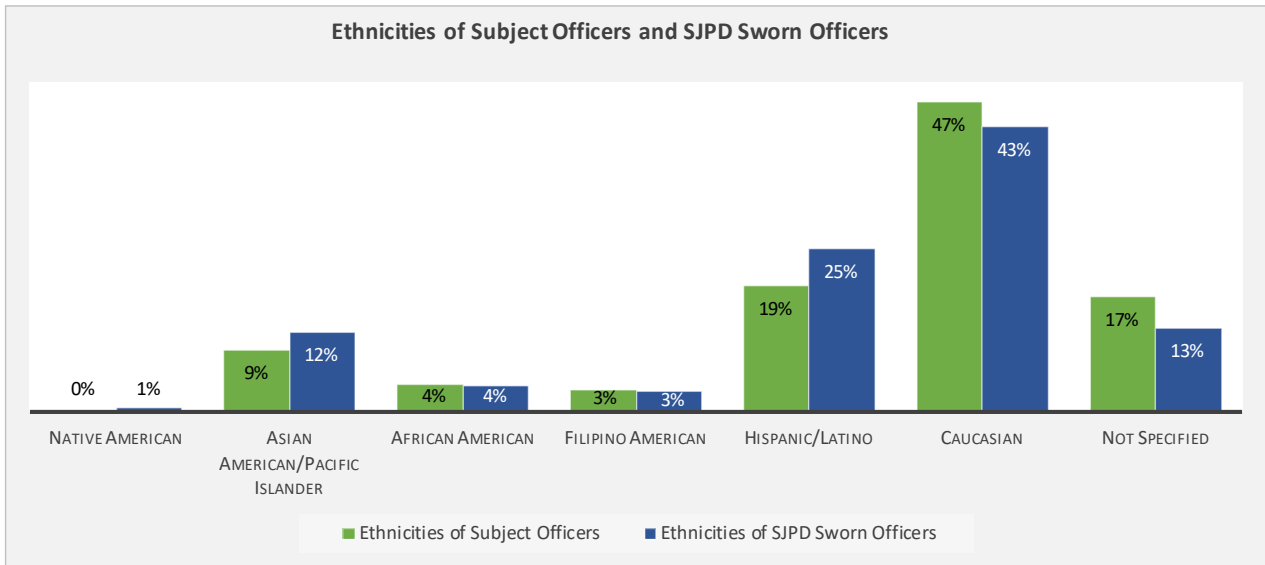
<p>Agreed at First Review — The IPA agreed that IA's investigation was fair, thorough, complete and objective upon initial review.</p>	<p>Closed with Concerns — The IPA had issues with IA's investigation and/or analysis, but the concerns did not warrant a formal disagreement.</p>
<p>Agreed After Further — The IPA requested that IA complete additional investigation and/or analysis and IA provided a satisfactory request to that request.</p>	<p>Disagreed — The IPA determined that IA's investigation and/or analysis were not fair, thorough, complete and objective.</p>



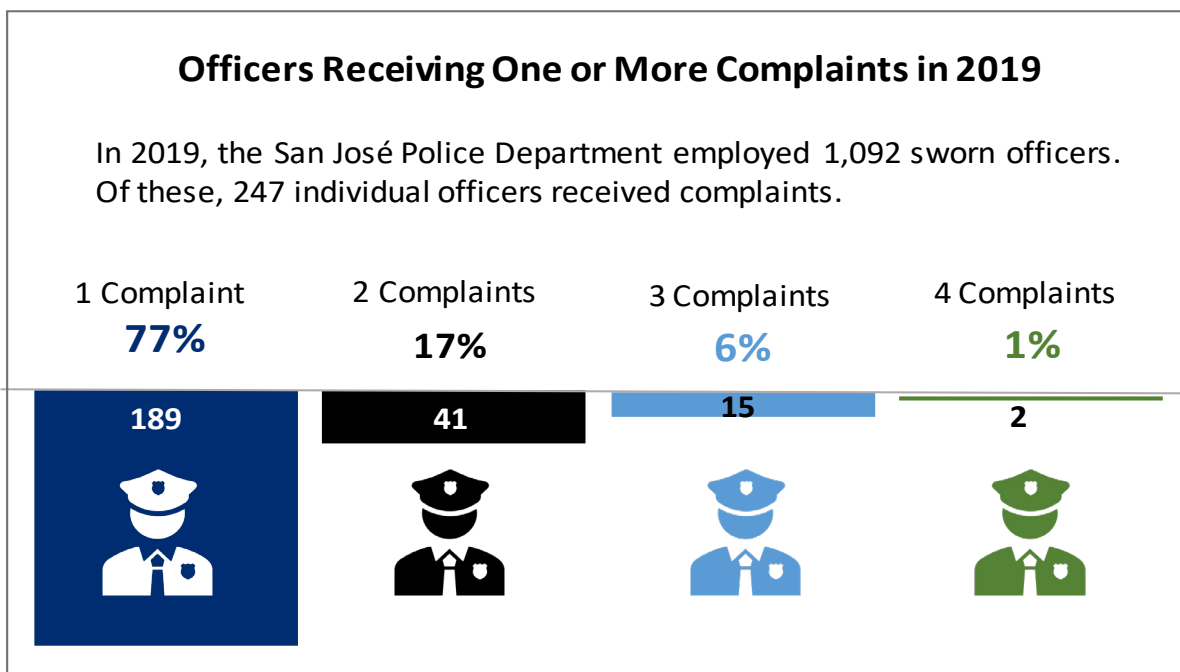
The IPA agreed that the IA investigation was fair, thorough and complete in 90% of the cases closed. This percentage has remained approximately the same over the last three years.

Information on Subject Officers

The SJPD provided demographic data about subject officers who were employed during the 2019 calendar year. The Police Department’s data reveals that the number of subject officers who identify with a specific ethnicity continues to closely mirror the representation of ethnicities of the Department.

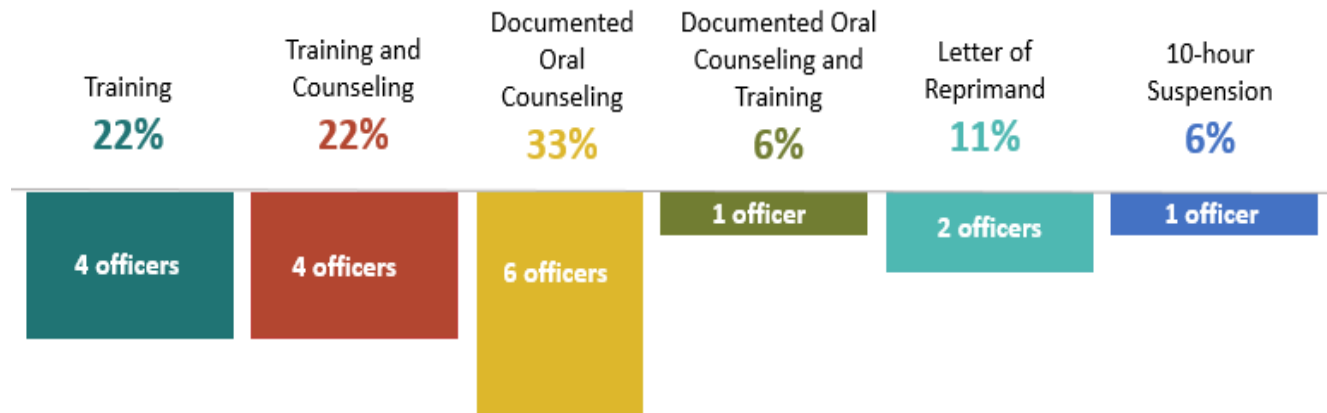


A number of officers received multiple (two or more) complaints in 2019. Seventeen (17) officers received three or more complaints; the corresponding number for 2018 was nine officers.



Officers who receive sustained findings are subject to discipline by the Department. Generally, under state law, the names of the officers and the discipline imposed upon them are confidential and cannot be disclosed to anyone, not even the complainants.

Officer-Discipline Imposed By The Department in 2019



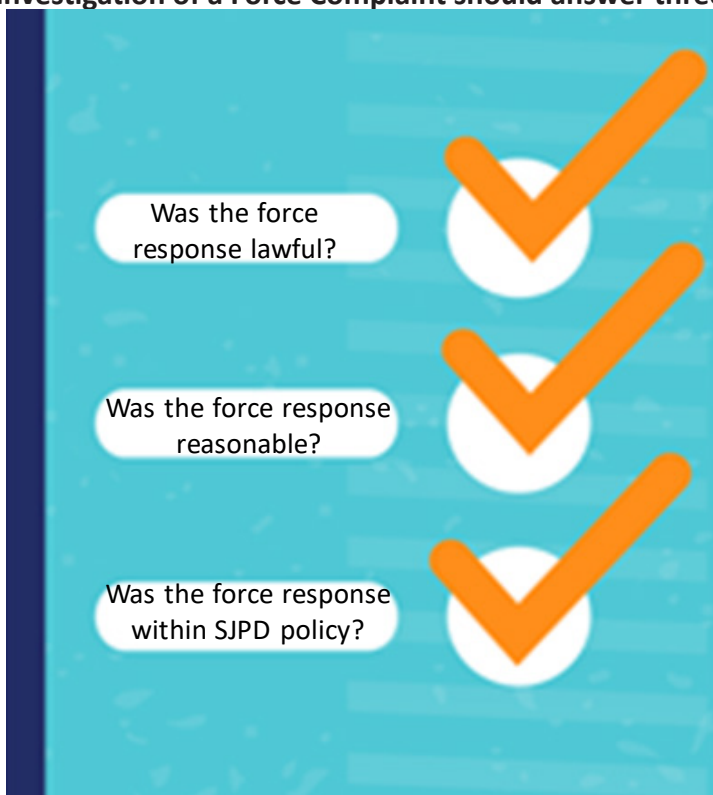
FORCE COMPLAINTS

When it comes to public perceptions about policing, the use of force generates the most controversy. Because of the high degree of interest in how, why and on whom police officers use force, the IPA must audit every IA investigation containing a Force allegation.

