



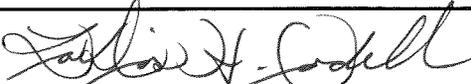
Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Judge LaDoris H. Cordell (Ret.)
Independent Police Auditor

SUBJECT: IPA Audit of Recommendations
to SJPD (1993-2009)

DATE: December 14, 2011

Approved  Date 12/14/2011

RECOMMENDATION

Accept the audit report of the Independent Police Auditor reflecting the current status of Independent Police Auditor recommendations made between 1993 and 2009 — eighty-five of which have been adopted by the San José Police Department.

BACKGROUND

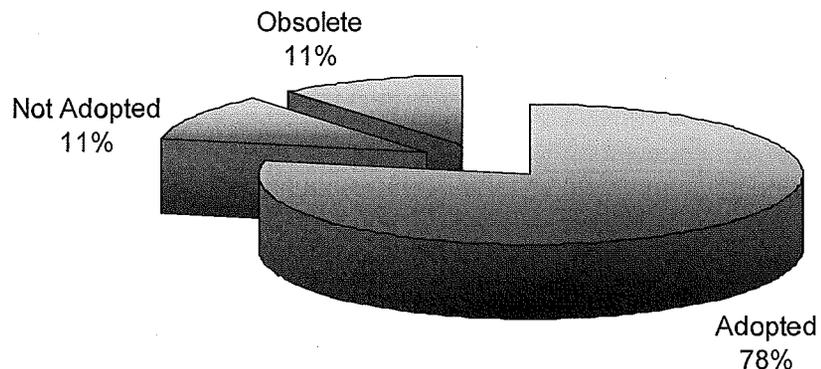
As part of its Charter mandate, the Office of the Independent Police Auditor (“IPA”) makes policy recommendations to San José Police Department (“SJPD”). From 1993 to 2009, the IPA made 109 such recommendations, encompassing a broad range of issues.

Beginning in late 2010, the IPA conducted the first-ever audit of these recommendations. This audit determined that SJPD adopted 85 of our recommendations. Another 12 were deemed obsolete due to changes in law or policy.

The IPA requested that SJPD provide documentation confirming that it had, in fact, implemented the adopted

recommendations. The IPA then reviewed the documentation, and requested and received clarification of some of the responses via written and oral communications with SJPD. Our audit determined that, of 85 adopted recommendations, 73 (86%) have been fully implemented, and 12 (14%) are not yet fully implemented.

All IPA Recommendations, 1993-2009



We commend SJPD for its responsiveness to our requests for information during this audit process. SJPD's cooperation ensured that our office was able to complete a thorough and objective audit of the adopted recommendations. We especially thank Lieutenant John Spicer and Sergeant John Seaman of SJPD's Research and Development Unit, and Brenna Silbory, Analyst II of the IPA Office, for their extraordinary work on this audit.

ANALYSIS

1. Positive Impacts of IPA Recommendations

Our audit revealed that SJPD has implemented 73 (86%) of the 85 IPA recommendations that were adopted. The implementation of our recommendations has impacted policing in San José in many positive ways. Examples of these positive impacts include the following:

- ✓ **The handling of misconduct complaints has improved** as a result of the implementation of IPA recommendations. Almost 50% of all IPA recommendations touched upon SJPD's handling of allegations of officer misconduct. For example, SJPD adopted and implemented an IPA recommendation to establish the specific types of conduct that merit thorough investigation by the Internal Affairs Unit. (Recommendation #32)
- ✓ **Officer-involved shootings and great bodily injury incidents** have received greater scrutiny because of the implementation of IPA recommendations. As early as 1994, the IPA advocated that SJPD supervisors collect evidence and investigate whenever an officer's use of force caused great bodily injury to a civilian. Following a series of IPA recommendations beginning in 2003 about officer-involved shooting incidents, the IPA now participates in the shooting review panel held after such incidents. (Recommendations #91, 93, 94)
- ✓ **Shooting by officers at moving vehicles and Taser use** were addressed by IPA recommendations in 2005. As a result, SJPD issued guidelines under which officers are permitted to shoot at moving vehicles and to use their Tasers. Approximately 20% of IPA recommendations over the years have pertained to officers' use of force. (Recommendations #99, 100)
- ✓ **The rights of bystanders** to witness police events and to obtain officers' names and badge numbers upon request are now in the SJPD Duty Manual — the product of some IPA recommendations. (Recommendation #7, 34, 39, 59)
- ✓ **Physical conditions of the lobby area in the SJPD Administration Building** have improved dramatically following several 2000 IPA recommendations to make the area more hospitable to members of the public. (Recommendations #65-74)
- ✓ **Chemical sobriety tests during "drunk in public" arrests:** in 1994 and, again, in 2008, the IPA recommended a policy requiring officers to offer chemical sobriety tests to individuals arrested for public intoxication (PC 647(f)). That policy is now in place. (Recommendation #10)

2. Adopted Recommendations Not Yet Fully Implemented

Even though SJPD has adopted 85 of the IPA recommendations, 12 recommendations (14%) have not yet been fully implemented.

