



Final Report

21ST CENTURY POLICING ASSESSMENT OF THE SAN JOSÉ POLICE DEPARTMENT

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Executive Summary

Recognizing the urgent need for transparency, accountability, and legitimacy, the San José Independent Police Auditor—through a competitive bid—selected CNA’s Center for Justice Research and Innovation to complete an assessment of the San José Police Department’s (SJPD) implementation of recommendations and action items found within the President’s Task Force on 21st Century Policing report, published in 2015. This work coincided with an assessment of the SJPD’s use of force and was completed by members of the same team. The 21st Century Policing assessment focused on the six areas found within the Task Force’s report:

- Building Trust and Legitimacy
- Policy and Oversight
- Technology and Social Media
- Community Policing and Crime Reduction
- Training and Education
- Officer Wellness and Safety

In this executive summary, we present a summary of the findings of our assessment and a summary of the key recommendations offered to SJPD and the city. We encourage interested individuals to read the details in the body of this report, where they will find the complete assessment of all recommendations and action items, and detailed supporting evidence for our findings and recommendations. See Appendices C and D for the full list of findings and recommendations.

Through interviews, document reviews, community listening sessions, and data analyses, the team discovered the following key themes:

Summary of Key Findings

- The SJPD implemented or has made substantial progress on implementing many of the recommendations and action items of the President’s Task Force on 21st Century Policing
- SJPD operates with fewer officers per capita than other cities of similar size
- The SJPD has taken significant steps to creating a diverse workforce through a comprehensive recruitment approach
- The SJPD does not consistently collect empirical data on public sentiment related to trust and legitimacy
- The SJPD does not consistently collect public input on policies, training, and operations
- The SJPD does measure the impact of their organizational change efforts

- The SJPD does not consistently collect empirical data on employee sentiment related to the direction of the organization and organizational decisions.
- The SJPD does not consistently collect employee input on policies, training, and operations
- The SJPD uses best practices related to eyewitness identification protocols
- The City of San Jose has expanded the authority of the Independent Police Auditor as part of the accountability system
- The SJPD has several prohibitions against profiling and discrimination and has sufficient avenues for accountability should an officer engage in such practices
- The SJPD does not provide publicly available data regarding SJPD stops, summonses, and arrests
- The SJPD does not require officers to gain consent during warrantless searches and document the consent in a consistent manner
- The SJPD uses a variety of technologies and incorporates several privacy safeguards
- The SJPD has a good BWC program foundation and utilizes BWC footage for training purposes.
- The BWC program could be enhanced through a consistent audit program and a robust stakeholder input process
- The SJPD has extensive departmental social media efforts and has recently revised directives related to employee use of personal social media
- The SJPD participates in several department-wide and divisional community engagement initiatives
- The SJPD incorporates measures of community policing into officers' annual performance evaluations
- The SJPD does not consistently measure the impact of its community engagement efforts
- The SJPD does not have a comprehensive written community policing strategy or plan
- The SJPD incorporates a co-responder model for crisis response but does not evaluate the efficacy of the model
- The SJPD is involved in youth-oriented engagements but does not engage schools
- The SJPD has delivered several trainings related to community engagement and the history of policing's impact on racial minorities
- The SJPD incorporates technology into departmental training
- The SJPD's field training program sufficiently prepares recruits for the role of becoming a police officer

- The SJPD has incorporated several approaches to officer safety and wellness
- The SJPD approaches to officer wellness are not measured, impeding the department's ability to determine the extent to which they have been successful
- The SJPD issues first aid kits to all patrol officers but does not require officers to carry them
- The SJPD is in the process of developing an expanded EIS program

Summary of Key Recommendations

- Maintain current efforts for all findings recognizing SJPD's positive efforts
- Continue to address the findings of the recent City Auditor's staffing assessment
- Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy
- Incorporate a regular organizational survey to collect employee sentiment about the direction of the organization and organizational decisions
- Incorporate consistent and regular feedback from community members and SJPD members on departmental policies, training, and operation
- Incorporate measures to assess the impact of community engagement and organizational change efforts
- Utilize findings of prior evaluations to inform future efforts to create a learning organization cycle in accordance with the Scanning, Analysis, Response, and Assessment (SARA) model for problem-oriented policing
- Where allowed by law, provide publicly available data regarding SJPD stops, summonses, and arrests
- Create a comprehensive community engagement plan for the department and each division
- Require officers to gain consent during warrantless searches and document this consent in a consistent manner
- Incorporate a consistent BWC audit program and gather robust stakeholder input on the process
- Develop personalized community engagement goals for officers based on the department and division community engagement plans, including the metrics officers will be evaluated on
- Collaborate with community-led efforts for non-law enforcement responses to mental health crises and help identify which types of calls should be handled by SJPD and which types of calls need not be

- When developing a community engagement plan, identify youth as a population worthy of specialized outreach, beginning with engagement with schools but also extending to diversion and reentry efforts
- Implement a civilian academy and allow for a formal evaluation of the training and overall experience
- Conduct an internal survey, ideally with an outside research partner, to study the specific mental health challenges that SJPD sworn and nonsworn personnel are experiencing
- Work with a research partner to develop a customized plan for ensuring members' wellness based upon on evidence-based practices
- Evaluate the goals for the Crisis Management Unit and assess whether the current resources are sufficient to accomplish those goals
- Revise the Duty Manual to consider first aid kits as "required equipment."
- Develop consistent and reliable measures for evaluating the operation of the EIS

Contents

- Introduction13**
 - Goals and Objectives.....15
 - Overview of the report.....16
- Methodology and Approach.....18**
 - 21st century policing questionnaire.....19
 - Site visit.....19
 - Document review.....20
 - Interviews and officer focus groups20
 - Community listening sessions and interviews20
- Pillar 1: Building Trust and Legitimacy.....22**
 - 1.1 Recommendation:22
 - 1.2 Recommendation:24
 - 1.2.1 Action Item:24
 - 1.3 Recommendation:26
 - 1.3.1 Action Item:26
 - 1.3.2 Action Item:26
 - 1.4 Recommendation:32
 - 1.4.1 Action Item:32
 - 1.4.2 Action Item:32
 - 1.5 Recommendation:35
 - 1.5.1 Action Item:35
 - 1.5.2 Action Item:35
 - 1.5.3 Action Item35
 - 1.5.4 Action Item:35
 - 1.6 Recommendation:38
 - 1.6.1 Action Item:38
 - 1.7 Recommendation:39
 - 1.8 Recommendation:41
 - 1.9 Recommendation:44
 - 1.9.1 Action Item:44
 - 1.9.2 Action Item44
 - 2.1 Recommendation:47
- Pillar 2: Policy and Oversight.....47**
 - 2.2 Recommendation:49
 - 2.2.1 Action Item:49
 - 2.2.2 Action Item:49
 - 2.2.3 Action Item:49
 - 2.2.4 Action Item:49
 - 2.2.5 Action Item49
 - 2.2.6 Action Item:49
 - 2.3 Recommendation:51

2.4 Recommendation:	53
2.5 Recommendation:	54
2.5.1 Action Item:	54
2.6 Recommendation:	56
2.6.1 Action Item:	56
2.7 Recommendation:	57
2.7.1 Action Item:	57
2.7.2 Action Item:	57
2.8 Recommendation:	58
2.9 Recommendation:	60
2.10 Recommendation:	61
2.11 Recommendation:	63
2.11.1 Action Item:	63
2.12 Recommendation:	64
2.13 Recommendation:	65
Pillar 3: Technology and Social Media	66
3.1 Recommendation	66
3.1.2 Action Item:	66
3.1.3 Action Item:	66
3.2 Recommendation:	68
3.2.1 Action Item:	68
3.2.2 Action Item:	68
3.2.3 Action Item:	68
3.3 Recommendation:	73
3.3.3 Action Item:	73
3.4 Recommendation:	75
3.5 Recommendation:	76
Agency social media:	76
Individual officers' social media:	77
Pillar 4: Community Policing and Crime Reduction	79
4.1 Recommendation:	79
4.1.1 Action Item:	79
4.2 Recommendation:	82
4.2.1 Action Item:	82
4.2.2 Action Item:	82
4.3 Recommendation:	84
4.3.1 Action Item:	84
4.3.2 Action Item:	84
4.3.3 Action Item:	84
4.4 Recommendation:	87
4.4.1 Action Item:	87
4.4.2 Action Item:	87
4.5 Recommendation:	91
4.5.1 Action Item:	91
4.5.2 Action Item:	91
4.5.3 Action Item:	91
4.5.4 Action Item:	91