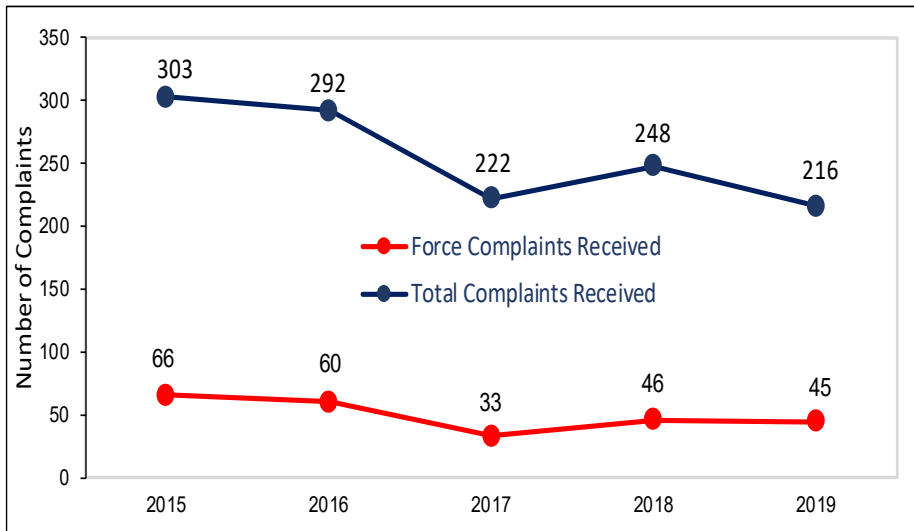
**100 allegations
of excessive force
were filed in 2019.**

The San José Police Department (SJPD) Duty Manual states: Objectively reasonable force is 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. (Duty Manual section L 2602)

IA's investigation of a Force Complaint should answer three questions:



The Police Department's investigation must examine all the facts to determine whether the officer acted reasonably. The evaluation includes factors such as the severity of the crime, the threat presented by the suspect and the resistance offered by the suspect.

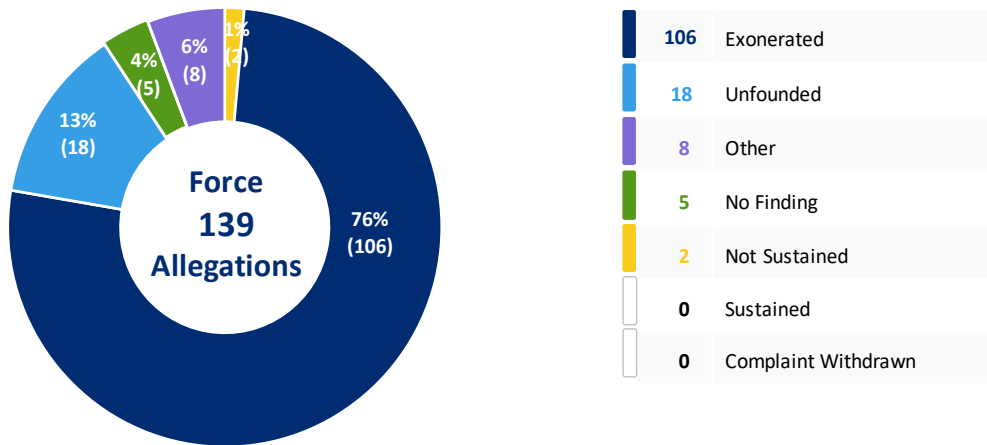


Year	Force Complaints As % of Total Complaints
2015	22%
2016	21%
2017	15%
2018	19%
2019	21%

A Force Complaint is a complaint that includes one or more allegations of excessive force. Force complaints tend to represent about 20% of all complaints filed.

139 allegations of excessive force were closed in 2019.
76% were deemed exonerated.

Dispositions of Force Allegations Closed in 2019



Force Options: Selected Terms

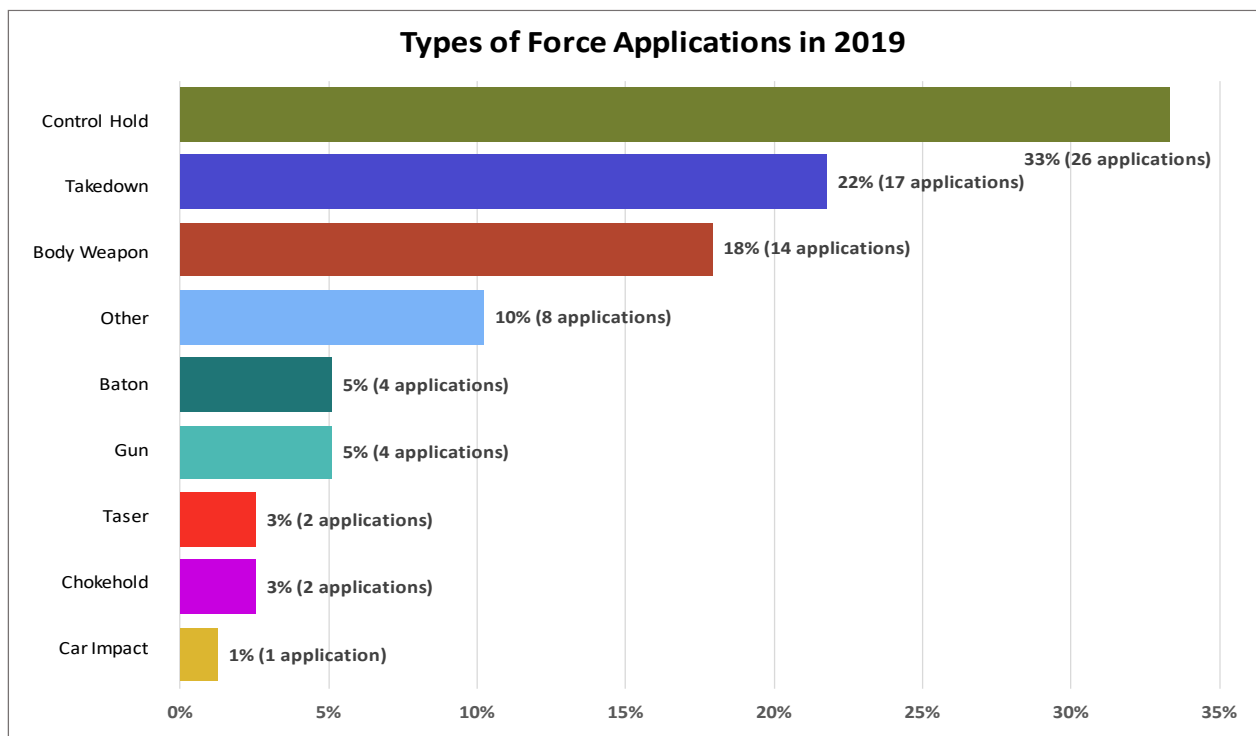
Force: SJPD Duty Manual section L 2603 describes force options ranging from mere physical contact (touching) to impact weapons, electronic control weapons (TASER) and deadly force. While the Duty Manual also lists voice commands as a force option, the use of voice commands usually does not provide a basis for a force allegation under the misconduct complaint process.

Control Hold: an officer's use of his/her limbs, torso or body weight, to move or restrain a person or to constrict a person's movements.

Takedown: an officer's use of his/her limbs, torso or body weight to force a person against an immovable object (such as a car or a wall) or to force a person to the ground.

Body Weapons: an officer's use of his/her limbs in a manner similar to an impact weapon, e.g., using his/her hands to punch or hit a person.

The IPA collects data about the alleged types of force applications. The total number of the alleged types of force applications is always greater than the total number of Force Complaints because there is often more than one type of force alleged in one complaint. There may also be more than one officer alleged to have used force in one complaint. For example, a complainant may allege that one officer struck him with a baton, and another officer hit him with fists and slammed him against a wall. This example illustrates three different applications of force by multiple officers in one complaint. Additionally, an allegation of force may focus only on one application of one type of force or it may focus on multiple applications of force. Our review of the data showed that the 48 Force Complaints closed and audited in 2019 contained 78 alleged applications of force.

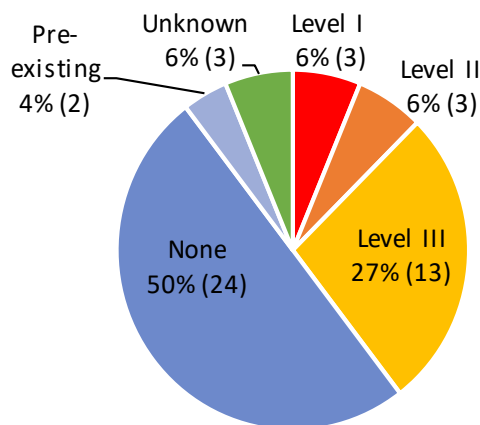


We track the level of injury sustained by civilians through six categories: Level I, Level II, Level III, none, pre-existing, and unknown. Level I contains the most serious injuries and Level III reflects the least serious injuries.

Data from 48 Force Complaints closed and audited in 2019 reflect no Level I or Level II injuries. Most allegations of excessive force did not result in an injury.

Level I	Level II	Level III
Fatal injuries	Minor bone broken	Bruising
Major bone broken	Major laceration requiring stitches	Minor laceration
Compound fracture	Minor concussion	Minor abrasion
In-patient hospital stay required	Brief loss of consciousness	
Blood loss requiring transfusion	Chipped or lost tooth	
Major concussion	Major abrasion	
Longer than brief loss of consciousness	Sprain	
Debilitating chronic pain		
Damage to organ (other than skin)		
Effective Tasings		