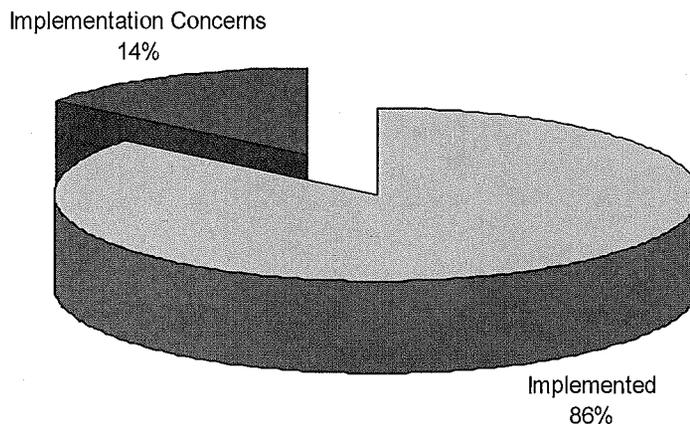
Listed below are IPA recommendations the audit revealed were not yet implemented, although adopted by SJPD. Following audit discussions between the IPA and SJPD, specific timelines have been set for the implementation for all but one of these recommendations.

- One of the IPA's very first recommendations in 1993 was to apply **Intervention**

Counseling to all types of complaints. Intervention Counseling is an important tool available to SJPD for identifying and speaking to officers who receive multiple complaints within a specific time frame. Addressing a potential pattern of conduct concerns early can help SJPD prevent serious officer misconduct. We were unable to confirm that they have fully implemented this system. However, in response to our audit, SJPD informed us that it is making major and positive revisions to its Early Warning System (which identifies officers at risk for committing misconduct) and that it will implement this revised system by June 2012. (Recommendation #3/#83.)

- The **arrests of individuals for public intoxication** have been an occasional subject of controversy in San José. The IPA first raised concerns about these arrests in 1994. Given community concerns that these arrests are highly discretionary on the part of officers, proper documentation of these arrests is important to demonstrate that the arrests are lawful and free of bias. Initially, we did not receive requested documents necessary for us to verify consistent documentation of these arrests. However, per our request to perform spot checks of public intoxication incident reports, SJPD has agreed to provide 100 of these reports to the IPA by December 31, 2011. (Recommendation #9.)
- SJPD had agreed to implement an IPA recommendation that requires the Internal Affairs Unit to **contact complainants** (people who have brought misconduct complaints) at regular intervals until their complaints are closed, with update letters sent every 60 days, and final closing letters. In response to this audit, SJPD has now linked all such communications in IAPro so that our office can perform spot checks to ensure compliance. (Recommendation #14.)

All Adopted IPA Recommendations



- **Internal Affairs investigators' objectivity when interviewing officers** about alleged misconduct is an issue of ongoing concern. In 1995, we recommended a standardized format for officer interviews to promote objectivity. As a result of recent discussions on this subject, including a joint IA/IPA training, Internal Affairs no longer permits its investigators to ask leading questions in their interviews of officers. Our audit has also prompted SJPD's agreement to implement a standardized format for interviewing officers by March 2012. (Recommendation #26.)
- Positive police/community relations sometimes require that **officers apologize** when they make mistakes. In 1999, the IPA recommended that SJPD issue an explanation and/or apology in instances of unintentional or inadvertent police error, such as when there is a search of the wrong house. Our audit has resulted in an agreement from SJPD to issue the procedure to be followed when these errors occur, in the form of a standing order, available by June 2012. Thereafter, the procedure will be included in the revised Duty Manual by December 2012. (Recommendation #49.)
- The **fear of retaliation**, however unjustified that fear may be, is often cited by potential complainants as the reason they will not go on record with their concerns about potential police misconduct. To further protect the integrity of the misconduct complaint process, we recommended in 2000 that SJPD place a non-retaliation policy in the Duty Manual, to reinforce SJPD's message to all officers that retaliation against complainants and witnesses will not be tolerated. We also requested a Duty Manual whistleblower policy to protect SJPD employees who raise misconduct concerns. In the wake of our audit, SJPD will add both policies to the Duty Manual by December 2012. (Recommendations #52 & 54.)
- **Ethics trainings** are routinely administered in many workplaces, and are particularly important for law enforcement — a profession in which challenging situations are routine. Although SJPD adopted the IPA recommendation in 2000 for recurring SJPD ethics trainings, our audit disclosed that there have been no SJPD ethics training programs since 2002. In response to our audit, SJPD will reinstitute, by July 1, 2013, an updated ethics training program, mandatory for all officers. The SJPD ethics training program will be administered every other year. (Recommendation #55.)
- **Handling suspects who are armed with projectile weapons such as knives and swords** can pose perilous and challenging situations for officers. Following a review of fatal incidents in 2000, the IPA recommended specialized training be given to officers on facing suspects armed with these weapons. SJPD adopted this recommendation. However, our audit was unable to confirm that this specialized training in fact occurred. In response to this audit, SJPD has committed to implement a training program by mid-2012 that addresses these and other safety challenges that officers encounter in the field. (Recommendation #61.)
- Misconduct **allegations against top-ranking SJPD officers** require special handling to avoid actual or perceived bias. In 2002, the IPA recommended a written policy to provide guidance in this situation. While a policy pertaining to alleged sexual harassment and discrimination is already in place, in response to our audit, SJPD will include in the Duty Manual, by December 2012, direction to officers about how to bring complaints when high-ranking officers are the subjects. (Recommendation #88.)

