

Public Safety, Finance & Strategic Support Committee

City of San José Police Department:

September 17, 2009

Item # 4 (a) & (c)

**Current Status of the Public Intoxication Project &
Disturbing the Peace / Resisting Arrest Report**



Current Status of the Public Intoxication Project

Goal: Develop alternatives to arrest (i.e., sobering station); decriminalize drunk-in-public arrests;

- Public Intoxication Project based on recommendations from PITF (“6 in 12”, detention vs. arrest)
- Collaborative, multi-agency program with gained efficiencies and no hard-costs; scalable to other agencies in the future 52% decline in drunk-in-public arrests from Jan-Jul 2008 vs. Jan-Jul 2009 (2822 vs. 1368)



Current Status of the Public Intoxication Project

Factors contributing to downturn in drunk-in public arrests:

- Heightened social awareness of issue, focused officer training, coordination with Downtown club managers/security, economic downturn, and police responsiveness to community input
- Since July 1, 2009, 5 individuals qualified for “6 in 12” review by the District Attorney



Current Status of the Public Intoxication Project

SJPD Public Intoxication Project Process Multi-stage process comprised of 5 general areas:

1. SJPD Arrest & Review
2. Jail/Sober-up & Release and Assign Court Date
3. SJPD changes arrest to detention
 - SJPD Monitors “6 in 12”, Issues Detention Certificate & SJPD Vacates Court Date
4. SJPD sends qualified “6 in 12” Arrestees to DA for review
5. DA Determines applicable charges
 - Arrestee Goes through Misdemeanor Court as Part of Judicial Process



Disturbing the Peace / Resisting Arrest Report

- Community input/concern that Latino population disproportionately represented in arrest statistics for Resisting Arrest (§ 148 PC) and Disturbing the Peace (§ 415 PC)
- Community input/concern that PC § 148 & PC § 415 arrests are discretionary (vs. non-discretionary) practices subject to police misuse
- Penal Code Sections 148 & 415 have multiple enforceable elements; dissimilar to drunk-in-public [647(f)]
 - Clarifying explanation for PC § 148 & PC § 415 (Attachment A, pp 6-7)



Disturbing the Peace / Resisting Arrest Report

Jan. – July Total Arrests: 17,500

Arrest Type	2008 (Jan.-July)	2009 (Jan.-July)
148	46	40
148 & 415	8	13
148 & 647(f)	67	34
148 & 415 &647(f)	14	8



Disturbing the Peace / Resisting Arrest Report

- Statistical disparities and percentage differences do not tell the whole story
- Analyzing data to discern whether bias-based police actions are a factor is exceedingly complex
- Role of Consortium for Police Leadership in Equity (CPLE)
 - Extensive outreach
 - Rigorous research
 - Communication and reporting to all stakeholders
- Dr. Phil Goff (CPLE) provided expert guidance and statements at April 22, 2009 Rules & Open Government Committee meeting



Disturbing the Peace / Resisting Arrest Report

SJPD Proactive Law Enforcement Measures:

- Report Writing/Supervisory Sign-Off
- Training
- Spanish-Speaking Citizens' Police Academy
- Mobile Camera Demonstration Project
- CPLE's Statistical Research & Projects



Disturbing the Peace / Resisting Arrest Report

Police Statistical Data:

- SJPD RMS Arrest Data: CY 2008 & January through May, 2009
- Broad list of categories of arrest statistics; violent and property crime types
- CPLE noted Statistical disparities for Latino arrest population are not evidenced solely in “discretionary” arrest categories
- Factors influencing race/ethnic over-representation in arrest categories requires comprehensive research and analysis (CPLE)