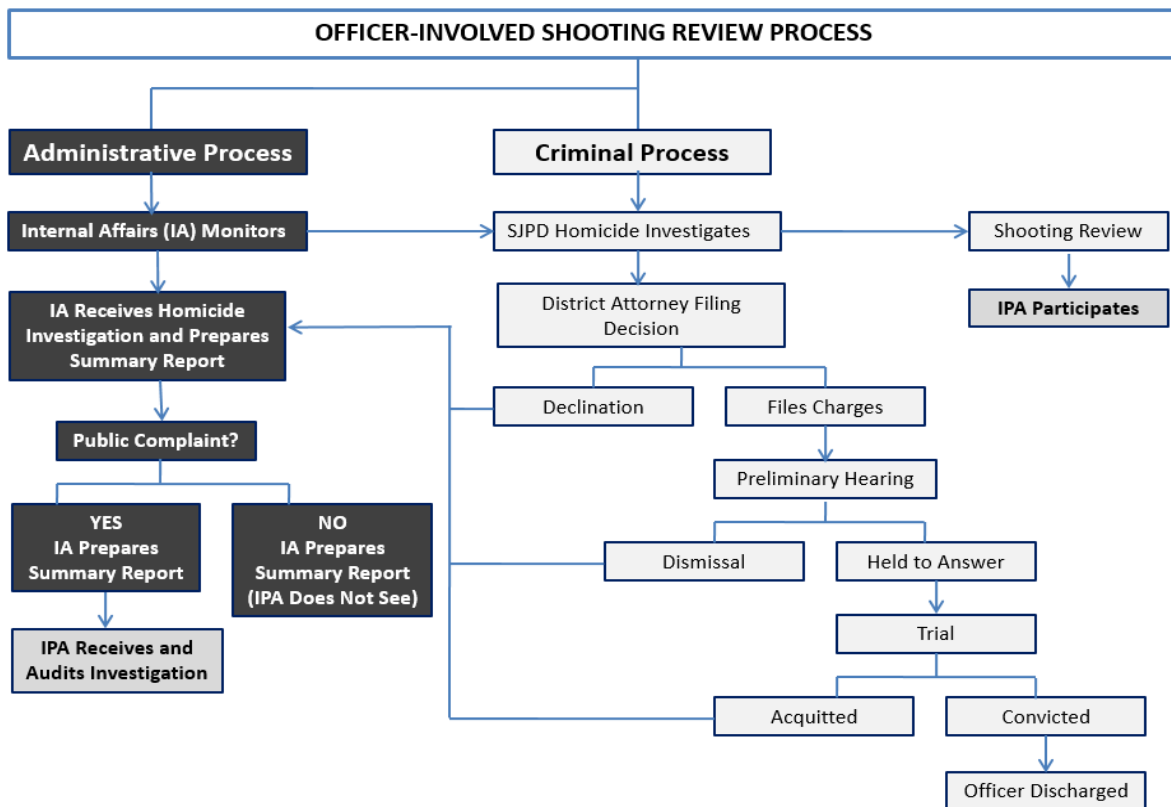
Levels of Injury in Force Allegations Closed in 2019



OFFICER-INVOLVED SHOOTINGS

SJPD Officer-Involved Shooting Investigations & Review Panels

- **Criminal Process:** Every officer-involved shooting incident that results in death is subject to review. A criminal investigation is conducted by both the Department’s Homicide Unit and the Santa Clara County’s Office of the District Attorney. The joint criminal investigation is then submitted to the Santa Clara County District Attorney.
- **Administrative Process:** The Department’s Internal Affairs Unit conducts a separate investigation of fatal and non-fatal incidents. This is an administrative investigation to determine whether the use of force was within Department policy. The extent of the IPA’s role in reviewing the administrative investigation depends upon whether a member of the public has filed a complaint about the incident. If a member of the public files a complaint about the incident, the IPA will audit the Department’s administrative investigation of the incident to assess whether it was fair, thorough, complete and objective.
- **Officer Involved Incident Training Review Panel.** The Department also convenes a shooting review panel to examine whether the incident reveals that a possible training, equipment or policy issue exists requiring closer examination. The Department holds these Officer Involved Incident (OII) review panels within 90 days of fatal and non-fatal incidents. The IPA and IPA senior staff attend the OII review panels and can ask questions about training, procedures and equipment. These sessions provide the IPA with valuable information that can serve as the foundation for future policy recommendations.



Officer-Involved Shooting Incidents in 2019

OIS No. 1

Race and Gender of suspect --	White/Male
Deceased or injured --	Deceased
Armed --	Shotgun
Prior convictions --	Yes
On probation or parole --	Yes
Known mental health history --	No
Officer(s) with Crisis Intervention Training on Scene --	Yes
Number of officers who fired weapon --	1
Involved officer(s) experience --	13 years

OIS No. 2

Race and Gender of suspect --	Hispanic/Male
Deceased or injured --	Deceased
Armed --	Vehicle as weapon
Prior convictions --	Yes
On probation or parole --	Yes
Known mental health history --	No
Officer(s) with Crisis Intervention Training on Scene --	Yes
Number of officers who fired weapon --	3
Involved officer(s) experience --	28 years, 4 years, 1 year

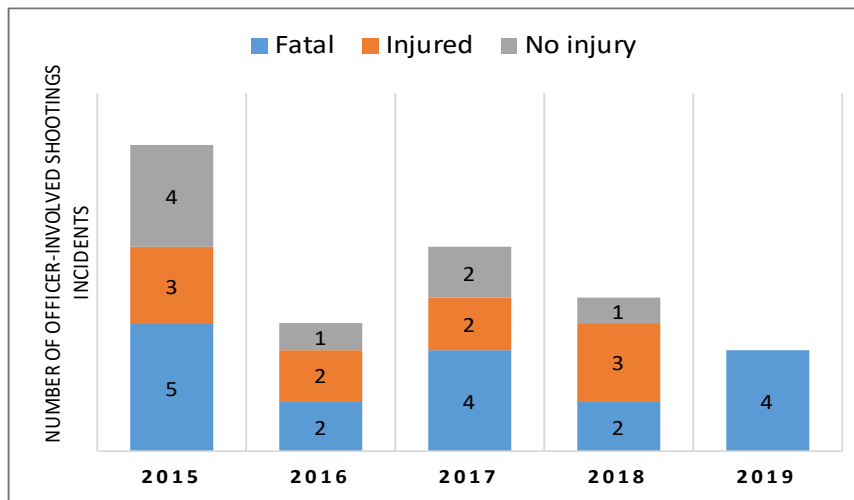
OIS No. 3

Race and Gender of suspect --	Filipino/Male
Deceased or injured --	Deceased
Armed --	Replica firearm
Prior convictions --	Yes
On probation or parole --	Yes
Known mental health history --	Yes
Officer(s) with Crisis Intervention Training on Scene --	Yes
Number of officers who fired weapon --	1
Involved officer(s) experience --	4 years

OIS No. 4

Race and Gender of suspect --	White/Male
Deceased or injured --	Deceased
Armed --	Handgun
Prior convictions --	Yes
On probation or parole --	Yes
Known mental health history --	Yes
Officer(s) with Crisis Intervention Training on Scene --	Yes
Number of officers who fired weapon --	1
Involved officer(s) experience --	21 years

Injury Levels of Suspects Involving in SJPD Officer-Involved Shooting Incidents (2015-2019)



California deadly force threshold redefined:

In August 2019, Governor Newsom signed California Assembly Bill 392, a police use-of-force bill that redefines the circumstances under which the use of lethal force by a peace officer is considered justifiable. The goal of the law is to encourage law enforcement to rely more on less-lethal force or de-escalation techniques.

Under the new law, lethal force is only justifiable when necessary in defense of human life. Specifically, Penal Code section 835a(c) provides that a peace officer is justified in using deadly force only when the officer reasonably believes, based on the totality of the circumstances, that deadly force is necessary for one of two reasons:

- 1) To defend against an imminent threat of death or serious bodily injury to the officer or another person, or
- 2) To apprehend a fleeing person for any felony that threatened or resulted in serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Assembly Bill 392 was effective on January 1, 2020. In December 2019, the Department amended several Duty Manual sections to implement the required changes.

RECOMMENDATIONS

When the electorate of the City of San José amended the City Charter in 1996 to create the Independent Police Auditor's (IPA) Office, the vote mandated that the IPA recommend ways to improve how San José police officers perform their duties. The IPA has a unique perspective from which to make informed proposals to the Police Department based on our independent review of complaint investigations, information we learn from the public through community outreach and research on best practices from other jurisdictions.

2019 RECOMMENDATIONS

1

Evaluate The Field Training Program

2

Provide Direction When Officers Must Obtain Translation Of Written Material From Certified Personnel Or Contracted Translation Services

3

Provide Clear Direction About Reporting To Adult Protective Services

4

When IA Opens An Investigation Into Criminal Conduct, A Corresponding Administrative Complaint Should Also Be Opened

5

Intentional Acts Of Force Utilizing Police Vehicles Should Be Investigated As Force Allegations

6

Provide Guidance About Individuals Riding Bicycles On Sidewalks

1. EVALUATE THE FIELD TRAINING PROGRAM

Upon graduation from the police academy, each recruit enters the Police Department's Field Training Program. This program is the *street training* where instruction and principles learned by the recruit in the academy are applied to every day encounters with the public. Recruits are assigned to experienced Field Training Officers (FTOs) for training and evaluation cycles lasting seventeen weeks. Initially, the recruit receives intensive training from the FTO. As the recruit progresses through subsequent cycles, the training aspect diminishes and the performance evaluation element increases. At the conclusion, the recruit is expected to competently perform his/her duties as a solo beat officer.¹⁰

The training program is crucial in the formation of the attitudes and outlook of the recruit. FTOs play a major role in influencing police department culture. The FTO phase is the pivotal point in an officer's career when he/she is most receptive to attitude changes.¹¹ The relationship between the FTO and the recruit has been the subject of several studies. According to one study, new recruits are likely to mimic not only their FTO's job performance but also their FTO's attitudes and mannerisms.¹² Another revealed that FTOs teach their recruits according to the FTOs' perception of the best course of action. This includes direction what polices require strict adherence and what polices can be "stretched" or permit deviation.¹³

FTOs are almost entirely responsible for modeling every aspect of how to be a police officer in that department. The FTO will single-handedly enculturate the new officer to the norms of their respective department, and by extension, set the foundation for that officer's entire career.¹⁴

The San José Police Department's Field Training Program was the first formalized program in the nation¹⁵ and is widely regarded as the model among law enforcement agencies. But over the past years, the IPA has received numerous complaints about in-field encounters with recruits and FTOs. Below are some examples grouped into areas of concern:

Prolonged Detentions: We acknowledge that detentions conducted by recruits may take more time than those conducted by experienced officers. However, the FTO and the Department must be mindful that a recruit's learning experience cannot be allowed to infringe on the legal rights of individuals to be free of a prolonged detention. In several complaints, complainants described being detained for long periods of time before being released, sometimes with or without a citation. The Duty Manual¹⁶ states that, *Officers should detain a person only as long as is reasonably necessary to conclude the investigation... A reasonable guideline is that the stop should be terminated within 20 minutes unless more time is required to verify a person's identity and/or the reliability of the answers given.*

Unnecessary Use of Force: FTOs may be reluctant to proactively engage with suspects because they want their recruits to master situations that require physical force. But when an FTO should or should not intervene in a field situation is also a critical training issue. In our assessment of at least two complaints, the FTO watched from the sidelines as repeated attempts by the recruits to gain physical compliance proved ineffective. We believe the failure of the experienced FTOs to intervene earlier resulted in substantial force and injury to the suspects that were likely avoidable.