- **Providing information about officer-involved shootings and fatal incidents** is important to the public trust. In 2003 we recommended that SJPD generate documents that could answer frequently asked questions about the investigations that follow these incidents. As a result of our audit, SJPD has committed to generate FAQ's and to post the document on the homicide unit page of the SJPD website. This will be accomplished by March 2012. (Recommendation #90.)
- **Tracking Taser use** ensures that these relatively new, less-lethal, but still powerful weapons are used responsibly by SJPD officers. In 2004 we recommended continued tracking and analysis of Taser use. Our audit confirmed that while SJPD still collects data on Taser use, no analysis has been performed on the data. In response to this concern, SJPD will implement an IAPro "Blue Team" system by January 2013. This system will allow SJPD to quickly track all types of force used, including Tasers, and to sort the data by weapon. (Recommendation #96.)
- **When property is seized for safekeeping** (e.g., wallets, purses, bicycles), SJPD must store and later return the property if it is claimed. If the owner fails to reclaim his/her property within four months after receiving proper notification, SJPD can auction off or discard the property. Previously, SJPD had not been providing those notices in a timely fashion. In response to our audit, SJPD has now agreed to modify the report receipt card that is given to the property owner when SJPD seizes the property. By June 2012 the card will include notification information to these property owners. This process will be memorialized in the Duty Manual by December 2012.

JUDGE LADORIS H. CORDELL (RET.)
Independent Police Auditor



2011 IPA Audit of Recommendations to SJPD

#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
1	1993 1st Quarter Report	Create a new system for the classification of complaints.	Yes	Obsolete	Complaint process was revised in 2008.	
2	1993 1st Quarter Report	Standardize the definition of Procedural and Informal Complaints.	Yes	Obsolete	Complaint process was revised in 2008.	
3 (same as #83)	1993 1st Quarter Report	Apply Intervention Counseling to all types of complaints.	Yes	Adopted, But No Proof of Implementation	SJPD initially produced a heavily redacted document. Subsequently, SJPD promised, but did not deliver, the unredacted document. IPA was unable to confirm that SJPD has fully implemented Intervention Counseling. SJPD has not confirmed that Department-Initiated Investigations are included in the complaint tallies for purposes of an early warning system (EWS). IPA suggests expanding EWS indicators to include, among other things, civil claims and lawsuits. The IPA commends SJPD for its promise to expand EWS criteria; however that does not address IPA's request for documentation verifying the current system.	SJPD is revising its EWS using best practices by gathering information from other law enforcement agencies, and will implement the revised system by June 2012. The EWS will be initiated via IAPro. EWS criteria will comprise 10-15 data points, including officers: (A) who receive 3 or more complaints of any type (rather than the same type only) in a 12-month period; (B) who are members of a team that incurs 5 complaints collectively in a six-month period; and (C) using data points beyond receipt of misconduct complaints, such as # of vehicle accidents, use of force incidents, and use of sick leave.
4	1993 1st Quarter Report	Establish procedures to address potential bias between Internal Affairs Investigators and complainants and subject officers.	Yes	Adopted		
5	1993 1st Quarter Report	Enact policy to ensure objectivity in the intake of citizen complaints.	Yes	Adopted		



2011 IPA Audit of Recommendations to SJPD

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6.	1994 3rd Quarter Report	Establish a timetable with goals in which to classify and investigate complaints.	Yes	Adopted	Inconsistent compliance.	
7	1994 3rd Quarter Report	Implement a citizen "Onlooker Policy" that addresses a person's right to witness a police incident.	Yes	Adopted		
8	1994 3rd Quarter Report	Standardize the way all investigations are written by IA personnel.	Yes	Adopted		
9	1994 3rd Quarter Report	Provide report writing training in "Drunk in Public" cases to include the basis for the arrest. Reports are to be retained on file.	Yes	Adopted, But No Proof of Implementation	SJPD initially refused to provide "drunk in public" reports, citing pending litigation. SJPD has now agreed to provide 100 sample reports.	SJPD is pulling 100 sample 647(f) police reports and will provide them to IPA by December 31, 2011.
10	1994 3rd Quarter Report	Provide chemical testing for "Drunk in Public" cases to verify if the person was in fact intoxicated.	No	Adopted	Adopted in 2008.	
11	1994 3rd Quarter Report	Send minor complaints to the Bureau of Field Operations to expedite investigations.	Yes	Obsolete		
12	1994 Year End Report	Establish procedures to insure neutrality in the classification of complaints.	Yes	Adopted		
13	1994 Year End Report	Interview complainants and witnesses within three months of the initiation of a complaint.	Yes	Adopted	Inconsistent compliance.	
14	1994 Year End Report	Contact complainants at regular intervals through updates and closing letters.	Yes	Adopted	Inconsistent compliance. SJPD did not provide requested documents. A subsequent spot-audit could only confirm a 30% compliance rate with IA's own policy regarding follow-up communication with complainants.	All letters generated by IA will be linked to IAPro immediately so that the IPA can now perform spot checks to ensure that the letters (opening, updates, and closing) are being sent to all complainants.