4.6 Recommendation:	93
4.6.1 Action Item:	93
4.6.2 Action Item:	93
4.6.3 Action Item:	93
4.6.4 Action Item:	93
4.6.5 Action Item:	93
4.6.6 Action Item:	93
4.6.7 Action Item:	93
4.6.8 Action Item:	93
4.7 Recommendation:	97
4.7.1 Action Item:	97
4.7.2 Action Item:	97
Pillar 5: Training and Education	99
5.1 Recommendation:	99
5.1.1 Action Item:	99
5.1.2 Action Item:	99
5.2 Recommendation:	101
5.3 Recommendation:	103
5.3.1 Action Item:	103
5.3.2 Action Item:	103
5.3.3 Action Item:	103
5.6 Recommendation:	106
5.7 Recommendation:	107
5.8 Recommendation:	108
5.9 Recommendation:	109
5.9.1 Action Item:	109
5.9.2 Action Item:	109
5.12 Recommendation:	111
5.13 Recommendation:	112
5.13.1 Action Item:	112
Pillar 6: Officer Wellness and Safety	114
6.1 Recommendation:	114
6.1.2 Action Item:	114
6.1.3 Action Item:	114
6.1.4 Action Item:	114
6.1.5 Action Item:	114
Organizational stress:	115
Fitness:	117
6.2 Recommendation:	120
6.2.1 Action Item:	120
Crisis Management Unit:	120
Critical incident stress debriefing:	122
Dispatch:	123
Sergeants:	123
6.3 Recommendation:	126
6.3.1 Action Item:	126
6.4 Recommendation:	128

6.6 Recommendation:	129
6.7 Recommendation:	131
Conclusion.....	134
Appendix A: Acronyms	136
Appendix B: Findings and Recommendations by Theme.....	138
Appendix C: Findings and Recommendations – Cost and Priority.....	146



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Introduction

The city of San José, California, with a population of approximately 1.05 million, is the tenth-largest city in the United States and the third-largest city in California. The city covers approximately 181 square miles at the southern end of the San Francisco Bay and has a relatively low population density. The city's population has grown over the past decade with an 11 percent increase of roughly 100,000 people.¹ The San José Police Department (SJPD) has also changed along with the city's demographic and economic growth as have the number of index crimes reported annually.² The Department's operating expenditures grew from roughly \$290 million in 2010–2011 to an operating budget of \$472 million for 2020–2021 (a 63 percent increase).³ During 2020–2021, the SJPD was budgeted for 1,157 sworn positions and 558 civilian positions; however, high vacancy rates among street-ready officers have consistently presented a challenge, with only 83 percent of authorized sworn positions filled with full-duty, street-ready officers as of June 2020.⁴

The SJPD's mission is to create safe places to live, work, and learn through community partnerships. The Department maintains a commitment to integrity, courage, excellence, service, diversity, innovation, and respect. The SJPD is administered by a command staff including the chief of police, assistant chief of police, four deputy chiefs, and a civilian deputy director presiding over an Operations Command divided into four bureaus and the Office of the Executive Officer.⁵

The SJPD, emulating the city's technological innovation, is at the forefront of technological advances in policing. For example, San José was the first American city to make emergency calls available online through CrimeReports.com. Consistent with the trends of most other large American cities, crime levels continued to decline after rising in the 1980s. Crime in San José was lower than in other large American cities until 2013, when crime rates in San José climbed above California and US averages.⁶ Looking at year-to-date trends, reported violent crime in 2021 is up 14 percent and reported

¹ Office of the City Auditor. (2020). *Annual Report on City Services 2019-20*. San José, CA: Office of the City Auditor. <https://www.sanjoseca.gov/home/showpublisheddocument/67957/637467496715000000>

² Index crimes include homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.

³ Office of the City Auditor. (2020). *Annual Report on City Services 2019-20*. San José, CA: Office of the City Auditor. <https://www.sanjoseca.gov/home/showpublisheddocument/67957/637467496715000000>

Office of the City Auditor. (2021). *Police staffing, expenditures, and workload: Staffing reductions have impacted response times and led to high overtime costs*. San José, CA: Office of the City Auditor. <https://www.sanjoseca.gov/home/showpublisheddocument?id=70064>

⁴ Office of the City Auditor. (2020). *Annual Report on City Services 2019-20*. San José, CA: Office of the City Auditor. <https://www.sanjoseca.gov/home/showpublisheddocument/67957/637467496715000000>

⁵ To view the organizational chart <https://www.sjpd.org/home/showpublisheddocument/254/637358688147070000> retrieved Sept. 13, 2021.

⁶ <https://www.mercurynews.com/2013/12/16/san-jose-crime-rate-surpasses-u-s-average-arrests-plummet/>, retrieved Sept. 14, 2021.

property crime is down 10 percent from 2020.⁷ Most recently, on May 26, 2021, San José experienced the deadliest mass shooting in the history of the Bay Area.⁸ Ten people were shot and killed at a railyard, including the gunman, who also shot and killed himself. Shortly after the incident, in June 2021, the City Council proposed changes to the municipal code that would make San José the first city in the US to require gun owners to carry liability insurance.⁹

On December 2, 2020, the city released its consulting services request for proposals for a *Review and Report on SJPD's Use of Force and 21st Century Policing Policies*. Six proposals were received and competitively reviewed and evaluated on general requirements, experience and qualifications, and technical approach, with additional points awarded for local and small businesses.¹⁰ After review, the city recommended that CNA be awarded the contract on February 12, 2021.

CNA has more than 77 years of experience working with government clients and roughly 17 years with public clients in preparing research findings, developing policy guidance, and identifying and incorporating best practices. CNA has supported 450 law enforcement agencies nationwide in implementing 21st Century Policing best practices and has worked with 39 cities and counties in California through many law enforcement and emergency management projects and programs.

CNA uses a multifaceted approach that includes data-driven methods and community engagement in its police department reviews. As part of the SJPD assessment work, CNA was expected originally to work collaboratively with a separately selected community engagement and facilitation consultant to obtain community feedback. However, the consultant selected on February 25, 2021, dropped out of the process soon after and the initial community advisory group was disbanded in June 2021. A new *Reimagining Public Safety Community Advisory Committee* launched in August 2021. Despite the shift in the reimagining process, CNA continued work under its contract and conducted multiple community listening sessions to incorporate community feedback into its final deliverables, including this report on SJPD's 21st Century Policing assessment (see our Methodology and Approach section for more information about the listening sessions).

After the [Final Report](#) of President Obama's Task Force on 21st Century Policing was released in May 2015, law enforcement agencies across the nation took notice.¹¹ Professional policing associations and international organizations endorsed the recommendations contained in the Final Report, and many law enforcement agencies, including SJPD, committed to and began to implement them.¹² The members of the Task Force, along with the Office of Community Oriented Policing Services (COPS

⁷ [Crime Statistics - Monthly | San José Police Department, CA \(sjpd.org\)](#), retrieved Sept. 14, 2021.

⁸ <https://www.mercurynews.com/2021/05/26/active-shooter-response-underway-near-san-jose-vta-light-rail-yard/>, retrieved on Sept. 13, 2021.

⁹ <https://www.kron4.com/news/bay-area/san-jose-becomes-1st-city-in-ca-to-pass-sweeping-gun-reforms/amp/> retrieved on Sept. 13, 2021.

¹⁰ City of San José. (2020). *Review and Report on SJPD's Use of Force and 21st Century Policing Policies*. San José, CA: City of San José. <https://portal.biddingo.com/landingpage/sanjose/bid/1/41213543/34587128/verification>

¹¹ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf, last accessed on Sept. 13, 2021.

¹² [21st Century Policing | San Jose Police Department, CA \(sjpd.org\)](#)

Office), believe that the benefits of building trust and legitimacy between the officers and the communities they serve could be best accomplished by comprehensive implementation of the recommendations.

SJPD, under the direction of Chief Eddie Garcia, convened working groups and implemented many initiatives to bring the Department in line with the recommended best practices promoted in the *21st Century Report*.¹³ The efforts to enact the 21st century recommendations continue under Chief Anthony Mata, who was confirmed as the new chief of police for San José, effective March 22, 2021. Overall, SJPD has made progress toward many of the taskforce recommendations. The CNA assessment team (referred to as “CNA”, “CNA team,” or “CNA assessment team” interchangeably throughout this report) found SJPD to be open from the onset of this initiative, with regular site calls and participation. SJPD readily provided CNA with information regarding Department policies and programming.

Goals and Objectives

The scope of work encompassed two topics, the first of which is an examination of the SJPD’s policies and protocols on which to base recommendations on how to align San José with the best practices outlined in the *Final Report of the President’s Task Force on 21st Century Policing* (published in 2015).¹⁴ The second was an assessment of SJPD use of force that would review and address policies, procedures, training, tools, reporting, accountability, and investigative processes. The work associated with the first topic is the focus of this report and was prepared in coordination with the Use of Force Report by the same CNA assessment team.

Some of the recommendations and action items issued by the 21st Century Policing report are targeting federal law enforcement and/or other stakeholders that the SJPD cannot influence. CNA only considered those recommendations and action items that SJPD could reasonably address and implement. CNA assessed SJPD progress toward each of the relevant recommendations and action items including those in each of the following pillars:

Pillar 1, *Building Trust and Legitimacy*, focuses on the nature of relations between law enforcement agencies and the communities they serve. The recommendations in this pillar relate to embracing a guardian—rather than a warrior—mindset, adopting procedural justice as a guiding principle, and establishing a culture of transparency and accountability in order to enhance public trust.

Pillar 2, *Policy and Oversight*, focuses on establishing policies that reflect community values. The recommendations in this pillar touch on policies that focus on use of force, mass

¹³ [21st Century Policing | San José Police Department, CA \(sjpd.org\)](https://www.sjpd.org/21st-century-policing), last accessed on Sept. 14, 2021.