Questionable Citations: FTOs must also be cognizant of when a citation appears retaliatory. In two distinct cases, complainants alleged that recruits gave them citations because the complainants expressed dissatisfaction with the recruits' conduct. In each case, the allegation of retaliation was closed as unfounded. But we believe body-worn camera evidence of the encounters revealed that the FTOs signaled the recruits to issue citations because the detainee might complain.

Improper Searches: FTOs should make an independent assessment of whether a person(s) detained by the recruit may be armed and dangerous thereby legally justifying a pat-search. In some complaints, it appeared that recruits were pat-searching detainees as a matter of routine and without a legal basis. Pat-searches are not petty indignities. Individuals should not be subjected to improper searches solely for the purpose of training recruits. In one case, it appeared that the FTO directed a recruit to conduct a search incident to arrest and, if nothing was found, to cite and release the suspect. We believe this search would violate the Fourth Amendment.

Improper Behavior: The FTO Training Manual directs the FTO to model good behavior by virtue of their knowledge and experience. We are concerned that some FTOs are not following this directive; some examples are provided here. One new officer stated that his FTO trained him to ask persons detained on every stop¹⁷ whether they were on probation or parole prior to requesting identification. In another case, the FTO and a recruit stated that two detained Hispanic males were directed to sit on the curb *for their comfort* and not to exert control. In another encounter, an FTO and recruit pulled over a Black bicyclist for riding without a reflective light at night. At the end of this encounter, the bicyclist asked why he was ordered to throw his bicycle on the ground. The FTO's response included self-initiated references to *Black Lives Matter and Hands Up-Don't Shoot*. This resulted in the bicyclist alleging that the officers engaged in bias-based policing. Given the FTO's many years of experience, one would presume that an explanation could have been provided that did not reference these polarizing terms associated with Black men. In another complaint, a mother asked the police to conduct a welfare check on her mentally ill son. We believe body-worn camera evidence showed the FTO as unprofessional, discourteous and aggressive toward the mother seeking assistance. The FTO failed to properly model interaction with individuals regarding mental health issues.

FTO Selection: Complainants also highlighted another area of concern – who is selected to serve as an FTO. One might anticipate that FTOs are some of the Department’s finest officers, reflecting a high level of performance, ethical standards and professionalism. However, our limited case review shows that some FTO officers have a considerable number of citizen complaints. One FTO had 14 complaints filed against him in the past six years. Another FTO had seven complaints – three of which were sustained. Demanding that FTOs have no complaints is too high a bar; however, the Department should carefully consider whether FTO candidates have multiple complaints and the nature of those complaints.

One of the recommendations in the influential *Final Report of the President’s Task Force on 21st Century Policing*¹⁸ focused on the development and implementation of improved Field Training Officer programs. The recommendation referenced the San José Model. Recommendation 5.13:

This [improved Field Training Officer programs] is critical in terms of changing officer culture. Field Training Officers impart the organizational culture to the newest members. **The most common current program, known as the San Jose Model, is more than 40 years old and is not based on current research knowledge of adult learning modalities. In many ways it even conflicts with innovative training strategies that encourage problem-based learning and support organizational procedural justice.** [emphasis added]

We recommend that the Department evaluate the FTO program to ensure it aligns with new strategies, legal updates, and changing cultural perspectives. The Department must be mindful that guiding new officers in the transition from academy “book learning” to street knowledge has tremendous impacts on the public. For a recruit, one training session may be much like another providing no lasting memory of the encounter. This same encounter, however, may leave an indelible mark on the memory of the member of the public whom the recruit engaged. We recommend that the Department examine who is qualified to serve as an FTO, how FTOs are trained, and how FTO performance is evaluated. The Department should select FTOs who portray the work behaviors that it wants reflected in its officers. We recommend that FTO training include when and how to intercede in situations before the recruit makes a mistake, especially those involving constitutional rights and force. The field training curricula program should be consistently updated to reflect new philosophies and initiatives such as SJPD’s “fair & impartial policing perspective” and procedural justice training. Lastly, we recommend that the Department conduct random audits of body-worn camera video depicting recruits and FTOs interacting with the public. These audits would be then implemented as training tools to distinguish those in-field training approaches that appear useful and informative from those that are not.

2. PROVIDE DIRECTION WHEN OFFICERS MUST OBTAIN TRANSLATION OF WRITTEN MATERIAL FROM CERTIFIED PERSONNEL OR CONTRACTED TRANSLATION SERVICES

In our 2017 IPA Year End Report, we made recommendations focused on providing oral interpreters to each person whose proficiency in the English language is limited. This year, our focus extends to the translation of important written documents. SJPD does not currently provide clear direction about translation.

One individual filed a complaint about officers' inaccurate translations of a letter. He alleged, among other things, that the officers did not know the nuances of various words that were translated. When interviewed, one subject officer acknowledged he used nine to ten on-line tools to translate the letter. Based on the on-line translations, the officer completed an Affidavit of Probable Cause and signed it under penalty of perjury. The individual was arrested.

On-line tools as a quick method for obtaining a general sense of the document's contents can be helpful. But, the IPA recommends that if a document will be used to establish the elements of a crime, form the basis of a search/arrest warrant, or support a probable cause affidavit, that those documents must be translated by certified bilingual SJPD staff or a contracted translation service. Exceptions can be created for exigent circumstances. Depending on the circumstances, a mistranslation can result in the violation of a person's 4th amendment right to be free of search and seizure guaranteed by the 14th amendment of the U.S. Constitution.¹⁹ It is vital that this important function be accurate.

3. PROVIDE CLEAR DIRECTION ABOUT REPORTING TO ADULT PROTECTIVE SERVICES

Over the past two years, IPA staff has documented that some officers fail to contact Adult Protective Services (APS) when required to do so. Officers must contact APS immediately if they place a person on a 5150 mental health hold and (1) that person is 65-years old or older or (2) is a dependent adult.²⁰ The County's APS program is well-equipped to help elder and dependent adults who are victims of abuse, neglect, or exploitation. APS social workers can respond 24 hours a day - 7 days a week. Contacting APS allows these experts to provide specific advocacy and services to a person experiencing mental health issues. We recommend that the relevant Duty Manual sections be amended to underscore this important mandated duty.

4. WHEN IA OPENS AN INVESTIGATION INTO CRIMINAL CONDUCT, A CORRESPONDING ADMINISTRATIVE COMPLAINT SHOULD ALSO BE OPENED

San José's IA Unit investigates two general categories of misconduct.

Criminal Investigation

- Did the officer commit a crime?
- Burden for a conviction is beyond a reasonable doubt
- If convicted, the officer will incur criminal penalties

Administrative Investigation

- Did the officer violate the Department policy?
- Burden for a sustained finding is preponderance of evidence
- If an allegation is sustained, the officer will receive employer discipline

IA's criminal investigation is a separate process; it generally precedes the administrative investigation. If IA's criminal investigation determines that the officer may have committed a crime, the case is referred to the District Attorney (DA) for his review. The DA determines whether a criminal case will be filed. If a prosecution is commenced, the Police Department generally waits for the conclusion of the DA's prosecution before proceeding with any administrative investigation.

But, if IA's criminal investigation concludes that the officer did not commit a crime, the case is not referred to the DA. Currently, the Department may, at its discretion, open an administrative investigation into the officer's conduct but is not required to do so.

If an officer is investigated for criminal conduct by the Police Department, the Department should open an administrative investigation regardless of whether the case is sent to the DA or whether the DA files a charge. Opening an administrative investigation allows the Department to determine whether the officer violated SJPD policies or other laws based upon a preponderance standard. For example, although the DA may not file a criminal complaint about an officer's improper access of confidential databases²¹, the Police Department must determine whether that same access violated Department policies.

Criminal conduct by SJPD officers is rare. This recommendation is not an undue burden for the Department. It would provide additional assurance to the public that the Department is vigilant and transparent about addressing officer misconduct.

5. INTENTIONAL ACTS OF FORCE UTILIZING POLICE VEHICLES SHOULD BE INVESTIGATED AS FORCE ALLEGATIONS

Legal intervention is the intentional act of using a police vehicle to force a suspect's vehicle to slow and/or stop. The Duty Manual states that a police vehicle may be used as a force option only when it is objectively reasonable to do so. Duty Manual section L 2635.5 indicates that if the use of the police vehicle results in injury or damage beyond that which was reasonably expected, the subsequent event should be documented as a vehicle collision. We recommend that intentional acts of force utilizing police vehicles should be investigated as force allegations, not as collisions, regardless of the resulting injury/damage.

The SJPD Duty Manual does not limit this use of force option to apprehending suspects who are in vehicles. One complaint revealed the use of this option against a pedestrian during a nighttime encounter. Officers responded to a call that two security guards were in a confrontation with two males. As the two males walked toward a VTA station, one brandished a knife. When SJPD officers arrived, the suspects ran across the street and onto a dirt trail. One officer drove over the curb and onto the trail to pursue the suspects. The officer continued to drive behind the running suspects with the police vehicle's red lights and siren activated. The officer unsuccessfully used his vehicle several times to block the suspects' path by driving in front of them. One suspect collided with the police vehicle and was run over when he fell to the ground. The suspect's injuries included a broken tibia, a broken pelvis and a broken ankle.

The IA investigation stated the officer did not intend to hit the suspect and deemed the **collision** was **accidental**. **The Force allegation was closed as unfounded meaning that a use of force did not occur.** After the IPA appealed this determination to the Chief of Police, the investigation was re-opened. IA re-analyzed the force allegation and made a finding of exonerated. The IPA closed the case *with concerns*.

We recommend that intentional acts of force utilizing vehicles be classified and investigated as *force allegations* – not as vehicle collision accidents – regardless of the resulting injury or damage. We further recommend that additional detail be provided when a police vehicle is used intentionally as a force option to stop pedestrians or bicyclists. It is foreseeable that using a police vehicle to block a pedestrian/bicyclist could result in contact between the vehicle and the suspect. That contact may include mere touching to broken bones. Risks increase if the pedestrian is running, especially at night or on unpaved terrain. Officers know that a fleeing suspect's movements tend to be erratic and unpredictable. An officer must consider whether this type of force is reasonable given the damage even a slow-moving vehicle can exert on a pedestrian/bicyclist.

