



# Memorandum

TO: RULES AND OPEN  
GOVERNMENT COMMITTEE

FROM: Mayor Chuck Reed  
Councilmember Nguyen

SUBJECT: Use of Force by SJPD

DATE: November 2, 2009

APPROVED:

*Chuck Reed*  
*Melissa Nguyen*

DATE: 11/2/09

## RECOMMENDATION

Add the following items to the Public Safety, Finance and Strategic Support committee agenda for November 19, 2009 and the City Council agenda for December 1, 2009:

Review all initiatives underway dealing with the use of force by the SJPD and make recommendations for additional actions, such as early warning systems, review of force records, training for sergeants, time lines and performance metrics, to ensure that force is used only when necessary and that the lowest level of force necessary is used

The City Council will hear the report from the community outreach session on public safety held by the Public Safety, Finance and Strategic Support Committee on October 14<sup>th</sup>, 2009 at Council on November 3<sup>rd</sup>. Relevant ideas and suggestions heard at Council should be incorporated into review discussed above.

## BACKGROUND

The recent news stories and videos of use of force in making arrests raise troubling issues and cause us to have significant concerns about how and when force is used.

We expect that every officer in the SJPD to have the skill to be able to defuse difficult situations, the judgment to avoid escalating routine encounters into use of force, and the discipline to use only the minimum force necessary when making an arrest.

SJPD officers respond to over 400,000 calls for service, make around 36,000 arrests every year and use force in only about 1200 cases. Nevertheless, we cannot tolerate the use of excessive force, even if it occurs in only a few incidents.

The following efforts are underway to determine the nature and scope of the problem and what needs to be done to deal with it:

1. Per Chief Davis' Memo released on Friday the 30<sup>th</sup>, the Chief has formed a group of command officers, supervisors, and training personnel to review what has been taught in the Academy and in Officers Update Courses regarding the use of force to ensure that our curriculum complies with state standards and SJPD standards and that the curriculum is being taught properly.
2. Additionally, Chief Davis' Memo outlines the creation of a SJPD panel that will meet regularly to review use of force cases to ensure compliance with policies and procedures and to identify training issues.
3. The Consortium for Police Leadership in Equity (CPL), a UCLA research institute, was authorized by the City Council on September 29, 2009 to have access to confidential police records and personnel to conduct independent research and make public reports on police practices, including the following areas:
  - Racial/ethnic bias in arrests
  - Racial/ethnic bias in the use of force
  - Factors in any observed inequality of treatment and outcomes
  - Reports on statistical data that may help identify problems
4. The City is participating in a La Raza Roundtable project with the Harvard Law School to develop a collaborative effort to reduce the disparate numbers of Hispanics in the criminal justice system.
5. Recommendations from the Public Intoxication Task Force were approved by the City Council on June 2, 2009 and are being implemented.
6. The Public Safety, Finance and Strategic Support committee reviews and evaluates the implementation of the Council's direction to the staff as well as all recommendations for additional actions that may come out of CPL, La Raza Roundtable or the community outreach sessions held by the committee (October 14, 2009 and April 14, 2010).