2011 IPA Audit of Recommendations to SJPD

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15	1994 Year End Report	Provide a copy of all SJPD reports relevant to the complaint to the Police Auditor.	Yes	Adopted		
16	1994 Year End Report	Require written authorization before conducting a search of a home based on consent.	No	Not Adopted		
17	1994 Year End Report	Enact policy to require that, in cases where an officer's use of force caused great bodily injury, supervisors collect evidence and conduct an investigation into the need for the officer to use such force.	Yes	Adopted		
18	1994 Year End Report	Ensure that handcuffs are double locked to prevent wrist injuries.	Yes	Adopted		
19	1994 Year End Report	Write the complainant's statement in addition to tape recording and provide a copy to the complainant.	Yes	Adopted		
20	1994 Year End Report	Improve IA investigator's interpersonal skills in interacting with complainants.	Yes	Adopted	IPA has the ability to conduct spot-audits of intake interviews.	
21	1994 Year End Report	Handle complaints classified as Command Review through counseling by the Field Supervisor and contact the complainant (where requested).	Yes	Obsolete		
22	1994 Year End Report	Revise letters sent to complainants to include information about the IPA's role.	Yes	Adopted		
23	1995 MidYear Report	Maintain a central log of all public contacts for tracking purposes and to reduce the number of complaints that are lost or misplaced.	Yes	Adopted		



2011 IPA Audit of Recommendations to SJPD

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24	1995 MidYear Report	Obtain additional office space for IA so that complainants are interviewed in private.	Yes	Adopted		
25	1995 MidYear Report	Require the Police Department to offer complainants a choice to file complaints at either IA or IPA.	Yes	Adopted		
26	1995 MidYear Report	Implement policy to standardize the format used in subject and witness officer interviews.	Yes	Adopted, But Not Fully Implemented	IPA commends SJPD for prohibiting leading question in IA interviews. However, there remains no policy that standardizes the format for questioning officers.	Because of IA-IPA trainings, leading questions are no longer being asked and additional training is underway. A standardized format for interviewing the officers will be implemented March 2012.
27	1995 Year End Report	Create policy to require closer scrutiny when conducting strip searches for misdemeanor arrests.	Yes	Adopted		
28	1995 Year End Report	Revise Off-Duty Employment Practices to provide accountability of the type and number of hours worked by officers off duty.	Yes	Adopted		
29	1996 MidYear Report	Connect IPA to City of San Jose's internet network.	Yes	Adopted		
30	1996 MidYear Report	Conduct preliminary investigation of complaints closed because they lack a signed Boland Admonishment to determine the seriousness of the allegations.	Yes	Obsolete		
31	1996 MidYear Report	Retain the name of the subject officer where a Boland Admonishment is not signed (but need not place in personnel file).	No	Obsolete		



2011 IPA Audit of Recommendations to SJPD

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32	1996 MidYear Report	Require complaint classification to appropriately reflect the nature of the complaint.	Yes	Adopted		
33	1996 MidYear Report	Design and implement a new computer database system that links the IA and IPA on real time.	Yes	Adopted		
34	1996 Year End Report	Implement a process to respond to citizen's requesting an officer's identification.	Yes	Adopted		
35	1996 Year End Report	Establish Class I and Class II use of Force type of complaints.	Yes	Obsolete		
36	1996 Year End Report	Complete Class I use of Force investigations within 180 days.	Yes	Obsolete		
37	1996 Year End Report	Complete all investigations of citizen complaints within 365 days.	Yes	Adopted	Inconsistent compliance.	
38	1996 Year End Report	Request that the City Attorney issue an opinion clarifying the IPA's authority to audit DI cases with a nexus to a citizen.	Yes	Obsolete		
39	1997 Year End Report	Require that officers identify themselves in writing when requested.	Yes	Adopted		
40	1997 Year End Report	When forcibly taking a blood specimen from an uncooperative suspect, do so in an accepted medical environment, according to accepted medical practices and without the use of excessive force.	Yes	Adopted		