6. PROVIDE GUIDANCE ABOUT INDIVIDUALS RIDING BICYCLES ON SIDEWALKS

The IPA recommends that the Police Department educate and train its officers on the law governing riding a bike on the sidewalks in San José. This recommendation arises from a case in which a Field Training Officer (FTO) instructed his recruit to detain a bicyclist. The reasonable suspicion supporting the detention was to *investigate* whether the individual was legally riding on the sidewalk – an act the FTO believed was illegal.

During the course of the investigation, IA interviewed an officer who has served as traffic enforcement instructor in the past. He stated incorrectly that the California Vehicle Code prohibited riding a bike on the sidewalk. IA also reviewed documents regarding San José Municipal Code Chapter 11.72.190 which prohibits bike riding on the sidewalk only in designated areas. IA concluded that it was not illegal to ride a bike on a sidewalk in the City unless that riding was done in areas designated by the City. IA's investigation also showed that the officers were acting in accordance with their Academy training. This allegation was closed as a supervisory review. Because officers received inaccurate training that all bike riding on a sidewalk is illegal, the IPA recommends that all officers be educated about limited areas in the City where bike riding is prohibited.

2018 RECOMMENDATIONS

1

The IPA recommends that the Department track and document when an officer points a firearm at a person as reportable force.

2

The IPA recommends that the Department create a more robust early warning system.

3

The IPA recommends that officers digitally record interviews or interrogations of all interviews.

4

The IPA recommends that the Department provide a public report outlining what steps have been taken to implement each of the six UTEP recommendations. (Please refer to the appendix for the list)

5

The IPA recommends that a video surveillance system be installed at the substation before any evidence is placed into the evidence room.

A Look Back

Racial inequities, peaceful protest and civil unrest played a part in the formation and model of police oversight in San José. A brief history is in our 2013 IPA Year End Report. Read about how the violent protests at the 1969 Fiesta de las Rosas Parade lead to the creation of the Community Alert Patrols. Then, a series of high profile officer-involved shootings by San José police officers and the widespread civil unrest following the 1991 Rodney King incident pushed the City Council to action. In 1992, the City Council voted to create an auditor model of oversight. Demonstrators who advocated for a different oversight model voiced their anger; 24 persons were arrested. In 1996, San José voters amended the City Charter to establish the Independent Police Auditor's Office as a permanent branch of city government.



2013 IPA Year End Report



Office of the Independent Police Auditor
City of San José

COMMUNITY OUTREACH

The Office of the IPA has consistently engaged San José residents using a multi-faceted and multi-lingual community engagement approach. Each year, we meet with thousands of residents to provide information about the about the complaint process, general “know your rights” presentations, and give updates on our annual report. Most importantly, we outreach to listen to the community’s thoughts and concerns regarding policing in San José by participating townhalls, panels, and meetings.



The IPA is active on Facebook, Twitter, and Instagram. Like and/or follow us to get updates and information @SanJoseIPA



In 2019 our outreach plan evolved; we began to pilot a more innovative approach to community engagement. We took the steps necessary to have a wider reach in San José and the IPA office began the process of incorporating technology to reach our residents. We leveraged a mix of traditional and technological community engagement tools (i.e. social media, informational flyers and updates) including a dedicated website [SJIPAengage](https://www.sjipaengage.com) that makes more data accessible to the public.



San José IPA Insights

View data visualizations of
SJPD-initiated stops.
See themes from IPA forums.

[View Insights](#)

Stop data visualization: With the support of our partners at Silicon Valley Community Foundation and My90, the IPA office visualized data from a voluminous university research study²² on police stop data into an easy to read and interactive format for the public to review and use.

Interactive survey: The website also includes opportunities for the public to learn more about the IPA office and provide feedback through a 10-question community survey. Our initial roll out of the community survey was intentionally targeted with expectations to roll out a more robust campaign in 2020.²³ The results from the 159 respondents of the 2019 community survey²⁴ represented community members throughout the City of San José and the County of Santa Clara.



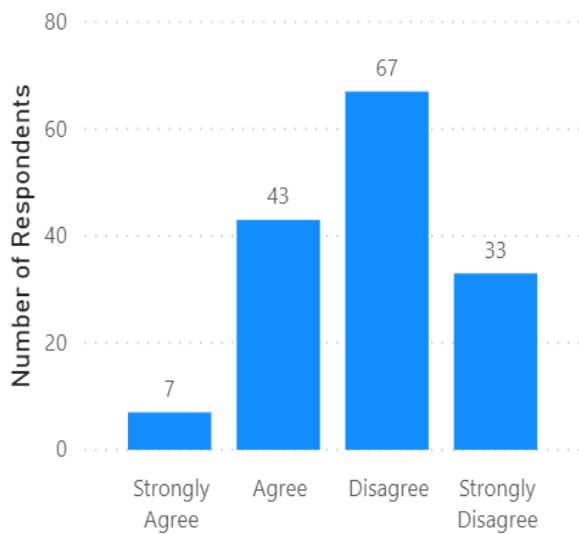
COMPLETE OUR SURVEY NOW!

Let your voice be heard!

A short survey to tell us
how you feel about
police/community relations
in San Jose and your
neighborhood.

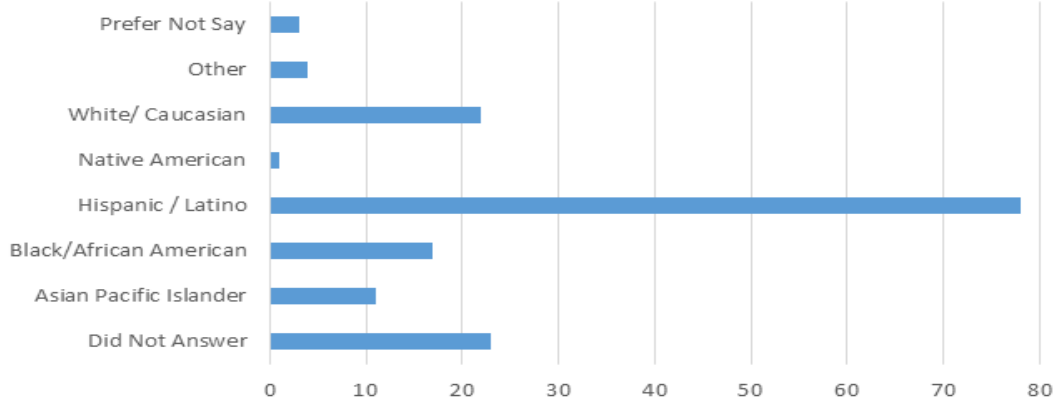
<https://www.sanjoseca.gov/your-government/appointees/independent-police-auditor/my90-community-conversations>

SJPD is Doing Enough to Address Concerns About Policing



The limited number of respondents (159) for 2019 were a mix of age, race, gender, and zip codes. Although the survey is not scientific it does provide some guidance where community members feel SJPD may need some improvement, such as addressing “concerns about policing.” The data was provided prior to the May-June 2020 protests. We will continue to partner with the community to collect their thoughts and suggestions about “reimagining policing” in future months.

2019 Community Survey: Race

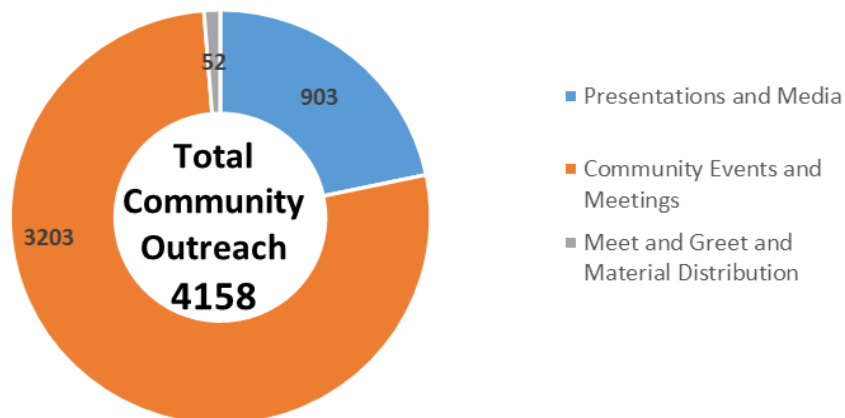


Community Connections:

IPA not only focused on expanding our outreach through online content, but we continued to reach our community through traditional methods. In 2019 we participated in over 85 events and reached 4,158 community members. People of color and youth have been the subject of focused IPA outreach efforts for several years. In 2019, we continued to reach out to these communities and expanded our efforts to reach out to other impacted communities such the immigrant, mental health and homeless populations. In 2019 we attended events such as:

- Viva Calle
- Townhalls
- Senior walks
- Door-to-door meet and greets
- Community Meetings
- Community resource fairs
- School Presentations

2019 Community Outreach



Presentations by the IPA and staff are the most effective means to accurately and thoroughly convey the purpose and functions of the IPA office. Most presentations happen in small groups of about 10-25 participants. The small groups give time to address specific questions and collect feedback about the IPA office services, community concerns regarding policing, and strengthen connections within the community.

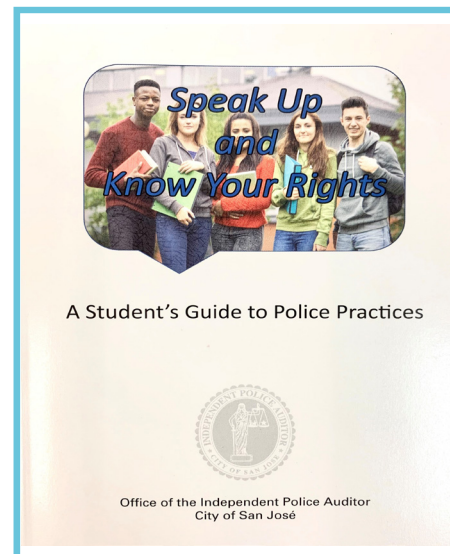
IPA staff solicit public outreach opportunities to ensure that a diverse cross-section of the community learns of our services.²⁵ To request a presentation from the IPA office individuals can call 408-794-6226 or contact the Community Outreach Coordinator by going to our website and click on Contact Us: Request for Presentation.



At **community events**, we engage with attendees on a one-to-one basis or are introduced to large groups of attendees. We also attend monthly meetings with community and neighborhood groups. Community events and meetings are opportunities for the IPA and staff to understand local concerns, answer questions about the IPA office, and connect with other government agencies and community-based organizations in order to support the residents and visitors of the City of San José.