¹⁴ 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. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

demonstrations, consent before searches, gender identification, racial profiling, and performance measures.

The focus of Pillar 3, *Technology and Social Media*, is on using technology to improve policing practices and build community trust. The recommendations in this pillar concern the implementation, use, and evaluation of technology and social media by law enforcement agencies.

Pillar 4, *Community Policing and Crime Reduction*, calls attention to the importance of community policing as a guiding philosophy for all stakeholders in a community. The recommendations in this pillar relate to community engagement and multidisciplinary, community team approaches for planning, implementing, and responding to problems.

Pillar 5, *Training and Education*, concentrates on training for a wide variety of challenges, including international terrorism, evolving technologies, rising immigration, changing laws, new cultural mores, and a growing mental health crisis.

Pillar 6, *Officer Wellness and Safety*, focuses on the support and proper implementation of officer wellness and safety as a multi-partner effort. This pillar's recommendations deal with shift lengths, tactical first aid kits, anti-ballistic vests, and seat belts.

Overview of the report

Following the introduction, this report contains seven sections. Section 1, the study's methodology and approach, details how CNA conducted the assessment of SJPD's 21st century policing. Each subsequent section in this report is dedicated to one of the six pillars established in from the 21st century policing report, walks through each of the 21st century policing recommendations, describes SJPD's current implementation, and how the Department might become more in line with the 21st century policing recommendations.

Using the pillars, recommendations, and action items established by the President's Task Force on 21st Century Policing (May 2015), the CNA assessment team identified and assessed all those area relative to law enforcement and SJPD efforts.¹⁵ The CNA assessment team reviewed SJPD polices, operational practices, organizational structure and management, documentation, accountability systems, performance measures and technology applications and evaluated them against the 21st century policing recommendations. The CNA team assessed whether SJPD had fully implemented, partially implemented, or had not implemented each relevant recommendation and action item and, if full implementation is advised, the CNA team proposed how the Department could achieve full implementation. Where applicable, the project team also evaluated SJPD on other relevant factors adjacent to the 21st century policing recommendations. The CNA team also considered professional

¹⁵ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf, last accessed on Sept. 13, 2021.

and academic resources relating to best practices for successfully implementing the 21st century policing recommendations.

Through Department's leadership and the agency's emphasis on 21st century policing, many recommendations were already in place before the start of this initiative. The site visit provided the CNA team the opportunity to collect documentation of SJPD's efforts. The CNA team has held regular calls with SJPD's point of contact since the beginning of this project to deepen the understanding of the agency's internal culture and the development of its practices and to request further documentation.

In addition, the report includes three appendices. **Appendix A** provides a list of acronyms that may be helpful for readers. **Appendix B** provides a complete list of recommendations divided by underlying themes, and **Appendix C** provides a complete list of recommendations with associated relative costs and priority¹⁶.

¹⁶ The assessment team did not conduct a formal evaluation of cost. The priority and cost categorizations found in Appendix C are approximations based on the collective experience of the assessment team.

Methodology and Approach

The team used the following methodological approaches to guide this assessment:

1. Evidence-based assistance with emphasis on research, including both academic research and documented lessons learned and best practices in the field
2. Multimethod assessment design, including interviews, focus groups, listening sessions, and policy and document review

The CNA assessment team used qualitative methods to assess the SJPD's progress toward the 21st century policing recommendations, the CNA assessment team attempted to engage a broad cross section of San José residents in order glean diverse viewpoints. Specifically, the CNA assessment team attempted to engage community members, faith leaders, social justice advocates, leaders within San José's vulnerable communities, criminal justice experts, representatives from the police union, SJPD rank-and-file officers, the chief of police, and the IPA. The CNA assessment team also targeted youth with outreach efforts and attempted to leverage the connections already established by city committees and programs, the Mayor's Gang Prevention Task Force, student school groups or associations, and youth groups within the city's jurisdiction to engage youth participants. Despite attempting to gain youth perspectives directly, the CNA assessment team did not meet with youth representatives. We reached out to youth organizations, including youth activists, after-school youth programs, schools, youth housing organizations, and churches. Several were unwilling to speak with us while others did not return our emails and calls. Some of this reluctance may have been due to the pandemic, some due to limited time to engender trust with potential youth groups. Finally, the CNA site team also held regular calls with SJPD's point of contacts in the Department and with the IPA to qualify and deepen the understanding of the agency's internal culture and the development of its practices and to request further documentation.

The CNA assessment team documented stakeholder perspectives through interview notes and transcripts. The team reviewed interview notes multiple times and designated specific team members to become familiar with all interview content for each pillar. The team then met weekly to discuss the findings and establish themes revealed by the stakeholder interviews, focus groups, and listening sessions. Team members then incorporated these themes into the substantive analysis in the report, the development of findings, the supporting evidence, and the associated recommendations. Finally, all team members reviewed draft findings and recommendations to ensure that stakeholder viewpoints gathered by each member of the CNA assessment team were reflected and incorporated. The team used this iterative approach to ensure that interpretations were as consistent and accurate as possible.

Our approach to the multi-stakeholder review takes advantage of best practices from our work conducting similar reviews for other public safety agencies and was designed to help promote transparency and trust from all involved stakeholders. As part of this, CNA engaged in meetings with

the targeted stakeholders using a combination of individual interviews, small group interviews, and listening sessions. The team also provided an email address for written input from stakeholders. Each individual or small group interview was led by an experienced interviewer from our CNA assessment team using an interview protocol developed collaboratively by analysts and subject matter experts. The protocol ensured that interviews were conducted consistently across interviewees to ensure a breadth of perspectives and allow for some open-ended dialogue. CNA employed a non-attribution policy when conducting interviews, focus groups, and listening session. The report does not include potentially identifying information about any specific interviewees without their permission. This assurance facilitated candor among the stakeholders that participated in the data collection.

As we anticipated, the COVID-19 pandemic prevented substantial in-person engagement, most of the interviews and meetings were conducted using an online platform, such as Zoom, WebEx, or Microsoft Teams. The CNA team coordinated with the city of San José to select the appropriate technology for each engagement. When possible, the CNA assessment team conducted meetings with SJPD and city leaders in person—namely, during the site visit held from August 23–25, 2021. Each subsection below elaborates on the CNA assessment team’s data collection methods.

21st century policing questionnaire

CNA requested that SJPD complete a questionnaire about 21st century policing implementation. CNA developed this questionnaire for the Advancing 21st Century Policing Initiative. It included questions related to each of the recommendations and action items in the *Final Report of the President’s Task Force on 21st Century Policing*. It is a comprehensive assessment tool that elicits information about all aspects of the Task Force’s report. The questionnaire was hosted on a CNA server and was accessible via a public URL. It was coded with skip logic so that respondents only answered questions that were relevant to them.

SJPD’s completion of the questionnaire provided the CNA assessment team with baseline knowledge of its status regarding implementation of Task Force’s recommendations and action items. The survey responses helped the CNA assessment team tailor our assessment by recommendation and action item to either (1) verify SJPD’s complete compliance with the item, (2) develop a complete understanding of partial compliance with the item, or (3) gain an understanding of why an item has not yet been implemented.

Site visit

From August 23 to August 25, 2021, three CNA team members conducted a site visit to further investigate and document SJPD’s implementation of the task force recommendations. The site visit provided the CNA site team the opportunity to directly observe some of SJPD’s efforts and tour the facilities, including the training facility, officer wellness office, and district offices. During the site visit, the CNA assessment team also met with crime prevention specialists, the gang prevention task force, and community stakeholders. In addition, the CNA team met with SJPD’s training coordinator, Internal Affairs officers, school resource officers, and district response officers. The site team was not able to go on ride-alongs with supervisor or patrol officers during the site visit.

Document review

The SJPD identified and provided documents requested by CNA that were relevant to the topic of the evaluation. These documents included policies, general orders and directives, standard operating procedures, specialized section manuals, bulletins, local ordinances, and training lesson plans. CNA reviewed and summarized these documents and identified key 21st century policing assessment elements. CNA also conducted an assessment and content analysis to determine whether written policies and procedures are consistent with national standards and with the best practices that we have identified in our work with police departments nationwide.

The CNA team reviewed (1) SJPD's general orders and field guidelines, (2) strategic planning reports, and (3) training curriculum topics and lesson plan outlines. The policy review also focused on community policing and how community policing principles are incorporated into written documents and policy. CNA assessed whether community-oriented policing principles are incorporated into Department policy and operations, or whether they are siloed in specialized policy and training sessions. CNA also conducted a review of SJPD technology and its website and social media.

Interviews and officer focus groups

CNA conducted over 20 semi-structured interviews with SJPD personnel including representatives from the Chief's Office, Training Division, and research and development to develop an understanding of formal policies and procedures, as well as to gain insights into the agency culture and community relations. CNA also conducted 12 virtual focus groups with representatives from patrol officers, sergeants, and lieutenants. Officers discussed the SJPD's community engagement activities, officer wellness and safety, problem-oriented policing approach to solving crime, and culture within the Department. During the patrol officer focus group, officers discussed organizational culture and officer morale. The interviews provided qualitative data for our assessment of policing practices, culture, leadership, and use of force approaches, expanding our understanding of the agency's culture and unique dynamics.