2011 IPA Audit of Recommendations to SJPD

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41	1997 Year End Report	All complaints not covered under a Cardoza exception should be investigated by the IA and reviewed by the Chain of Command within 10 months, allowing the IPA enough time to request additional investigation, if needed.	Yes	Adopted	Inconsistent compliance.	
42	1997 Year End Report	Time limits and a reliable tracking system should be implemented in every bureau and City department involved with reviewing a citizen complaint.	Yes	Adopted	Inconsistent compliance.	
43	1998 Year End Report	Expand the IPA jurisdiction to review all officer-involved shootings even if a complaint is not filed.	Yes	Adopted	IPA authority is limited to participation in the shooting review panel convened after an officer involved shooting incident. The IPA does not audit investigations of officer involved shooting incidents unless an individual has filed a conduct complaint about the incident.	
44	1999 Year End Report	Request the City Council to authorize added staff for the IPA, to increase communication and personal contact with individual complaints and increase community outreach.	Yes	Adopted		
45	1999 Year End Report	Recommended that the City Council grant to the Internal Affairs Investigators subpoena power to compel the attendance of civilian witnesses and to compel the production of documentary or physical evidence.	No	Not Adopted		



2011 IPA Audit of Recommendations to SJPD

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46	1999 Year End Report	Amend the Municipal Code to define a citizen complaint audit and clarify that an audit includes examining physical evidence and follow up contact with complainants and witnesses.	No	Not Adopted		
47	1999 Year End Report	It is recommended that the SJPD explore the feasibility of implementing a voluntary mediation program within the next six months.	Yes	Adopted		
48	1999 Year End Report	It is recommended that the SJPD design a training course focused specifically on improving day-to-day verbal communications for officers to use in interacting with the public.	Yes	Adopted		



2011 IPA Audit of Recommendations to SJPD

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49	1999 Year End Report	It is recommended that in cases where the police erred, i.e. the wrong house was searched, an explanation and/or apology be given as soon as possible, preferably at the onset.	Yes	Adopted, But Not Yet Implemented	SJPD verbally stated that newly promoted sergeants are trained to deal with this issue, but no supporting documentation was provided upon IPA request.	SJPD will add to the Duty Manual a provision that states that an internal memo will be generated whenever the wrong house is searched via a search warrant. The memo will be written by the supervisor and sent up the Chain of Command to the Chief. It will document what happened and what was done to rectify the error. This will be issued as a "standing order" by June 2012 and included in the Duty Manual by December 2012. The first-line supervisors are trained to "fix" errors as soon as possible, and it becomes an "automatic notification matter." This means that the error is immediately sent up the Chain of Command to the Lieutenant who is tasked with fixing the matter. These errors are rare.
50	1999 Year End Report	It is recommended that motorists be told the reason for the enforcement action such as why s/he was stopped, searched, and/or detained as soon as possible and preferable at the onset.	Yes	Adopted		
51	1999 Year End Report	It is recommended that the SJPD formalize a process whereby an officer is assigned to be the contact person or liaison to family members of people that were killed or died in police custody. This will assist the family in obtaining necessary but non-confidential information.	In practice only	Adopted		



2011 IPA Audit of Recommendations to SJPD

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52	2000 Year End Report	To assure the public that it is safe to file complaints, the Chief of Police should create a policy to prohibit actual or attempts to threaten, intimidate, mislead, or harass potential or actual complainants and/or witnesses.	Yes	Adopted, But Not Yet Implemented	A 2007 SJPD Memorandum addressed this issue. The substance of this memo was never formally moved into the Duty Manual.	SJPD will add a non-retaliation policy to the IA section of the Duty Manual by December 2012.
53	2000 Year End Report	The Chief of Police should include in all citizen complaint printed materials wording that clearly states, " <i>Retaliation against complainants is prohibited. The Chief of Police will not tolerate retaliation, and immediate action will be taken if an officer retaliates against a complainant or witness directly or indirectly,</i> " or similar words that emphasize the Chief's position.	Yes	Adopted		
54	2000 Year End Report	The San Jose Police Department Duty Manual does not include a comprehensive Whistleblower policy. By incorporating federal Whistleblower guidelines, the Chief of Police should create a comprehensive Whistle Blower policy for the San Jose Police Department.	In practice only	Adopted, But Not Yet Implemented	The City has such a policy but SJPD did not confirm it has one for officers.	SJPD will include the City's whistleblower policy in the Duty Manual by December 2012.



2011 IPA Audit of Recommendations to SJPD

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55	2000 Year End Report	The Chief of Police should continue to develop Ethics and Integrity Training to reflect and align police practices with ethical standards expected by the citizens of San Jose.	Yes	Adopted	Inconsistent compliance. There have been no ethics trainings since 2002 (outside of Police Academy). Officers receive, but do not recite, the Code of Ethics.	SJPD is planning ethics training, which will re-start by July 1, 2013 and will be given every other year. It will be mandatory for all officers as part of Continual Police Training. Officers and their supervisors are required to sign and date the Code of Ethics at their annual performance evaluations.
56 (same as #81)	2000 Year End Report	The Chief of Police should expand the fields in the racial profiling data collection to determine how an individual who has been stopped by the police was treated during the contact, i.e. was a search conducted. The data should include search information, the factual basis for the stop and action taken by the police officer as a result of the stop.	No	Adopted	In 2002, SJPD began requiring officers to document whether they conducted a search during each vehicle stop.	
57	2000 Year End Report	Develop a uniform definition of and process for tracking all "Racial Profiling" allegations in all instances where the complainant alleges that his/her vehicle stop or police contact was racially motivated.	Yes	Adopted		