Each year the IPA office distributes informational materials at resource fairs, presentations and community events. They are available online at www.sanjoseca.gov/ipa. The office also published the [youth guide](#) titled, “A Student’s Guide to Police Practices.” The goal of the guide is to provide information about interacting with police officers and to help them make smart decisions. It contains fundamental information every youth and parent needs to know about police practices. IPA publications include the following:

- A Student’s Guide to Police Practices (Guide)
- IPA Year End Reports to City Council
- Frequently asked questions (FAQ)
- Brochures describing IPA functions and the complaint process
- Materials we distribute are printed in English, Spanish and Vietnamese.



Independent Police Auditor Advisory Council

The Independent Police Auditor Advisory Council (IPAAC) was established in 1999. The group has two functions: (1) promote community awareness of the services offered by the IPA office, and (2) advise the IPA office about police-related issues and concerns that arise in San José. The support, advice, and insights offered by the IPAAC are integral to the success of the IPA. In 2019, our IPAAC had several committee members complete their commitment and cycled off the council.

2019 IPA Advisory Council Members

Name	Employer/Affiliation	Occupation
Mydzung Bui	Santa Clara Unified School District	Educational-Related Mental Health Services Coordinator
B.J. Fadem	Law Offices of B.J. Fadem & Associates, APC	Attorney
Vianni Garcia	Fresh Lifelines for Youth	Law Program Manager
Walter Hudson	Retired	Community Advocate
Derrick Sanderlin	MACLA	Sound Technician
Jessica Burt-Smith	Santa Clara County Public Defender's Office	Attorney
Otis Watson	New York Life Insurance	Agent
Megan Wheelehan	Law Foundation of Silicon Valley	Attorney



ENDNOTES

- ¹ San José Municipal Code Chapter 8.04
https://library.municode.com/ca/san_jose/codes/code_of_ordinances
- ² San José City Charter Section 809
<https://www.sanjoseca.gov/your-government/departments/city-clerk/city-charter>
- ³ Joseph DeAngelis, Brian Buchner, Richard Rosenthal, "Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models," National Association for Civilian Oversight of Law Enforcement, September 2016. Page 5.
www.ojpdiaagnosticcenter.org/sites/default/files/NACOLE_Civilian_Oversight.pdf.
- ⁴ Joseph DeAngelis, Brian Buchner, Richard Rosenthal, "Civilian Oversight of Law Enforcement: Assessing the Evidence," National Association for Civilian Oversight of Law Enforcement, September 2016. Page 52.
www.ojpdiaagnosticcenter.org/sites/default/files/NACOLE_Civilian_Oversight.pdf.
- ⁵ In the 2014, Judge LaDoris Cordell recommended requiring independent civilian oversight of all Department-Initiated Investigations. 2014 IPA Year End report, pages 68-70. Add link
- ⁶ 2016 IPA Year End report, pages 48-50.
- ⁷ IPA Study Session presentation to City Council
<https://www.sanjoseinside.com/wp-content/uploads/2018/01/IPA-Study-Session-Presentation.pdf>
- ⁸ Amended Side Letter Agreement Between the City of San José and the San José Police Officers' Association.
<https://www.sanjoseca.gov/home/showdocument?id=60963>
- ⁹ Need to link minutes to 8/4/20 city council meeting if available
- ¹⁰ See SJPd's Field Training and Evaluation Program FTO Manual (revised June 2019) listed under Unit Guideline
http://www.sjpd.org/records/pc-13650_library/
- ¹¹ John Van Maanen, *Observations on the Making of Policemen*, (Massachusetts Institute of Technology, 1972), p. 56
<https://archive.org/details/observationsonma00vanm/page/n55/mode/2up>
- ¹² Allison T. Chappell, "Community Policing: Is Field Training the Missing Link?", *Policing: An International Journal* 30 no. 3 (2007): 498-517.

¹³ Ryan M. Getty, John L. Worrall and Robert G. Morris, “How Far from the Tree Does the Apple Fall? Field Training Officers, Their Trainees, and Allegations of Misconduct,” *Crime & Delinquency* (Sage Publications 2014), accessed August 31, 2020. <http://cad.sagepub.com/content/early/2014/08/07/0011128714545829>

¹⁴ Tulini, Bob. “How Field Training Officers Influence Police Department Culture. Benchmark Analytics, June 2019. <https://www.benchmarkanalytics.com/blog/how-field-training-officers-influence-police-departmentculture/>

¹⁵ “How Far from the Tree Does the Apple Fall?” page 3

¹⁶ San José Police Department Duty Manual section L 3309 addresses the Duration of Stops. A person may be detained only at or near the scene of the stop for a reasonable time. Officers should detain a person only as long as is reasonably necessary to conclude the investigation. Should further suspicious circumstances arise during this period, the officer may detain the person until the further suspicious circumstances can be investigated. A reasonable guideline is that the stop should be terminated within 20 minutes unless more time is required to verify a person's identity and/or the reliability of the answers given. However, officers should not detain a person in excess of this time limit merely to ask further questions.

¹⁷ In San José and other communities, individuals complain when officers approach them and, rather than explaining the reason for the contact, instead immediately asked whether or not the individuals were on “probation or parole.” This question presumes the person detained has a history of unlawful conduct.

¹⁸ President’s Task Force on 21st Century Policing. 2015. Final Report of the President’s Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services. Recommendation 5.13, page 60.

¹⁹ On-line translation tools should be not utilized when Constitutional guarantees are at stake. See *U.S. v. Cruz-Zamora*, (D. Kansas 2018) 318 F.Supp. 3d 1264.

²⁰ San José Police Department Duty Manual section L 7204.

²¹ California Penal Code (“PC”) section 502 prescribes the penalties relating to computer crimes. PC sections 11105 and 13300 identify who has access to state and local summary criminal history information and under which circumstances it may be released. PC sections 11141-11143 and 13302-13304 prescribe penalties for misuse of state and local summary criminal history information. Government Code section 6200 prescribes the felony penalties for misuse of public records and information from the CLETS. California Vehicle Code section 1808.45 prescribes the penalties relating to misuse of the Department of Motor Vehicle record information.

²² Michael R. Smith, Jeff Rojek, Robert Tillyer, and Caleb Lloyd, San Jose Police Department Traffic and Pedestrian Stop Study. (University of Texas El Paso, 2017). http://www.sjpd.org/records/utep-sjpd_traffic-pedestrian_stop_study_2017.pdf

²³ The outreach for the community survey was interrupted by Covid -19 for the 2020 year; however, the IPA office continues to promote and is working on a new strategy for the community survey 2020-2021.

²⁴ Not all questions from the community survey are documented in this report. IPA highlighted some demographic and one question. SJIPAengage survey results are ongoing and available for review and analysis at any time

<https://sjipaengage.com/my90-community-conversations/>

²⁵ IPA staff solicit public outreach opportunities to ensure that a diverse cross-section of the community learns of our services We base our decisions concerning whether or not to accept an invitation or to solicit an opportunity on the following factors:

- Location of event (Is it in San José or the immediate surrounding area? Are the participants likely to live, work, attend school or visit San José? Is it a “hot spot” area where SJPD officers frequently interact with the public?)
- Audience size (Does the event have ten or more attendees?)
- Target groups (Are participants likely to be people of color, immigrants, youth and/or young adults?)
- Staff availability (What is the current IPA staff workload? Will there be sufficient staffing levels at our office?)

APPENDIX A —

Meet IPA Staff



Shivaun Nurre - IPA

Shivaun joined the IPA office in 2006. She was appointed to the IPA position in December 2018. Prior to joining the IPA office, Shivaun worked for ten years as a Deputy County Counsel for Santa Clara County. In the IPA position, she oversees a range of procedural and substantive functions from budget and case management to developing policy recommendations and City Council reports. She is responsible for leading her capable office staff in completing its mandated duties.



Erin O'Neill - Assistant IPA

Erin is the Assistant IPA. In this role, she audits IA investigations and researches policies and law enforcement best practices. She also assists staff in the day-to-day office work. As the Assistant IPA, Erin attends officer interviews as needed, and attends officer-involved shooting review panels. Lastly, Erin assists with outreach as directed by the community outreach coordinator.



Eva Roa - Analyst I

The Analyst conducts intakes of civilians who wish to file complaints regarding SJPD Sworn Officer conduct. The Analyst conducts reviews of internal investigations to determine if the investigations have been thorough, complete, objective, and fair. This work enables the IPA to provide an effective and timely review of community concerns and critical or use of force incidents and investigations.



Jessica Flores - Office Specialist II

Ms. Flores joined the IPA office in June of 2006, attended West Valley College and uses that training as the front lobby receptionist. She enters case information on databases, creates and maintains case files, and helps where ever needed.



Telina Barrientos - Senior Analyst and Community Engagement Coordinator

Telina works in partnership with the IPA and Assistant IPA to audit misconduct complaints. In addition to her legal analysis work, Telina also leads efforts to expand awareness and increase community input that informs the IPA work and recommendations. Telina's engagement seeks to, build trusting relationships with the community, and provide inclusive and meaningful ways for all people to influence decisions that impact them.



Vivian Do - Senior Analyst

Vivian's primary responsibilities include managing the IPA website and database, finance and budget, statistical data analysis, desktop publishing, and providing computer and technical support for the IPA office.

APPENDIX B —

Frequently Asked Questions About the IPA Office

What is the IPA?

The Independent Police Auditor (IPA) is a City Council appointee whose office does mainly three things: (1) takes in complaints from members of the public about San José police officers; (2) makes sure that the Department of the SJPD investigates those complaints thoroughly and fairly, and (3) recommends improvements to SJPD's policies and procedures.

Why does the Office of the IPA matter?

The Office of the IPA matters because, by auditing the investigations into claims of police misconduct to ensure that those investigations are fair and thorough, it helps keep SJPD accountable to the communities it serves. The work of the Office of the IPA has resulted in improved police policies. For example, because of the IPA, SJPD officers must follow better rules about how to treat a person who is:

- watching an officer in the field (i.e. onlooker policy)
- hurt by an officer
- suspected of being drunk in public
- asking for an officer's name or badge number
- filing a Conduct Complaint.

Is the IPA part of the police department? Why should I trust the IPA?

No, the IPA is not part of the police department. The IPA answers to the Mayor and the City Council. The Chief of Police answers to the City Manager.

You should trust the IPA because the IPA is independent. The IPA is free to agree or disagree with the decisions of the SJPD.

What can I do if I think an SJPD officer did something wrong?

One of the things you can do is file a Conduct Complaint with the IPA.