Community listening sessions and interviews

CNA worked with the city to contact over 75 community stakeholders and organizations representing a diverse set of public safety perspectives and interests, including groups that work with SJPD such as the Community Advisory Board. We used email outreach as the primary mechanism for making individual connections, and social media to promote and invite the community to listening sessions. CNA hosted two virtual listening sessions with residents in San José on July 27th, 2021 and August 25th, 2021, with over 50 attendees between the two listening sessions. The information gleaned at these sessions helped the CNA assessment team understand community perspectives regarding the SJPD and its applications of use of force. Based on their direct experiences interacting with officers and the agency, community members provided insight into how the

application of SJPD policies may inadvertently result in disparate outcomes. The listening sessions also provided insight on community policing topics and engagement, and on interactions with youth.

CNA interviewed nearly 40 community stakeholders representing the diverse range of community members within San José, including representatives from Black, Hispanic, Asian, mental health, youth, and religious organizations. As community members are the most direct source of information about impressions of agency community outreach and engagement efforts, we found our conversations with these individuals to be enlightening.

Pillar 1: Building Trust and Legitimacy

1.1 Recommendation: Law enforcement culture should embrace a guardian mindset to build public trust and legitimacy. Toward that end, police and sheriffs' departments should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve.

Several areas of SJPD policy refer to procedural justice elements. For instance, in Section A 1100 (General Elements – Vision, Mission, Values), the introductory paragraph states, “The Department is committed to treating all people with dignity, fairness, and respect, protecting their rights and providing equal protection under the law.” This statement includes elements of respect and neutrality. The Department’s values also include respect as a core tenet. However, these references alone do not equate to procedural justice being a guiding principle, and the Duty Manual could benefit from an expanded discussion of core components of procedural justice (voice, neutrality, respect, and trust). For instance, CNA notes that the concept of voice is not codified within Section A 1100 and the only reference to the concept appears as part of the Department’s online presence (Section C 2400). We recommend SJPD incorporate explicit references to procedural justice and the Department’s reliance on the practice as a guiding principle within Section A 1100.

For training, we note that SJPD mandates that all officers receive procedural justice training as a condition of employment. This is also memorialized in the SJPD Duty Manual, with Section S 1704 (*Field Training Program*) stating that all newly hired officers (including transfers) will receive this training, one of three specifically identified in this section (the other two being “Policing in the Current Political and Social Climate” and “Crisis Intervention Training”).

However, we cannot currently say that procedural justice is an integrated guiding principle for the Department. The SJPD does not appear to consistently assess or measure the application of procedural justice concepts. What a department measures, reflects its priorities. For instance—a critical element of this recommendation—SJPD currently does not have an empirical methodology for determining the degree of public trust and legitimacy. Although there is evidence from conversations and interviews with SJPD personnel and community organizations that indicates that trust and legitimacy is higher than other sites that the CNA assessment team is familiar with, SJPD does not measure these constructs either through a community-wide survey or through a targeted contact survey.¹⁷

¹⁷ Rosenbaum, D. P., Maskaly, J., Lawrence, D. S., Escamilla, J. H., Enciso, G., Christoff, T. E., & Posick, C. (2017). The Police-Community Interaction Survey: measuring police performance in new ways. *Policing: An International Journal of Police Strategies & Management*.

SJPD attempted to evaluate levels of trust through a pilot program located within the Hoffman/Via Monte area of City Council District 10. In that pilot program, SJPD “held dozens of community meetings throughout the program at two local churches...[which] included education about crime reporting, presentations from other city agencies, job fairs, and opportunities to meet officers working in the neighborhood.” SJPD also increased its police presence in the neighborhood, including “vehicle and foot patrols, door-to-door canvassing, and appearances at public events.” Researchers from My90 partnered with SJPD using an online survey to collect data from community members on various topics including community safety, police presence, police role, and trust in police in response to SJPD efforts using online surveys.¹⁸

Overall, the community survey data analyzed by My90 results appeared encouraging, with all metrics of interest showing progressively more positive views of police over the three data collection periods. However, despite these findings, the pilot has not been expanded and multiple people we spoke with noted that there are no current plans to utilize the results of the project. Therefore, while the pilot represents a positive step in measuring elements of public trust and organizational legitimacy, the absence of follow-up limits our ability to say that SJPD has fully implemented Recommendation 1.1.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to fully implement the concepts of procedural justice into their operation

CNA Recommendations for Full Implementation:

1.1.1: Incorporate explicit references to procedural justice and the Department’s reliance on the practice as a guiding principle into the SJPD Duty Manual.

1.1.2: Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.

1.1.3: Utilize findings of prior evaluations to inform future efforts to create a learning organization cycle in accordance with the Scanning, Analysis, Response, and Assessment (SARA) model for problem-oriented policing¹⁹.

¹⁸ There is a summary of this work at [Police Oversight \(my90.com\)](https://www.my90.com/police-oversight), but the San José specific site related to this work [sjpaengage.com](https://www.sjpaengage.com) is unavailable.

¹⁹ [The SARA Model | ASU Center for Problem-Oriented Policing | ASU](https://www.asu.edu/center-for-problem-oriented-policing)

1.2 Recommendation: Law enforcement agencies should acknowledge the role of policing in past and present injustice and discrimination and how it is a hurdle to the promotion of community trust.

1.2.1 Action Item: *The U.S. Department of Justice should develop and disseminate case studies that provide examples where past injustices were publicly acknowledged by law enforcement agencies in a manner to help build community trust.*

The SJPD has demonstrated a willingness to discuss past injustices of law enforcement, particularly with new recruits. Such willingness is documented in several videos on SJPD's YouTube channel. In one such video, new recruits receive a class on the history of American policing, including the profession's roots as slave patrols and the treatment of African Americans during the Jim Crow era.²⁰ SJPD has also included community member testimonials as part of its recruit training on policing in the current social and political climate.²¹ Finally, former SJPD Chief Garcia and Pastor Jason Reynolds personally spoke to recruits about the murder of George Floyd.²² These efforts are commendable and are consistent with community-oriented trainings discussed in other sections of this report.

While SJPD has taken steps to communicate the message internally to its officers, there is no clear indication that SJPD has made an outward, public acknowledgement of the role that police (either in general or SJPD in particular) have had in past and present injustice and discrimination. Certainly, the public can certainly view the videos (though we suggest SJPD put a link to the videos on its website); however, this no substitute for a public statement directed towards those who have been most affected by discriminatory policing practices.²³ The ability of police departments to acknowledge the history of the profession can go a long way toward opening dialogue with reform activists and act as a catalyst for collaboration.²⁴

Providing a public statement acknowledging the history of policing would be a positive step, but it should not be the end of SJPD's efforts. As discussed throughout this report, the SJPD should measure the quality of interactions with community members to ensure that history does not repeat itself. Additionally, we discuss in the Training section of this report the need for SJPD to better measure improvements in officer knowledge and attitudes after receiving training. Overall, these measurements will act as a gauge of the level of public trust and can help SJPD create their own case study of a successful department looking forward.

²⁰ https://www.youtube.com/watch?v=p5nKtLz_7-w&t=3s&ab_channel=SANJOSEPOLICE

²¹ <https://www.youtube.com/watch?v=nf0aanwftO8>

²² https://www.youtube.com/watch?v=eLclPXEkHM&ab_channel=SANJOSEPOLICE

²³ For instance, see [IACP 2016: IACP President Apologizes for Law Enforcement's 'Historical Injustices' - Patrol - POLICE Magazine](#)

²⁴ <https://cops.usdoj.gov/RIC/Publications/cops-p241-pub.pdf>

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to fully implement a public recognition of historical injustices and measure levels of community trust as part of a comprehensive engagement approach

CNA Recommendations for Full Implementation:

1.2.1: Provide a public acknowledgement of the role that police have had in past and present injustice and discrimination.

1.2.2: Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.

1.3 Recommendation: Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. This will help ensure decision-making is understood and in accord with stated policy.

1.3.1 Action Item: *To embrace a culture of transparency, law enforcement agencies should make all department policies available for public review and regularly post on the department’s website information about stops, summonses, arrests, reported crime, and other law enforcement data aggregated by demographics.*

1.3.2 Action Item: *When serious incidents occur, including those involving alleged police misconduct, agencies should communicate with citizens and the media swiftly, openly, and neutrally, respecting areas where the law requires confidentiality.*

Overall, we believe that SJPD is largely transparent in the information made available to the public, though note that each of the approaches taken by SJPD has room for improvement. For instance, we found the [SJPD webpage for documents and policies](#) to be an extensive collection of documents and forms detailing SJPD policy and act as a valuable resource for community members. The Department also provides information about reported crime using an [interactive map](#) as well as a [use of force dashboard](#) that allows community members to review uses of force aggregated by demographics (though we refer the reader to our Use of Force Report regarding commentary on force data collection process and data reliability). Coupled with these data dashboards are tutorials and/or frequently asked questions that provide information to community members on how to use the data tools.

However, while the interactive maps described above provide reported crime, other information related to stops, summonses, and arrests is not available on the SJPD website.²⁵ These other data points help provide a more comprehensive picture (provided the data are reliable) than crime statistics alone. There are also two crime mapping dashboards, begging the question of whether they are measuring crime differently.