2011 IPA Audit of Recommendations to SJPD

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58	2000 Year End Report	The San Jose Police Department should expand the platform used by the Internal Affairs unit to facilitate the recording, tracking, and analysis of "Racial Profiling" and all other types of citizen complaints.	In progress	Adopted		
59	2000 Year End Report	The San Jose Police Department's Internal Affairs unit should formally investigate allegations of officers refusing to identify themselves under an Improper Procedure allegation.	Yes	Adopted		
60	2000 Year End Report	Continue to identify alternate, less lethal weapons, and make them more readily accessible.	Yes	Adopted		
61	2000 Year End Report	Provide specialized training in handling suspects armed with non-automatic projectile weapons.	Yes	Adopted, But No Proof of Implementation	Initially, SJPD reported training through CIT program. IPA staff who attended CIT program and reviewed program agendas and materials did not observe any specialized training on this subject.	SJPD is planning a training program around actual police incidents, to be implemented by mid-2012, timed to occur shortly after the incidents. The training will cover shooting at moving vehicles, dealing with suspects with knives, machetes, axes, and screwdrivers. Sergeants will receive the training and then take their teams through the training program.



2011 IPA Audit of Recommendations to SJPD

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62	2000 Year End Report	The Crisis Incident Response Team's presence at the scene is very important. Continue to provide special training in identifying and handling suspects with history of mental illness.	Yes	Adopted		
63	2000 Year End Report	Increase recruiting efforts to hire more officers with bilingual skills. Examine the current strategies and marketing material used for recruiting.	Yes	Adopted		
64	2000 Year End Report	The Disciplinary Review Panel, which determines if a complaint should be sustained and the type of discipline to impose, should document the basis for their findings to enable the IPA to conduct an audit of this phase of a citizen complaint investigation.	No	Not Adopted		
65	2001 Year End Report	A study should be conducted to assess the feasibility of expanding the front lobby to alleviate the crowded conditions that exist.	Yes	Adopted		



2011 IPA Audit of Recommendations to SJPD

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66	2001 Year End Report	A separate waiting area should be developed for designated services such as sex offenders waiting to register, criminals waiting to self-surrender, and other people that would pose a threat to the safety of others waiting in the lobby area of the main police station.	No	Not Adopted		
67	2001 Year End Report	An interview room should be made available for desk officers to obtain statements from walk-in victims and/or witnesses of crimes that affords privacy.	Yes	Adopted		
68	2001 Year End Report	Additional courtesy telephones should be installed in the Information Center.	Yes	Adopted		
69	2001 Year End Report	Monitors should be installed in the lobby of the San Jose Police Station displaying information such as activities, services, and meetings taking place in the Police Administration Building.	Pending	Adopted		
70	2001 Year End Report	Access to public restrooms should be made available to the public from within the San Jose Police Station lobby. This would eliminate the requirement to sign in with desk officers, go through the security gate, and provide access to restricted areas of the police department.	No	Not Adopted		



2011 IPA Audit of Recommendations to SJPD

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71	2001 Year End Report	A receptionist should be placed in the San Jose Police Station lobby to provide assistance and information to the general public.	Pending	Obsolete		
72	2001 Year End Report	Customer service training should be developed and provided to officers assigned as desk officers working at the Information Center located in the lobby of the SJPD.	Yes	Adopted		
73	2001 Year End Report	Information Center Sergeants should have the front desk as their primary responsibility and they should be provided office space where they can monitor the activities of the Information Center.	Yes	Adopted		
74	2001 Year End Report	The Chief of Police should implement incentives to attract officers to work at the Information Center.	Pending	Obsolete		
75	2001 Year End Report	Include in police job descriptions and recruiting material those skills necessary to effectively implement community policing such as communication, conflict resolutions, and interpersonal skills.	Yes	Adopted		
76	2001 Year End Report	Design and implement recruiting strategies that depict and address family related issues.	Yes	Adopted		



2011 IPA Audit of Recommendations to SJPD

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77	2001 Year End Report	Revise the policies governing transfer opportunities for SJPD sergeants to require that openings be posted, and that the application and selection process, provide all candidates an equal opportunity for the assignment.	Yes	Adopted		
78	2001 Year End Report	Continue to develop and provide training in communication and interpersonal skills as ongoing CPT.	Yes	Adopted		
79	2001 Year End Report	Train all SJPD staff members, especially those who are in positions of providing information to the public, about the citizen complaint process, the functions of the IPA and IA unit, and where a complaint can be filed.	Yes	Adopted		
80	2001 Year End Report	The SJPD should compile vehicle stop data on an annual basis so that a comparative analysis can be made from year to year.	Yes	Adopted	While the data is collected, there is no mechanism for a comparative analysis. Data collection needs to be monitored if monitoring is not automatic.	