What is a Conduct Complaint?

A Conduct Complaint is a statement from you explaining why you think an SJPD officer broke one (or more) of the rules that the officer has to follow, and requesting that the officer's conduct be investigated by the SJPD. The rules are in the SJPD Duty Manual.

What if I don't know which rule the officer may have violated?

There are many rules officers have to follow and you don't need to know them all. If you have a question about whether a certain kind of behavior by an officer is against the SJPD rules, you can contact the IPA to ask.

Does it matter whether I file a Conduct Complaint?

Yes, it does matter. By speaking out about a possible problem with an officer, you are alerting the SJPD leadership about ways to improve the SJPD.

Also, the IPA looks for trends in Conduct Complaints. When we identify patterns, we make recommendations to the SJPD for improvements.

Do I have to know the officer's name or badge number?

No, you don't. While it's useful information, if you don't have that information, you can still file your complaint.

Can I file a complaint with the IPA against an officer who is not with the San José Police Department?

No. The Office of the IPA can only process your complaint if it is about an SJPD officer. Complaints about officers employed by other law enforcement agencies cannot be filed with the IPA.

Who can file a Conduct Complaint with the IPA?

Any member of the public can file a Conduct

Complaint about a SJPD officer. You can file a Conduct Complaint about something that happened to you, or about something that happened to somebody else. You can live in San José or outside the city. You can be a U.S. citizen, or you can be an immigrant – with or without papers. IPA staff are fluent in English, Spanish, Vietnamese. You can be a young person or you can be an adult.

You can also file a complaint if you are a defendant in a criminal case; but if the case is related to the complaint you want to tell us about, we recommend that you talk to your lawyer first.

How do I file a complaint?

You can file a complaint in writing (email, mail, fax, or hand delivery), or by talking to us about it by phone or in person. We have a form that you can fill out if you prefer to file your complaint this way. You can be anonymous if you want, although it will be harder to investigate and prove your complaint. If you file in writing, we will need to reach you if we have any questions about your complaint.

What happens after I file a Conduct Complaint?

When the Office of the IPA receives your complaint, we identify specific allegations that you have made against the officer(s). Then we forward your complaint to Internal Affairs (IA) for investigation. The IPA does not investigate any complaints. Unlike the IPA, IA is a part of SJPD. IA investigates all Conduct Complaints. As part of IA's investigation, you and any witnesses may be contacted for more information about the incident. If you claim that you were injured by an officer, you might be asked to sign a release of medical records. IA may obtain documents about the incident from the SJPD, and may interview the subject officer(s) and any witness officers. The IA investigation can take from several months to a year.

When the investigation is finished, the Department issues a finding for each allegation. The possible findings are Sustained, Not Sustained, Exonerated, Unfounded, No Finding, Withdrawn, or Other. Based on these findings, the SJPD decides whether or not to discipline the subject officer(s).

The IPA gets involved again at this stage. The IPA audits the Department's investigations and findings. The IPA and staff review the investigations by the Department to ensure that those investigations are **thorough, objective, and fair**. Sometimes the IPA agrees with the findings and sometimes the IPA disagrees. When there is a disagreement, the IPA can discuss the matter with IA. Sometimes this causes the Department to re-open the investigation or change its findings. The IPA can also bring the disagreement to the attention of the Police Chief and the City Manager. You can read the IPA's Year-End Report for more details about the complaint process.

After the entire process is over and your case is closed, you will get a letter in the mail telling you the findings of the investigations.

Will I have more problems with the police if I file a Conduct Complaint?

The SJPD has strict rules that prohibit officers from retaliating against complainants.

Is the process fair to the officers?

Yes, we believe that it is. The Peace Officers Bill of Rights (POBR) is a state law that provides many protections to officers during this process. These protections include the right to have a representative present during misconduct investigation interviews, the right to an administrative appeal, and the right to review and respond to adverse comments in the officer's personnel file. POBR also places restrictions on how interviews of police officers are conducted and timelines in which investigations must be completed.

What if I don't have a Conduct Complaint against an individual officer, but I don't like a pattern I see with the police?

You can file a policy complaint. Policy complaints are not requests for individual officers to be investigated and disciplined. Instead, they are requests that the SJPD change its policies or procedures or adopt new ones. You can file a policy complaint with the Office of the IPA.

What if an officer did a good job and I want to give him or her a compliment?

You can submit compliments with Internal Affairs at SJPD by calling 408-277-4094 or by going to the SJPD website: <http://www.sjpd.org/COP/IA.html>

Can you tell me what happened to the officer about whom I complained?

No, we can't. Because we must follow very strict confidentiality rules, we are not allowed to give you any information about this. In fact, it is against the law for us to talk about this with any member of the public.

What if I think that the police should have to pay me money because of what they did to me? Can the IPA help me with this?

No, we can't. This complaint process looks only at possible officer discipline. You should seek the advice of a lawyer about other remedies.

I have been charged with a crime. Will filing a complaint affect the criminal case against me?

No. The complaint you file with us is completely separate from your criminal case. The IPA cannot advise or represent you on any legal matter.

As a community member, how can I be supportive of the IPA Office?

You can help us spread the word by inviting us to give presentations in your communities. Also, the IPA Advisory Council (IPAAC) is a group whose purpose is to promote community awareness of the services offered by the IPA office and inform the IPA office about police-related issues and concerns that arise within the San José community. You can visit the IPA website to learn more about this group and how you can get involved.

APPENDIX C —

Role of IPA in Officer-Involved Shootings Incidents

All Officer-Involved Shooting Incidents	Officer-Involved Shooting Incident Where a Public Complaint is Filed
IPA is notified of incident and can respond to scene and be briefed by IA Commander.	IPA is notified of incident, and can respond to scene and be briefed by IA Commander.
IPA can participate in the Officer-Involved Incident Training Review Panel. IPA is provided with pertinent documents to prepare for panel.	IPA can participate in the Officer-Involved Incident Training Review Panel. IPA is provided with pertinent documents to prepare for panel.
The purpose of the panel is to determine whether any training or equipment needs exist or if any changes to SJPD policies are warranted. The panel does not determine whether the officer acted within SJPD policy.	The purpose of the panel is to determine whether any training or equipment needs exist or if any changes to SJPD policies are warranted. The panel does not determine whether the officer acted within SJPD policy.
IPA NOT PRESENT	IPA can attend interviews of witnesses and any subject officers conducted by IA during the Department’s investigation of whether the force was within policy.
IPA CANNOT AUDIT	The Department investigation determines whether the officer acted within SJPD policy. The IPA audits the Department’s investigation to determine whether it was fair, thorough, complete and objective.
IPA CANNOT APPEAL	IPA can appeal the Department’s determination of whether the force was within policy to the City Manager.

APPENDIX D—

UTEP Recommendations

In February 2016, the San José Police Department hired experts at the University of Texas at El Paso (UTEP) to conduct a statistical analysis of limited detention data and provide recommendations to address and reduce disparities in limited detention actions. The study, released the following year, was based on data collected by SJPD for 30 months from September 2013 through March 2016.

The UTEP Study provided recommendations in three areas: Data Collection/Analysis, Training and Community Engagement. The introduction to the recommendation section stated:

The recommendations below are offered in that same spirit of openness and are designed to provide the City of San José, its police department, and its community stakeholders with suggestions for how to reduce actual or perceived racial and/or ethnic bias in police decision-making and provide fair and constitutional policing to San Jose residents and visitors.

The IPA recommends that the Department provide, in some written format, a public report/memo outlining what steps have been taken to implement each of the six UTEP recommendations.

Data Collection and Analysis

- Recommendation 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.

- Recommendation 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.

Training

- Recommendation 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.

Community Engagement

- Recommendation 4

The SJPD should disseminate the executive summary from this report widely and post the entire report on its website. SJPD leaders should meet with community groups and other stakeholders to review the key findings and answer questions from community members.

- Recommendation 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.
- Recommendation 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.

APPENDIX E —

Additional Statistical Information

Illustration A: IPA and IA Intakes — Five Year Overview (2015-2019)

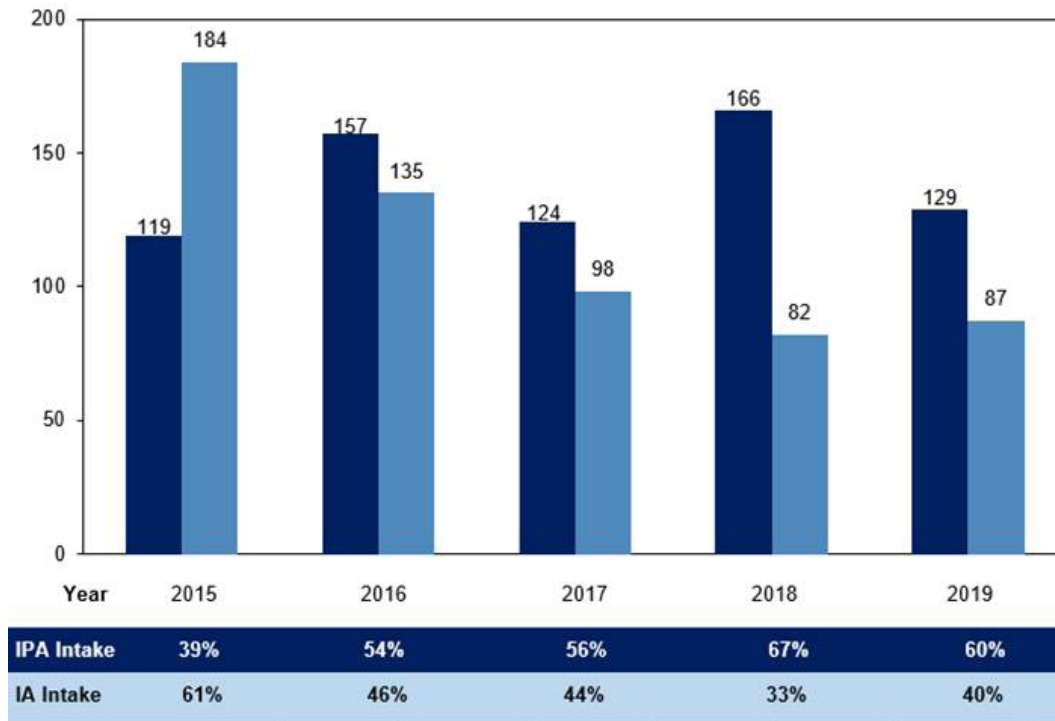


Table 1: Subject Officers Receiving Complaints in 2019 (by Years of Experience)

