



Memorandum

TO: PUBLIC SAFETY, FINANCE AND
STRATEGIC SUPPORT COMMITTEE

FROM: Robert L. Davis
Chief of Police

SUBJECT: SEE BELOW

DATE: September 10, 2009

Approved

Date

9/14/09

**SUBJECT: INFORMATIONAL MEMORANDUM PERTAINING TO THE
CURRENT STATUS OF THE PUBLIC INTOXICATION PROJECT,
AND DISTURBING THE PEACE / RESISTING ARREST REPORT.**

BACKGROUND

This informational memorandum provides the Public Safety, Finance and Strategic Support Committee (PSFSSC) with an overview of the current projects and reports related to the San Jose Police Department (SJPD). There are a number of reports on the September 2009 PSFSSC agenda that discuss police services, arrest rates, and/or police-related efforts underway or forthcoming. Project and issue-specific information will be presented in this memo pertaining to the various reports noted above. This report summarizes the many proactive measures underway, at a higher-level review, in order to address concerns recently expressed.

ANALYSIS

For the September PSFSSC, the City Council requested that various reports covering police services be provided, which are:

- One-Year evaluation on the Internal Affairs Unit's Citizen Complaint Process;
- Current status of the Public Intoxication Project; and,
- Arrest statistics for Disturbing the Peace/ Resisting Arrest.

The one year evaluation of the Citizen Complaint Process will be deferred to October. Separately, the Downtown Coordinator will provide a status report on efforts underway by the Downtown Advisory Committee. Listed below is a discussion of the various efforts for the following categories: Community Relations, Police Accountability, Training, and Innovations.

Community Relations

- The SJPD is continuing its outreach to community stakeholders and has already planned for an upcoming Spanish-speaking citizen's police academy to commence on October 14, 2009. The Chief of Police worked with Council offices and community groups such as La Raza and Strong Neighborhood Initiative (SNI) representatives to identify monolingual attendees for this innovative opportunity. To date, approximately twenty people have enrolled in the Academy.
- To further enhance training of SJPD officers, a special *Community of San Jose* video with a Latino focus is being developed to highlight some of the cultural diversity and sensitivity issues commonly encountered between law enforcement and community members in the course of police work.
- The SJPD is continuing to work with other City staff in anticipation of the PSFSS Committee evening meetings regarding police services. These meetings will be used to identify additional work plan items that may not be covered by the various efforts already underway.
- The SJPD has been working with the Consortium for Police Leadership in Equity (CPL) to advance the project. Following the completion of the Memorandum of Understanding (MOU) between the CPL and the City, the CPL will begin reviewing SJPD long-term data across many categories of arrest statistics and will perform analyses, including comparisons among comparable cities throughout the nation. An important focus of CPL's initial phase of research will center on compiling and reporting arrest statistics and related race-based data to report back to the City so that a more in-depth understanding of these complex issues can be achieved. One of the first research projects to be undertaken by CPL is aimed at studying police interactions with members of different racial groups and detecting whether any bias-based policing exists.
- The Chief of Police is currently planning the development of an advisory council, comprised of community members who will be willing to meet with the Chief of Police on a routine and informal basis to provide input on issues of community concerns or trends.

Police Accountability

- The SJPD is in the process of developing a Department work plan that will strengthen the Early Warning System (EWS). The current EWS seeks to identify officers and supervisors who may be having problems on the job and to provide those officers with the appropriate counseling or training. The EWS remains responsive to the needs of the individual officer while also helping to improve overall organization health, performance and accountability. The EWS work plan will be included in the one year evaluation of the Citizen Complaint Process report in October.
- The SJPD has refreshed business practices, training and policies that center on enhanced report writing and uniform supervisory review and sign-off so that improvements can be applied to all in-custody arrests, including the disturbing the peace and resisting arrest. In particular, on November 7, 2008, the SJPD implemented a requirement for supervisory review and approval for all in-custody arrests through a change in Department policy. As

a result, SJPD now requires ongoing review of report documentation on all in-custody arrests.

- To sustain quality improvements over time, the SJPD's Bureau of Field Operations (BFO) coordinates random spot checks on the quality of documentation in arrest reports, to include accurate narrative information, timeliness of report turn-in, comprehensiveness of offense elements, and proper supervisor review and sign-off.

Training

Public Intoxication

- In December 2008, officers received refresher training in emphasizing documentation of Field Sobriety Exercises (FSE's) in Arrest Reports.
- The SJPD Training Unit has enhanced the Department's training program in such areas as utilizing the newly created 647(f) Public Intoxication arrest form; consistent, accurate and timely report writing; and the uniform documentation of probable cause elements in reports.
- The SJPD has expanded the training provided at the Police Academy from a one-hour training block on Public Intoxication arrests [PC §647(f)] to a three hour block including scenario testing and report writing.
- The San Jose SJPD began offering Preliminary Alcohol Screening (PAS) tests to those suspected of public intoxication [PC §647(f)] in November, 2008.
- The SJPD has provided training to approximately 130 officers that work in the Downtown Entertainment Zone. This training involved the reinforcement of report-writing skills, the offering of a PAS test and the supervisory review and sign-off process.

Resisting Arrest/Disturbing the Peace

- On November 7, 2008, the SJPD implemented a change in Department policy requiring supervisory review and approval for all in-custody arrests.
- The SJPD has already initiated additional training for police officers and supervisors. Coordinated by the SJPD Training Unit, the training seeks to strengthen and expand related curriculum dealing with public intoxication, resisting arrest and disturbing the peace arrest practices.
- Training bulletins are employed on a more frequent basis to help deliver pertinent updates on a variety of issues with the goal of enhanced report writing.

Innovations

- As part of the ongoing efforts to attempt to integrate new technologies in law enforcement, the SJPD has agreed to partner with TASER International to become the first law enforcement agency in the nation to test the utilization of the AXON mobile camera system. The AXON mobile camera will be outfitted directly on police officers so that audio and video coverage of arrests in the field can be recorded for review at a later time if need be.

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- The SJPD created a new Public Intoxication Arrest Report specific to PC §647(f) reports. The form is a collaborative effort between the SJPD, the Office of the District Attorney (DA) and the Office of the City Attorney.
- The SJPD was directed by Council to develop and implement, in coordination with the District Attorney's Office, Department of Corrections and Superior Court, a program that would not seek prosecution of Public Intoxication PC §647(f) arrests until an individual is arrested for a sixth offense in a rolling twelve month period. To date, there have been four individuals considered for deferred prosecution under this new program.
- Part of the new Entertainment Zone Policing Model included alcohol server training. The SJPD was successful in receiving a grant from the Alcoholic Beverage Control (ABC) to help facilitate these trainings. The first training was held at City Hall and approximately 100 employees and managers from downtown and Santana Row attended the training. An additional training has been scheduled for October 7th.

COORDINATION

This report has been coordinated with the Office of the City Manager.

CEQA

Exempt.



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Chief of Police

For questions please contact Thomas Sims, R&D Lieutenant, 277-5250.