Additionally, some of the documents provided by SJPD are translated into Spanish and Vietnamese (the two primary non-English languages spoken in San José); however, it is unclear why others are not. For instance, while translation would certainly be a significant task given the volume, the Duty Manual is only available in English. Other documents are translated into Spanish but not Vietnamese, including the Police Clearance Letter (used for visa and immigration purposes) and the Peddler Application. Where possible, the Department should use its certified translators to translate the documents. However, where necessary to conserve SJPD resources, the city should provide translation services, prioritizing more important items first (e.g., Duty Manual).

²⁵ While SJPD does not provide information on stops, it does provide the data to the State of California, which maintains a separate dashboard with these data (<https://openjustice.doj.ca.gov/exploration/stop-data>).

As it relates to officer-involved incidents (OII)s²⁶, there are two main ways in which SJPd communicates with community members and the media about the facts of the case. First, SJPd holds a media briefing describing the events and, at times, providing body-worn camera (BWC) or surveillance camera footage.²⁷ These briefings usually occur within a few days of the OII and provide an overall timeline of the event. The most recent briefing also included a recognition that any loss of life is traumatic and an acknowledgement of the suspect's family. Additionally, SJPd prepares video presentations for each OII and puts them on the Department's website.²⁸ Providing community members with a detailed timeline and accompanying BWC/surveillance camera footage is a best practice and allows community members to better understand the context and facts of a case. Related to this, California Government Code 6254 requires police departments to make BWC video available to interested community members within 45 days of an OII (though this may be delayed to 60 or 180 day if there is an active criminal or administrative investigation). We note that the law does not require a department to proactively post all BWC footage though we recommend SJPd do so as an accompanying element to the summary presentations.

While we commend SJPd for the practice of providing these summaries, we find room for improvement. For instance, the information contained within the summaries often appears to go beyond the mere facts of the event and some summaries contain judgment statements that have the potential to bias community members' review, creating a potential accountability conflict. For instance, in at least one of the videos that we reviewed, the presenter stated the officer "feared for his life," despite also saying at the beginning that the Department would "not make any conclusions about whether the officer involved acted consistently with our policy and the law until all the facts are known and the investigation is complete." The legal threshold for using deadly force includes an objectively reasonable belief that there is an imminent threat of death or serious bodily injury.²⁹ By making this statement (and with the assumption that SJPd would not make the statement unless it was "reasonable"), SJPd may appear to be exonerating the officer despite the ongoing nature of the investigation. Rather than substantiating the officer's reported fear, the Department should only state objective facts of the case (e.g., "the suspect pulled a gun and pointed it at the officer"). Alternatively, the SJPd could make explicit that the officer stated they were fearful without the department validating the fear as an objective fact. Regardless, we recommend the SJPd avoid making such concrete statements on the officer's mindset prior to the conclusion of the investigation.

Additionally, at least one video footage presentation discussed the suspect's prior criminal history. While criminal history can be part of the totality of the circumstances (though only if the officer knew of the criminal history prior to responding), a suspect's criminal history is less important than the

²⁶ Per Section L 2646 of the SJPd Duty Manual, an Officer-Involved Incident including officer-involved shootings, in-custody deaths, and "any act by an officer, including but not limited to any use of any other deadly or dangerous weapon by an officer, which proximately causes injury likely to produce death to another."

²⁷ See, for instance, [Case# 20 230 0116 OIS Trevon Richardson on 08/17/2020 - YouTube](#).

²⁸ See <https://www.sjpd.org/about-us/organization/office-of-the-chief-of-police/critical-incident-briefings>

²⁹ <https://post.ca.gov/Use-of-Force-Standards>

actions of the suspect and officer during the incident itself. Discussions of OII events should be limited to articulable objective facts. Including the suspect's criminal history may be viewed as an attempt to paint the suspect in a negative light.

Finally, some of the videos we reviewed did not discuss each application of force, focusing instead on the actions leading up to the use of deadly force generally but not each subsequent application of force. SJPD should discuss officer and suspect actions related to each application of force, particularly for OII events in which multiple officers fire multiple shots. This would be consistent with the requirement for each application to be independently justified and would be important for community member transparency for instances where the first application of force might be justified but subsequent applications may not be (for reference, see the Laquan McDonald event in Chicago). By providing information about each critical decision throughout the event, SJPD can improve its transparency with community members.

Finally, as it relates to accountability more broadly, we reviewed processes related to the accountability system. Overall, we find that the SJPD has sufficient and transparent guidelines related to the accountability system, including sections defining investigation types, describing the investigation process, and identifying the steps all individuals in the process are expected to take. While we highlight some areas where the accountability system and Duty Manual could be improved, we believe it is generally consistent with current standards.

Overall, there are several ways that a community member is able to file a complaint against San José police officers. Community members can file complaints with the Internal Affairs (IA) Unit (either online, in person, or by phone), with the IPA (also either online, in person, or by phone), or with any officer on the street (though see below for clarity issues related to this). Community members have a wide range of methods to file complaints, all of which are described on the SJPD and IPA websites, indicating an accessible system.

However, the Duty Manual can be enhanced in some areas in order to provide greater clarity and structure for after a complaint is filed. For instance, we find that the Duty Manual is not clear about officers' roles in receiving allegations. Section C 1703 (*Acceptance of Allegations*) states, "All Department members will accept allegations from any source, whether made in person, by mail, by telephone or by an anonymous person." Conversely, Section C 1704 (*Referral of Allegations to Internal Affairs*) states that during IA working hours, the officer is supposed to refer the community member³⁰ to IA. Outside of business hours, the officer is supposed to refer the community member to an on-duty supervisor. As Section C 1703 appears to indicate that a street-level officer should "accept allegations" and (presumably) forward the allegation to IA, it is confusing that Section 1704 indicates that the street-level officer should not accept the allegations and should instead refer the community member to another entity. Section C 1711 (*Nature of Allegation Uncertain*) further confuses the issue

³⁰ The SJPD Duty Manual uses the term "citizen" in this section. For this and all other sections using the term "citizen," we recommend the more accurate term "community member."

by indicating that an officer receiving a complaint will send the complaint to IA if he or she is uncertain of the appropriate classification for the allegations.

We recommend that SJPD resolve this inconsistency in favor of requiring all Department members to accept all allegations as currently described in Section C 1703. Community members who are referred to IA or an on-duty supervisor could feel they are being given the run-around, which may deter them from taking any further action in filing the complaint. If the community member expresses a desire to file the allegation directly with IA, SJPD officers should certainly accommodate that request. However, Section C 1704 unnecessarily creates the appearance that all community members wishing to file a complaint *must* be referred to IA or the ranking on-duty supervisor.

Further related to policy, we find that the purpose of investigations found in the Duty Manual is incomplete and has the potential to be misinterpreted. Section C 1702 of the Duty Manual (*Purpose of Investigations*) states:

The thorough investigation of all allegations received serves to protect the public and Department against procedures or acts which result in misconduct by Department members. A thorough investigation further serves to protect the community, Department and its members from allegations which are based on misunderstanding or invalid information.

However, the stated purpose of a “thorough investigation” does not recognize the need for accountability and does not reference fair and impartial investigations as a way to gain trust. While the section discusses “protect[ing] the community, Department and its members from [non-sustained] allegations,” this is not the purpose of conducting an investigation. Instead, the Department should demonstrate a dedication to accountability and a commitment to thoroughly investigating allegations.

In addition to the need to expand the purpose of investigations, we question the language in the last sentence of the section. As written, it may be misinterpreted to read as though any allegation that is not sustained is “based on misunderstanding or invalid information.” Given that the standard of proof in administrative investigations is the preponderance of the evidence standard, a non-sustained finding does not necessarily mean that community members misunderstood the officers’ actions or did not have valid information. We recommend that the Duty Manual be revised to focus on maintaining community trust through fair and impartial investigations.

We also found some areas of concern with the investigative process, particularly the process for determining findings. For instance, although IA investigators have the responsibility for making non-sustained findings (see Section C 1723 of the Duty Manual for the various finding types), they do not make “sustained” findings and instead must forward cases for which “a finding of Sustained can reasonably be made” to the officer’s command officer. It is unclear why the investigators would be able to make a proposed finding of not sustained but not be able to make a proposed finding of sustained given the standard of proof is the same between the two (i.e., preponderance of the evidence). The IA investigator who conducted interviews with the officer/community member and thoroughly reviewed the related evidence is in the best position to make an initial finding based on

the preponderance of the evidence. While we acknowledge that the ultimate responsibility for the finding lies with the chief, the investigator should be able to make a preliminary finding.

Additionally, while the SJPd has supervisory referrals for low-level investigations, such supervisory referrals are not formal investigations, and no findings are made with regard to allegations. As described in Section 1707.5 of the Duty Manual (*Supervisory Referral Complaint Defined*) supervisory referrals are informal investigations, do not require investigatory questioning, and do not make findings about whether an officer “has in fact committed the transgression as described by the complainant.” Furthermore, SJPd policy does not appear to require supervisors, after looking into the matter, to reach out to the community member to discuss the issue and bring closure to the situation. While supervisory referrals are common in other agencies for low-severity complaints that, even if sustained, would not result in formal discipline, SJPd’s decision to not require supervisors to conduct investigations and make findings may leave an investigatory cloud over the head of the officer and leaves community members unsatisfied. Although we believe that the types of cases reserved for supervisory referrals are consistent with best practices, the Duty Manual’s lack of findings, investigative rigor, and community contact creates the potential for community members and officers alike to feel unsatisfied with the resolution.