Years of Experience	0- 1+	2- 4+	5- 6+	7-10+	11- 15+	16+	Total Number of Officers Receiving Complaints
1 Complaint	53	39	18	5	11	63	189
2 Complaints	9	12	5	2	2	11	41
3 Complaints	1	4	3	0	2	5	15
4 Complaints	1	1	0	0	0	0	2
Total Number of Officers Receiving Complaints	64	56	26	7	15	79	247

Table 2: Allegations Received — Five Year Overview (2015-2019)

Allegations Received	2015		2016		2017		2018		2019	
	#	%	#	%	#	%	#	%	#	%
Force	121	18%	108	15%	68	12%	98	13%	100	12%
Arrest or Detention	91	13%	102	14%	52	9%	115	15%	123	15%
Search or Seizure	50	7%	38	5%	34	6%	32	4%	49	6%
Bias-Based Policing	50	7%	50	7%	54	9%	55	7%	54	7%
Procedure	251	36%	307	41%	251	44%	284	38%	337	42%
Courtesy	103	15%	109	15%	81	14%	87	12%	82	10%
Conduct Unbecoming an Officer	22	3%	17	2%	18	3%	34	5%	37	5%
Neglect of Duty	0	0%	11	1%	11	2%	43	6%	20	2%
Total Allegations	688	100%	742	100%	569	100%	748	100%	802	100%

Table 3: Dispositions of all Allegations Closed in 2019*

Type of Dispositions	Dispositions of Allegations									
	AD	BBP	C	CUBO	F	ND	P	SS	Total	%
Sustained	0	0	5	0	0	1	17	0	23	3%
Not Sustained	0	0	5	4	2	1	12	2	26	3%
Exonerated	95	0	28	1	106	12	177	28	447	51%
Unfounded	8	46	43	23	18	4	88	2	232	26%
No Finding	2	0	0	1	5	2	16	4	30	3%
Complaint Withdrawn	2	0	5	1	0	0	12	4	24	3%
Complaint/Sup Review	3	0	2	0	0	0	15	1	21	2%
Other	10	11	9	11	8	2	23	0	74	8%
Total Allegations	120	57	97	41	139	22	360	41	877	100%

* Excludes Department-Initiated Investigations

Table 4: Complaints Closed with Sustained Allegations — Five Year Overview (2015-2019)

Year	Conduct Complaints Sustained	Conduct Complaints Closed	Sustained Rate
2015	19	304	6%
2016	29	275	11%
2017	37	226	16%
2018	22	212	10%
2019	14	197	7%

Table 5: IPA Audit Determinations in Closed Complaints — Five Year Overview (2015-2019)

Audit Determination in Investigated Cases	2015		2016		2017		2018		2019	
	Audits	%	Audits	%	Audits	%	Audits	%	Audits	%
Agreed at First Review	202	69%	219	79%	196	83%	124	71%	133	84%
Agreed after Further Action	39	13%	26	9%	18	8%	35	20%	9	6%
Disagreed	27	9%	5	2%	10	4%	6	3%	6	4%
Closed with Concern(s)	24	8%	27	10%	12	5%	10	6%	11	7%
Total Complaints Audited	292	100%	277	100%	236	100%	175	100%	159	100%

Table 6: Complaints Received by Individual Officers — Five Year Overview (2015-2019)

Officers Receiving	2015	2016	2017	2018	2019
1 Complaint	198	200	176	207	189
2 Complaints	49	64	39	51	41
3 Complaints	19	14	7	6	15
4 Complaints	6	5	2	1	2
5 Complaints	2	1	1	1	0
6 Complaints	0	0	0	1	0
Total Number of Officers Receiving Complaints	274	284	225	267	247

Table 7: Force Complaints Received Relative to Total Complaints Received (2015-2019)*

Year	Total Force Allegations	Total Force Complaints	Total Number of Complaints	Force Complaints As % of Total Complaints
2015	121	66	303	22%
2016	108	60	292	21%
2017	68	33	222	15%
2018	98	46	248	19%
2019	100	45	216	21%

* This illustration reflects only complaints filed by members of the public.

Table 8: Location of Force Applications in Allegations Closed in 2019

Locations of Force Applications	Number	%
Head	4	7%
Neck	6	11%
Torso	25	44%
Limbs	22	39%
Total	56	100%

Table 9: Types of Force Applications in Allegations Closed (2015-2019)

Type of Force	2015		2016		2017		2018		2019	
	# of Applications	% of Total Force Applications	# of Applications	% of Total Force Applications	# of Applications	% of Total Force Applications	# of Applications	% of Total Force Applications	# of Applications	% of Total Force Applications
Baton	14	8%	9	7%	7	8%	6	8%	4	5%
Body Weapons	57	31%	30	23%	18	21%	7	10%	14	18%
Canine Bite	6	3%	7	5%	3	4%	2	3%	0	0%
Car Impact	0	0%	1	1%	1	1%	0	0%	1	1%
Chemical Agent	3	2%	0	0%	0	0%	0	0%	0	0%
Control Hold	62	33%	55	42%	25	30%	25	35%	26	33%
Flashlight	0	0%	1	1%	1	1%	1	1%	0	0%
Gun	4 ^a	2%	2 ^b	2%	2 ^c	2%	4	6%	4 ^d	5%
Lifting up cuffs	1	1%	1	1%	0	0%	0	0%	0	0%
Takedown	31	17%	21	16%	21	25%	14	20%	17	22%
Taser	8	4%	3	2%	5	6%	8	11%	2	3%
Chokehold	0	0%	0	0%	0	0%	1	1%	2	3%
Other	0	0%	0	0%	1	1%	3	4%	8	10%
Total	186	100%	130	100%	84	100%	71	100%	78	100%

a. In 2015, there were 4 gun applications; 2 involved use of a less lethal projectile weapon.

b. In 2016, there were 2 complaints alleging gun-related force, neither involved use of a less lethal projectile.

c. In 2017, there were 2 gun applications involved use of a less lethal projectile weapon.

d. In 2019, there was 1 gun application involved use of a less lethal projectile weapon.

Table 10: SJPD Findings for Force Allegations Closed — Five Year Overview (2015-2019)

Disposition of Force Allegations	2015		2016		2017		2018		2019	
	#	%	#	%	#	%	#	%	#	%
Sustained	0	0%	1	1%	0	0%	1	1%	0	0%
Not Sustained	0	0%	7	6%	6	7%	0	0%	2	1%
Exonerated	114	84%	92	79%	58	63%	73	76%	106	76%
Unfounded	12	9%	10	9%	20	22%	11	11%	18	13%
No Finding	8	6%	2	2%	4	4%	1	1%	5	4%
Complaint Withdrawn	1	1%	1	1%	1	1%	1	1%	0	0%
Other	1	1%	3	3%	3	3%	9	9%	8	6%
Total	136	100%	116	100%	92	100%	96	100%	139	100%

Table 11: IPA Audit Determinations of Force Complaints Closed in 2018 and 2019

IPA Audit Determination	Explanation of IPA Audit of the IA Investigation of Force Complaints	2018		2019	
		Audits	%	Audits	%
Agreed	IPA audit determined that the IA investigation was thorough, complete and objective.	25	61%	36	75%
Agreed after Further	IPA requested and reviewed supporting documentation from IA or requested IA re-examine its analysis.	13	32%	5	10%
Closed with Concerns	IPA questioned the IA investigation and/or IA analysis.	1	2%	4	8%
Disagreed	IPA audit concluded that the IA investigation was not thorough, fair and objective.	2	5%	3	6%
Total Force Complaints Audited		41	100%	48	100%

Table 12: Years of Experience of Officers with Sustained Findings in 2019

Years of Experience	Total Officers with Sustained Findings	% of Officers with Sustained Findings	% of Officers			Total Sustained Allegations	Percent of Sustained Allegations
			C	ND	P		
0- 1+	4	25%	0	0	5	5	22%
2- 4+	2	13%	0	0	3	3	13%
5- 6+	1	6%	0	0	1	1	4%
7-10+	0	0%	0	0	0	0	0%
11- 15+	2	13%	1	0	3	4	17%
16+	7	44%	4	1	5	10	43%
	16	100%	5	1	17	23	100%

Table 13: Discipline Imposed on Officers by the Department (2015-2019)

Type of Discipline	2015	2016	2017	2018	2019
	# of Times	# of Times	# of Times	# of Times	# of Times
Training and/or Counseling	16	17	12	11	8
Documented Oral Counseling and/or Training	3	10	21	9	7
Letter of Reprimand	0	1	5	4	2
10-Hour Suspension	1	1	1	0	1
20-Hour Suspension	0	0	0	1	0
40-Hour Suspension	0	0	1	1	0
80-Hour Suspension	0	1	0	0	0
Settlement Agreement	0	1	1	0	0
Resigned before Discipline	0	0	0	1	0
Termination	2	0	0	0	0
Total Discipline Imposed	22	31	41	27	18

Table 14: Officer-Discipline Imposed by the Department in 2018 and 2019

Type of Discipline	2018		2019	
	# of Times	% of All Discipline	# of Times	% of All Discipline
Training	3	11%	4	22%
Training & Counseling	8	30%	4	22%
All Training and/or Counseling	11	41%	8	44%
Documented Oral Counseling (DOC)	8	30%	6	33%
DOC and Training	1	4%	1	6%
Letter of Reprimand (LOR)	4	15%	2	11%
All DOC & LOR	13	48%	9	50%
10-Hour Suspension	0	0%	1	6%
20-Hour Suspension	1	4%	0	0%
40-Hour Suspension	1	4%	0	0%
All Suspensions	2	7%	1	6%
Resigned before Discipline	1	4%	0	0%
Total Discipline Imposed	27	100%	18	100%



The IPA logo incorporates one of the most recognized legal symbols, Lady Justice. Lady Justice is blindfolded signifying impartiality. The IPA logo depicts the scales of justice with a badge symbolizing the SJPD on one side and an image symbolizing the people of San José on the other. In creating this logo, the IPA envisioned a trademark that would convey the message that it is the weight of the evidence that determines the outcome of a complaint. The virtues represented by Lady Justice – fairness, impartiality, without corruption, prejudice, or favor are virtues central to the mission of the IPA office and are the guiding principles by which the IPA seeks to operate.

Judge Teresa Guerrero-Daley, former Independent Police Auditor, designed this logo.

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