2011 IPA Audit of Recommendations to SJPD

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81 (same as #56)	2001 Year End Report	The Chief of Police should expand the fields for data collection to determine how an individual who has been stopped by the police was treated during the contact, i.e. was a search conducted. The data should include search information, the factual basis for the stop and action taken by the police officer as a result of the stop.	Yes	Adopted		
82	2002 Mid-Year Report	Complete the investigation of all citizen complaints within six months.	No	Not Adopted		
83 (same as #3)	2002 Year End Report	It is recommended that the Chief of Police continue to provide Intervention Counseling for subject officers meeting a set criterion.	Yes	Adopted, But No Proof of Implementation	SJPD initially produced a heavily redacted document. Subsequently, SJPD promised, but did not deliver, the unredacted document. IPA was unable to confirm that SJPD has fully implemented Intervention Counseling. SJPD has not confirmed that Department-Initiated Investigations are included in the complaint tallies for purposes of an early warning system (EWS). IPA suggests expanding EWS indicators to include, among other things, civil claims and lawsuits. The IPA commends SJPD for its promise to expand EWS criteria; however that does not address IPA's request for documentation verifying the current system.	SJPD is revising its EWS using best practices by gathering information from other law enforcement agencies, and will implement the revised system by June, 2012. The EWS will be initiated via IAPro. EWS criteria will comprise 10-15 data points, including officers: (A) who receive 3 or more complaints of any type (rather than the same type only) in a 12-month period; (B) who are members of a team that incurs 5 complaints collectively in a six-month period; and (C) using data points beyond receipt of misconduct complaints, such as # of vehicle accidents, use of force incidents, and use of sick leave.



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
84	2002 Year End Report	It is recommended that the Chief of Police implement procedures to ensure that officers attending Intervention Counseling are well informed about the early warning system and Intervention Counseling prior to participating.	Yes	Adopted		
85	2002 Year End Report	It is recommended that the Chief of Police direct the Command staff to factor an officer's work assignment and level of proactive policing as part of the discussion held during the intervention counseling session.	Yes	Adopted		
86	2002 Year End Report	It is recommended that the Chief of Police direct the Command staff to incorporate discussion about the allegations and findings of the officer's complaint history to determine if a pattern exists.	Yes	Adopted		
87	2002 Year End Report	It is recommended that the Chief of Police upgrade the SJPD's early warning system to include other indicators such as civil claims and lawsuits.	No	Not Adopted		



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
88	2002 Year End Report	It is recommended that the Chief of Police in conjunction with the City Manager develop a written policy that addresses the procedure to follow when serious misconduct allegations are filed against top ranking SJPD officers.	Yes	Adopted, But Not Yet Implemented	Current policy only provides direction about allegations of harassment or discrimination.	The Duty Manual will be modified by December 2012 to include direction on how to make a complaint against a high-ranking officer.
89	2003 MidYear Report	A written policy should be drafted and implemented that designates personnel whose primary focus would be to serve as the liaison to the family of the person injured or killed as the result of an officer-involved shooting.	Yes	Adopted		
90	2003 MidYear Report	The San Jose Police Department (SJPD) should improve dissemination of information to the public by developing and providing written materials that describe the process, agencies and general information that address frequently asked questions about officer-involved shootings or fatal incidents involving public safety officers.	Yes	Adopted, But Not Yet Implemented	SJPD has agreed to develop a Frequently Asked Questions document about the officer-involved shooting investigation protocol, and to post it on the SJPD website.	Press releases about officer-involved shootings are currently available on the SJPD website. A Frequently Asked Questions document will appear on the homicide unit page by March 2012.
91	2003 MidYear Report	The SJPD should prepare an annual report detailing the work of the Officer Involved Shooting Review Panel and any new recommendations/policies/ or findings.	Yes	Obsolete	The IPA provides this information in its annual report. Requiring SJPD to produce a separate report would be duplicative.	



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
92	2003 MidYear Report	The SJPD should refrain from making any statements that appear to predetermine the outcome of the investigation or unnecessarily place the injured or deceased person in a negative light.	Yes	Adopted		
93	2003 MidYear Report	The IPA should be part of the roll-out team to the scene of an officer involved shooting. Amended To: The IPA will be notified immediately after an officer-involved shooting by the Internal Affairs Commander. The IPA may respond to the scene of the officer-involved shooting and contact the Internal Affairs Commander at the outer perimeter of the crime scene. On-scene personnel will then brief the IPA and Internal Affairs Commander as to the details of the incident.	Yes	Adopted		



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
94	2003 MidYear Report	<p>The IPA's review of officer-involved shootings, where no citizen complaint is filed, should be as thorough as its review of officer-involved shootings where a citizen and complaint is filed and should mirror the oversight of citizen complaints. Amended To: The IPA will be provided with a copy of the Internal Affairs administrative investigation document of the officer-involved shooting for auditing purposes as soon as practical after the criminal case has been concluded, but prior to the closing of the administrative investigation. The IPA will coordinate outreach efforts immediately after an officer-involved shooting incident and the SJPD will ensure that it participates in these forums.</p>	Yes	Adopted	<p>IPA authority is limited to participation in the shooting review panel convened after an officer involved shooting incident. The IPA does not audit investigations of officer involved shooting incidents unless an individual has filed a conduct complaint about the incident.</p>	