Finally, we were concerned to see that Section C 1734 of the Duty Manual allows for strip searches of officers as part of an administrative investigation. As with strip searches of community members, strip searching officers is an extremely serious practice and carries potential for embarrassment, particularly among coworkers. We recommend that SJPd reserve strip searches for criminal matters, and only in accordance with strict criteria and with the approval of the Chief or Deputy Chief.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPd to fully implement this Recommendation by expanding the present levels of transparency and accountability

CNA Recommendations for Full Implementation:

1.3.1: Where allowed by law, provide publicly available data regarding SJPd stops, summonses, and arrests

1.3.2: Translate all documents on the SJPd website, prioritizing important items first (e.g., Duty Manual)

1.3.3: During public briefings of OII events, state only objective facts relevant to the event and avoid making concrete statements prior to the conclusion of the investigation

1.3.4: During public briefings of OII events, provide information related to each application of force, particularly for OII events in which multiple officers fire multiple shots

1.3.5: Require all department members to accept allegations of misconduct as currently described in Section C 1703

1.3.6: Revise the Duty Manual to focus on maintaining community trust through fair and impartial investigations

1.3.7: Allow the investigator to make preliminary findings for administrative investigations while keeping the ultimate responsibility for findings with the chief

1.3.8: Require supervisors to make findings during a supervisory investigation

1.3.9: Revise the Duty Manual to reserve strip searches for criminal matters, and only in accordance with strict criteria and with the approval of the Chief or Deputy Chief.

1.4 Recommendation: Law enforcement agencies should promote legitimacy internally within the organization by applying the principles of procedural justice.

1.4.1 Action Item: *In order to achieve internal legitimacy, law enforcement agencies should involve employees in the process of developing policies and procedures.*

1.4.2 Action Item: *Law enforcement agency leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. Union leadership should be partners in this process.*

Although we expand on SJPD's application of specific procedural justice principles below and in other sections (for example, see Section 6.1.3), we note from the onset that SJPD does not currently have any formalized process for collecting employee perceptions of internal organizational justice. While ad hoc information-gathering processes occur (e.g., informal communication), the SJPD does not conduct any type of internal survey. We recommend the SJPD incorporate a regular organizational survey to collect employee sentiment about the direction of the organization and organizational decisions.

At a more granular level, there are areas for improvement within SJPD's application of each 21st Century Policing pillar. For instance, while the SJPD has recently convened a use of force policy review committee (see also Recommendation 1.5), this is narrow in scope and does not provide a formalized organizational-wide input mechanism for policy. The SJPD should address the absence of standardized processes for gathering officer input, a recommendation echoed by the officers we spoke with. This may be accomplished with a Department-wide survey³¹ as well as expanding the agency's current efforts with the policy review committee. For instance, the SJPD is currently developing an audit process for BWC video. Although still in the design phase, several members we spoke with expressed concern with how videos would be used, and the design phase affords an opportunity to gather comprehensive departmental input to ensure those concerns are reflected in the process moving forward.

Furthermore, although the SJPD collects reactive information related to training, there is no process for collecting employee input on the development of the training. In speaking with SJPD members, we note that several of them pointed to past efforts to gather officer-level input but that those efforts often stalled and were not brought to completion. Officers indicated this may be due to rotating executive members wherein one executive may begin a process for collecting input but that would discontinue when a new executive rotated in. The SJPD should seek to incorporate consistent and completed processes for giving SJPD members "voice" in the organizational process, a sensation not

³¹ See also Rosenbaum, et. al., 2011

yet experienced by the members we spoke with. The SJPD has a recently implemented Officer's Advisory Board (OAB) though this is a relatively new effort and SJPD will need to evaluate its effectiveness through broader organizational surveys.

Other elements of internal procedural justice relate to the accountability system, as noted in Action Item 1.4.2. Here too, the SJPD could enhance their efforts to instill a sense of organizational justice. For instance, although one is currently being developed, the SJPD has operated without a formal discipline guide, which is a key piece to ensuring consistency and a sense of fairness in the discipline process. We commend SJPD for being in the development process and suggest they review the New York City PD³², Tucson PD³³, and Portland Police Bureau³⁴ discipline guides as examples in creating their guide.

The SJPD also has supervisory referrals as an example of accountability procedures which places emphasis on policing values rather than a punitive approach. Supervisory Referrals are opportunities for supervisors to provide informal guidance and focus on the impact to the community member rather than the technical violation of policy. While we maintain that supervisory referrals could be improved by making formal findings (see Recommendation 1.3.), we believe the SJPD's current practices are sufficient. In speaking with SJPD supervisors, we asked whether they ever incorporated a restorative justice approach by bringing the community member and officer together to discuss the incident and understand each other's perspective.³⁵ None of the supervisors we spoke with indicated they engaged in such a practice despite mediation being an option in the accountability process. Some noted that the success of the tactic would depend on the willingness of both the officer and community member. We agree, though recommend SJPD re-iterate the potential for mediation as an outcome and encourage officers to participate in the approach when appropriate³⁶.

³² https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/disciplinary-system-penalty-guidelines-effective-01-15-2021-compete-pdf

³³ https://www.policechiefmagazine.org/wp-content/uploads/IAC-406-Jan2020_F2_WEB.pdf

³⁴ <https://www.portlandoregon.gov/police/article/482707>

³⁵ See, for instance, [Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders | Office of Justice Programs \(ojp.gov\)](#)

³⁶ See also <https://witnessla.com/mediation-between-lapd-officers-and-residents-a-look-at-the-results/>

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPd to expand their efforts to promote internal legitimacy through greater officer input avenues for policy and training, as well as within the discipline process.

CNA Recommendations for Full Implementation:

1.4.1: Incorporate a regular organizational survey to collect employee sentiment about the direction of the organization and organizational decisions.

1.4.2: Incorporate consistent and completed processes for gathering employee feedback on the development and revision of policies.

1.4.3: Incorporate a mechanism for gathering employee input on the development of training.

1.4.4: Continue developing the SJPd discipline guide, incorporating best practices from other agencies

1.4.5: Re-iterate the potential for mediation as an outcome and encourage officers to participate in the approach when appropriate.

1.5 Recommendation: Law enforcement agencies should proactively promote public trust by initiating positive nonenforcement activities to engage communities that typically have high rates of investigative and enforcement involvement with government agencies.

1.5.1 Action Item: *In order to achieve external legitimacy, law enforcement agencies should involve the community in the process of developing and evaluating policies and procedures.*

1.5.2 Action Item: *Law enforcement agencies should institute residency incentive programs such as Resident Officer Programs.*

1.5.3 Action Item: *Law enforcement agencies should create opportunities in schools and communities for positive nonenforcement interactions with police. Agencies should also publicize the beneficial outcomes and images of positive, trust-building partnerships and initiatives.*

1.5.4 Action Item: *Use of physical control equipment and techniques against vulnerable populations—including children, elderly persons, pregnant women, people with physical and mental disabilities, limited English proficiency, and others—can undermine public trust and should be used as a last resort. Law enforcement agencies should carefully consider and review their policies towards these populations and adopt policies if none are in place.*

Recommendation 1.5 speaks broadly to promoting public trust by initiating positive nonenforcement activities to engage community members in high-enforcement areas. In several areas of this report, we note that SJPD has no consistent model for evaluating public trust, particularly in such areas. Whereas we assess the action items as evidence of implementation of Recommendation 1.5, we maintain that this item cannot be fully implemented until assessment methodologies (including community sentiment surveys, interaction surveys, and other assessment tools) are incorporated into SJPD standard practices.

As suggested by Action Item 1.5.2, community involvement in developing policies and procedures is an important element in providing voice and transparency. However, although SJPD posts its Duty Manual online, there does not appear to be a comprehensive effort to involve the community in the process of developing and evaluating policies and procedures. In speaking with SJPD representatives, we learned there is no notification to community members when sections of the Duty Manual will be changed and there is no universal public comment period for San José community members. The SJPD has a Community Advisory Board which accomplishes some of these goals though representatives on the board are a subsample of the population and the board does not assure that all SJPD community members have an opportunity to weigh in on policy. Additionally, while SJPD convened a use of force policy review committee, the committee involved no community members.

We note that community members are free to provide suggestions for overall departmental operations³⁷; however, this is not the same as being able to help form and shape departmental policy.

Admittedly, the SJPD Duty Manual is 899 pages long and it is not feasible to conduct community outreach for every change made to the document. However, certain sections of the Duty Manual would surely benefit from community review and we recommend that SJPD collaborate with the community on identifying those sections. This can be accomplished in several ways, including creating pages dedicated to particular areas of interest. SJPD has already done so with the webpage dedicated to its BWC program (<https://www.sjpd.org/about-us/inside-sjpd/body-camera-information>). This page provides community members with information on BWC policy (also translated into Spanish and Vietnamese), information about releasing BWC video, and other resources. Each of these elements are positive and we recommend that SJPD replicate this approach for other topics of interest (e.g., use of force, pursuits, officer wellness).

SJPD could also spotlight policies, creating an opportunity for conducting coordinated outreach to gather community feedback. For instance, SJPD may choose to focus on BWCs for one quarter, providing press releases, distributing flyers, reaching out to relevant stakeholders, and holding listening sessions. SJPD can identify trends in community feedback and, where reasonable, incorporate them into policy. SJPD could also provide additional information about trends in recommendations that it ultimately decides not to incorporate into policy on the dedicated pages described above. Being transparent about why something cannot be incorporated into policy allows for an opportunity for the procedural concept of voice. The Department should spotlight policies that raise community interest as the result of future events.

Action Item 1.5.2 suggests departments incentivize residency requirements. However, SJPD does not have residency requirements, nor does it incentivize residency in any way. Residency requirements have become more commonplace but there continues to be uncertainty as to the effectiveness of the practice. As there are no current “best practices” for residency requirements and agencies must consider all relevant factors when deciding to institute a requirement, including elements related to cost-of-living, impact on qualified personnel, retention, recruitment, and community expectations. At present, we have not conducted a comprehensive analysis to determine the impact that a residency requirement would have on SJPD, though we recommend the Department look across the spectrum of possibilities. For instance, Pittsburgh Pennsylvania, requires officers to live within 25 miles of the city. Other cities such as Little Rock, Arkansas, have contemplated using take-home vehicles as an incentive for residing in the city though does not have a binding residency requirement. SJPD should look to these and other examples in making their decision to institute such a policy.

Action Item 1.5.3 discusses school-based opportunities for building trust. Overall, the SJPD should improve their relationship and collaboration with schools though we refer the reader to

³⁷ <https://www.sjpd.org/services/automated-services/contact-form>

Recommendation 4.6 and associated action items for further discussion related to SJPD involvement with youth and schools.

Action item 1.5.4 discusses use of force against vulnerable populations as impacting public trust. Overall, the SJPD can expand their restrictions on use of force against vulnerable populations though we refer the reader to our Use of Force assessment for further discussion.

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD expand their efforts to engage the SJPD community by involving community members in policy development, engaging in greater collaboration with school districts, and enhancing safeguards and supervisor review of force used against vulnerable populations.

The CNA assessment team does not make a formal recommendation either for or against instituting residency requirements. The Department should consider all relevant issues and consider creative approaches.

CNA Recommendations for Full Implementation:

- 1.5.1: Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.
- 1.5.2: Implement a universal review period and notification process for upcoming policy revisions.
- 1.5.3: Create dedicated webpages for areas of community interest to facilitate the review and comment processes
- 1.5.4: Spotlight important policies with a coordinated outreach effort
- 1.5.5: Enhance present level of collaboration with school districts
- 1.5.6: Expand restrictions on use of force against vulnerable populations

1.6 Recommendation: Law enforcement agencies should consider the potential damage to public trust when implementing crime fighting strategies.

1.6.1 Action Item: *Research conducted to evaluate the effectiveness of crime fighting strategies should specifically look at the potential for collateral damage of any given strategy on community trust and legitimacy.*

Although the SJPd may consider how crime fighting strategies may affect public trust tangentially, the Department does not actually collect community feedback with any regularity and therefore cannot measure the associated impact. Community trust and legitimacy are critical to the success of any crime fighting strategy since, without them, community members will be less likely to cooperate with police³⁸. From conversations with the chief and others in the Department as well as a review of SJPd materials, the CNA assessment team believes that SJPd values and strives to foster community trust and police legitimacy. However, without a comprehensive community feedback mechanism to evaluate community sentiments, we cannot say that SJPd has fully considered the potentially deleterious effects of various policing tactics.

We note here too that crime fighting strategies need not be necessarily overly aggressive for them to have a negative impact on trust and legitimacy. For instance, several crime fighting strategies involve the use of data to identify individual community members for police intervention. Although more surgical than area-based data (e.g., CompStat), there is still the potential for inaccurate or outdated information to lead community members to feel unjustly targeted³⁹. We therefore recommend the SJPd not limit themselves in assessing the community impact of crime fighting approaches the Department is taking.

Status: Not Implemented

Full Implementation: The CNA assessment team recommends the SJPd comprehensively measure community trust and assess changes based on implemented crime fighting strategies.

CNA Recommendations for Full Implementation:

1.6.1: Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy

³⁸ Mazerolle, L., et al (2012). "Legitimacy in Policing". *Campbell Systematic Reviews*

³⁹ For further discussion about the potential negative impact of using data in crime-fighting strategies, see Ferguson, Andrew (2017) "Rise of Big Data Policing". *New York University Press*.

1.7 Recommendation: Law enforcement agencies should track the level of trust in police by their communities just as they measure changes in crime. Annual community surveys, ideally standardized across jurisdictions and with accepted sampling protocols, can measure how policing in that community affects public trust.

Neither the city nor the SJPD track the level of trust in police by community members in the same way that they measure changes in crime. As noted previously, community interactions are not assessed from the perspective of the community member and there are no standardized measurements of overall perceptions. One short-term approach to this was conducted by the City and SJPD in the Hoffman/via Monte pilot. We discuss this further in our assessment of Recommendation 1.1 though re-iterate here that, while encouraging, the lack of follow-up limits the SJPD's ability to ensure that improvements are sustained and therefore "track" perceptions of the police within the spirit of Recommendation 1.7.

At present, the SJPD members we spoke with appear confident that their relationship with the community is strong and, as evidence, many pointed to the subdued protests related to the murder of George Floyd and compared themselves to other locations where protests became more violent. However, this position has limited merit since other locations may have a greater cultural proclivity towards protests⁴⁰. If San José does not have a culture of protest, the SJPD shouldn't equate this with a content populace. Instead, empirical evidence should be collected to be sure of this fact.

We recommend the SJPD incorporate an ongoing data collection process either related to general community trust or as related to individual interactions.⁴¹ This should be done for two reasons, the first of which is to identify areas of low-trust and conduct a targeted effort to improve relationships. The second reason to evaluate changes in data and incorporate the same approach as with COMPSTAT (see McCarthy & Rosenbaum, 2015).⁴² By tracking levels of trust and holding commanders responsible for maintaining a standard of operation, the SJPD can address issues before they become a larger problem.

⁴⁰ For instance, the Portland Police Bureau specifically recognize that "the City of Portland has a tradition of free speech and assembly" in their crowd control directive.

⁴¹ Rosenbaum, D. P., Maskaly, J., Lawrence, D. S., Escamilla, J. H., Enciso, G., Christoff, T. E., & Posick, C. (2017). The Police-Community Interaction Survey: measuring police performance in new ways. *Policing: An International Journal of Police Strategies & Management*.

⁴² See [IAC 308 Police Chief August 2015-4.indd \(icjia.org\)](#)

Status: Not Implemented

Full Implementation: The CNA assessment team recommends the SJPD track the level of trust in police by their communities just as they measure changes in crime.

CNA Recommendations for Full Implementation:

1.7.1: Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy

1.8 Recommendation: Law enforcement agencies should strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.

1.8.5 Action Item: *Law enforcement agencies should be encouraged to explore more flexible staffing models.*

In discussing recruitment efforts with SJPd, we see significant evidence that the Department has prioritized Black, Indigenous, people of color, and female recruit hiring. For instance, since October of 2020, the past three recruit classes have demonstrated increases from 15 percent female recruits to 34 percent female recruits in the June 2021 recruitment class. SJPd should measure the retention of their female recruits, but this is certainly an advancement. Currently, female officers currently make up 12 percent of SJPd, in line with the national average of approximately 13 percent.⁴³ While there are still opportunities to increase in the number of female officers to better reflect the representation in the general population, SJPd is consistent with national trends and the recent increases in female representation are commendable.

Due to California law, the ability of SJPd to conduct reliable similar analysis for recruit race is limited as nearly two-thirds of recruits in the last five classes have declined to specify their race. This also presents a problem for assessing the Department's current demographic breakup as nearly one in every five officers' race is listed as "non-specified" (see also Action Item 2.5.1). We recommend the SJPd continue to attempt gathering demographic information voluntarily though understand that officers cannot be compelled. For the data that SJPd does possess, there is proportionality for White, Black, American Indian, and Native Hawaiian or Pacific Islander officers relative to the broader San José population⁴⁴. Asian and Hispanic or Latinx officers are under-represented though it's unknown how much this is impacted by officers who declined to specify their race.