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
95	2003 MidYear Report	<p>The San Jose Municipal Code should be amended to include the IPA on the list of council appointees authorized to enter into contractual agreements.</p> <p>Amended To: The City Manager or the City Attorney as the case may be, will cooperate with the IPA to utilize their respective contracting authority to assist the IPA in obtaining expert consultants for purposes of training, and not for the purpose of reviewing any specific complaint. In the event of a disagreement, or the need for services that cost in excess of \$100,000, the request may be referred to the City Council for decision. This agreement will be evaluated after one year to determine if the IPA's needs are being adequately addressed.</p>	Yes	Adopted		
96	2004 Year End Report	<p>The IPA supports continued tracking of TASER use by the SJPD, ongoing analysis of updated information about the use of TASERS, and recommends continued reporting of TASER use by SJPD officers.</p>	Yes	Adopted, But Not Yet Fully Implemented	<p>SJPD has been gathering the data without analysis since March 2008. SJPD should perform analysis and periodically present the results of that analysis to city council and the public.</p>	<p>By January 2013, SJPD will implement the "Blue Team" via IAPro. The system will allow SJPD to quickly track all types of force used and to sort by weapons.</p>



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
97	2004 Year End Report	The IPA and Internal Affairs (IA) should revise intake procedures to comply with California Penal Code §832.7, which requires agencies receiving citizen complaints to provide complainants with a copy of their statements at the time the complaint is filed.	Yes	Adopted		
98	2005 MidYear Report	The IPA should be issued a copy of all Homicide reports and other documents provided to Internal Affairs (IA) in officer-involved shooting cases. The IPA will secure the reports in a locked file and return them to the SJPD after all analysis is completed.	Yes	Adopted		
99	2005 MidYear Report	That the SJPD establish written guidelines for TASER use in the use of Force chapter of the Duty Manual. Amended To: The TASER usage Guidelines presented to the City Council on November 29, 2005 by the SJPD will be issued to all officers as a Training Bulletin that will become part of the training curriculum. The TASER guidelines will be binding on officers and they will be held accountable to them as they are to policies in the SJPD Duty Manual.	Yes	Adopted		



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
100	2005 Year End Report	That the SJPD establish an expanded shooting at vehicles policy. Amended To: The SJPD staff is directed to consider establishing an expanded Shooting at Vehicles Policy and report back to the City Council.	Yes	Adopted		
101	2005 Year End Report	That the SJPD continue to train officers to wait for backup, when practical, in situations where there are reasonable objective indicators that the situation could escalate to violence.	Yes	Adopted		
102	2006 Year End Report	That the Mayor and City Council: a) Direct the City Manager to direct the SJPD to implement a complaint process which utilizes objective criteria for complaint classification in collaboration with the IPA [Originally a two-part request]	Yes	Adopted		
103	2006 Year End Report	That the Mayor and City Council: b) Grant the IPA concurrent authority over the classification of complaints. [Originally a two-part request]	No	Not Adopted		



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
104	2006 Year End Report	That the Mayor and City Council: a) Direct the City Manager to direct the SJPD to conduct administrative investigations in all critical incidents in which an officer's use of force or any other department action results in death or serious bodily injury; b) Mandate that the IPA review the administrative investigation in all such cases.	No	Not Adopted		
105	2006 Year End Report	That the Mayor and City Council consider granting the IPA specific limited authority to investigate. Exercise of such authority would be limited to: a) Investigation of community-initiated complaints which IA did not investigate; b) Investigation of critical incidents in which any SJPD action resulted in death or serious bodily injury and the SJPD did not conduct an administrative investigation; c) Investigations of complaints or critical incidents that are deemed by the IPA to be incomplete.	No	Not Adopted		



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
106	2007 Year End Report	That the Mayor and City Council direct the City Manager to direct the SJPD to enter misconduct complaints into the shared database contemporaneous with the date of SJPD knowledge of the complaint to ensure accurate recording, reporting and tracking of all complaints.	No	Not Adopted		
107	2007 Year End Report	That the Mayor and City Council direct the City Manager to direct the SJPD to revise its policies to ensure that written notice is given of the property return/auction/disposal process to the owner at the time that property is booked.	In progress	Adopted But Not Yet Implemented		SJPD has now agreed to modify the report receipt card to include notification information to owners of property seized for safekeeping by June 2012. This process will be memorialized in the Duty Manual by December 2012.
108	2007 Year End Report	That the Mayor and City Council direct the City Manager and the City Attorney to standardize the processes used by San Jose City departments to provide notice to owners of the intention to tow a vehicle for violation of San Jose Municipal Code §11.56.020.	Yes	Adopted		



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#	Report Date	Recommendation	Did SJPD Previously Report Adoption?	IPA Audit Determination	IPA Comment	SJPD Response
109	2008 IPA 647(f) Report	That the Council take action to direct the City Manager to direct the SJPD to institute a policy that an officer making an arrest for 647(f) must complete a chemical test on that person.	In progress	Adopted		