⁴³ <https://web.archive.org/web/20191007230146/https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-74>

⁴⁴ [U.S. Census Bureau QuickFacts: San Jose city, California](#)

	Officer	Sgt.	Lt.	Captain	Dep. Chief	Asst. Chief	Chief	Total	%
American Indian	4				1			5	0.4%
Asian	126	23	1	1				151	14.0%
Black or African	28	8	2		1			39	3.6%
Hispanic or Latino	204	33	16	3			1	257	23.7%
Native Hawaiian or Pacific islander	4		1					5	0.5%
White	306	89	21	4	2	1		423	39.0%
Non-Specified	193	8	1	1				203	18.7%
TOTALS	865	161	42	9	4	1	1	1083	100.0%

Source: Police Personnel Unit

The SJPD also has members specifically assigned to enhance recruitment efforts. These individuals recruit within the Bay area, California, and throughout the country, including having taken trips to San Diego, Oregon, Hawaii, and New York. Furthermore, while COVID-19 has impacted in-person recruitment efforts at high-diversity universities, the recruitment officers have taken advantage of virtual opportunities to recruit from the classroom. Finally, the SJPD has contracted with external vendors to assist in the recruitment process. For instance, the Department utilized an external vendor to create recruitment videos, complimenting those made by the SJPD’s Video Unit (see below for further discussion on the Department’s videos). These efforts and others are discussed in annual reports provided by SJPD to the city’s Public Safety, Finance & Strategic Support Committee.

While we feel the recruitment efforts of SJPD to date demonstrate positive practices, there are some ways that SJPD could bolster their efforts through more culturally sensitive approaches. For instance, we discuss potentially insensitive items in the Training Division that may isolate recruits of color in our assessment of Action Item 4.1. Additionally, the SJPD Video Unit put out three videos that can be found on YouTube titled:

- SJPD + Your Family – gay
- SJPD + Your Family – lesbian
- SJPD + Your Family – straight

While we commend the Department for putting out videos aimed at recruiting LGBTQ+ members, the titles of the videos may be viewed as inflammatory. Overall, we believe that SJPD has made a sincere effort to have the Department makeup reflect that of the community and raise the above examples only as additional considerations to reinforce the positive work occurring.

Overall staffing, as it relates to Action Item 1.8.5, was assessed by the Office of the City Auditor in March of 2021. The Auditor assessed SJPD’s staffing expenditures and workload, finding that SJPD is currently understaffed based on attrition over the past 20 years and also finding simultaneous increases in the number of calls and overall expenditures (including increased overtime pay). The report offers six recommendations related to staffing, including adding patrol officers, developing an evidence-based staffing model and long-term strategy, and increasing the use of community service officers (CSOs).

In their response to the report, the SJPD agreed with each recommendation from the Auditor’s report, identified a timeline for implementation, and identified the resources necessary for implementation. Although we are unable to say that any of the recommendations have been fully implemented to date,

we can say that the SJPD is exploring more flexible staffing models (per the Auditor's report) but more time is needed.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

- 1.8.1: Maintain efforts to increase female recruits
- 1.8.2: Continue attempts to gather officer race/ethnicity data
- 1.8.3: Conduct an analysis of recruitment efforts to assess comparative effectiveness
- 1.8.4: Maintain efforts to implement the recommendations of the Auditor's staffing analysis

1.9 Recommendation: Law enforcement agencies should build relationships based on trust with immigrant communities. This is central to overall public safety.

1.9.1 Action Item: *Decouple federal immigration enforcement from routine local policing for civil enforcement and nonserious crime.*

1.9.2 Action Item: *Law enforcement agencies should ensure reasonable and equitable language access for all persons who have encounters with police or who enter the criminal justice system.*

As with other 21st Century Policing recommendations assessed above, we note that SJPD does not consistently and comprehensively measure community levels of trust in the department. Absent quantitative data, the CNA assessment team spoke with Arab, Asian (Japanese and Filipino), and Latinx immigrant groups in an attempt to evaluate their overall engagement with SJPD.

Several themes resulted from these discussions, the first of which was a distrust of the police. This was most reflected by an overwhelming belief (particularly in the Latinx and Arab communities) that SJPD is connected to federal law enforcement and US Immigration and Customs Enforcement (ICE). However, a review of the evidence indicates that SJPD does not coordinate with ICE in accordance with Action Item 1.9.1⁴⁵. For example, Section L 7911 of the Duty Manual (*US Immigration and Customs Enforcement*) discusses SJPD's policy related to immigration enforcement from routine policing:

The responsibility for enforcement of civil immigration laws rests with the US Immigration and Customs Enforcement. In accordance with the March 6, 2007 City Council "Resolution of Support of Public Safety and Immigrant Rights" (Resolution No. 73677), members of the Police Department will not initiate police action where the primary objective is to discover that the person is an undocumented immigrant or to discover the status of the person under civil immigration laws. Otherwise law-abiding, undocumented immigrants should not fear arrest or deportation for coming forward to members of the Police Department to report a crime as a victim or a witness.

The mayor has also made public statements affirming this policy. For instance, after social media reported in 2019 that ICE was active in the area, the mayor released a series of tweets clarifying that SJPD "does not participate in federal immigration enforcement" and encouraging immigrants to continue calling 911 if they witness a crime or need emergency medical assistance.⁴⁶ The tweets also contained several resources related to ICE hotlines, legal resources, and immigrant rights. Furthermore, representatives from the SJPD informed the interview team of their efforts to attend Spanish language churches since 2016 to discredit the notion that the SJPD collaborates with

⁴⁵ See also California State Law SB 54

⁴⁶ <https://twitter.com/sliccardo/status/1176971555609305088>

immigration enforcement. These types of activities should be continued and enhanced to combat the ongoing mistrust of the Latinx immigrant community.

The lack of trust we heard from community members also extended beyond their perceived relationship with ICE. For instance, Latinx community members shared with us that SJPD needed more bilingual staff as they believed non-Spanish speaking officers did not make a good faith effort to communicate. Such incidents also impacted the community members perceptions of politeness and respectfulness. However, in accordance with Action Item 1.9.2, SJPD has a Language Access Plan that “describes the Department’s multi-language resources and the plan to make vital content available to the non-English speaking community.” We found that the plan includes sufficient guidance for telecommunicators and officers when encountering an individual who has a non-English primary language and guidance related to using certified translators. However, the Language Access Plan is not translated into any non-English language, which precludes non-English speaking community members from understanding the language services that SJPD members are expected to provide. We recommend that SJPD translate the document into Spanish and Vietnamese, though we also suggest that SJPD consider translating it into other languages that are spoken in San José. We also recommend the SJPD reinforce to officers the importance of using multi-language resources so as to be responsive to community concerns.

Members from the Arab community also discussed trust in SJPD, noting its erosion as a result of past and current SJPD members posting of Islamophobic content on a private Facebook page⁴⁷. Although the community acknowledges that the collective bargaining agreement may have prevented repercussions that were commensurate to the officers’ actions, they also believed that SJPD had yet to engage in meaningful outreach and trust building to make up for the shortfall in discipline. The chief has since attended events at mosques in San José, and while some view this as a good first step, others view these interactions as merely “photo opportunities.”

Another theme that we found from our conversations with immigrant community representatives was a lack of awareness of SJPD outreach efforts. Few individuals we spoke with shared that they had participated in or were even aware of any outreach programs developed by SJPD. However, some were able to discuss ways they had engaged with SJPD. For instance, many of the Asian community members CNA spoke with shared that their belief that SJPD should work more closely with the business community, with representatives of one organization pointing to an informal liaison between the Department and the Japanese community as one example of how this might be accomplished. This “liaison” shares information with the businesses in Japantown, aids owners who are experiencing issues, and provides training when necessary. The Department currently employs formal liaison officers to the Vietnamese and LGBTQ+ communities, along with other division- and area-based liaisons. Although having all SJPD officers being familiar with the areas they patrol is a best practice for community policing, having a designated liaison officer for all communities could foster greater trust.

⁴⁷ [4 San Jose Officers Put on Leave Amid Probe Into Racist Facebook Posts - The New York Times \(nytimes.com\)](#)

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD build better relationships with immigrant communities, in part through ensuring officers utilize the resources found within the Language Access Plan.

The CNA assessment team believes the SJPD has fully implemented the requirements of Action Item 1.9.1.

CNA Recommendations for Full Implementation:

1.9.1: Maintain efforts to publicly clarify SJPD's relationship with ICE.

1.9.2: Translate the Language Access Plan into Spanish and Vietnamese (among other languages spoken in San José).

1.9.3: Reinforce to officers the importance of using multi-language resources so as to be responsive to community concerns.

1.9.4: Staff designated liaison officers for each unique community within San José.

Pillar 2: Policy and Oversight

2.1 Recommendation: Law enforcement agencies should collaborate with community members to develop policies and strategies in communities and neighborhoods disproportionately affected by crime for deploying resources that aim to reduce crime by improving relationships, greater community engagement, and cooperation.

The SJPD has made meaningful progress towards the implementation of this recommendation though there remains room to build on their current activities, as well as room to implement additional efforts. Presently, the primary way SJPD approaches the goals of Recommendation 2.1 is to use a group of crime prevention specialists (CPS)⁴⁸ whose main roles are educating the community and area captains on crime patterns. The CPS attend neighborhood meetings (see also our assessment of Recommendation 4.5) and other community events with the area captains and incorporate community input into crime prevention strategies for the Department. Additionally, the SJPD has liaisons⁴⁹ work with the LGBTQ+ and Vietnamese communities to reduce crime by improving relationships, greater community engagement, and cooperation (see also our assessment of Recommendation 1.9). For instance, the LGBTQ+ liaison presides over a board of civilians and officers who advise the Chief on matters pertaining to the LGBTQ+ community. Furthermore, after sting operations involving members of the LGBTQ+ community were found to be unconstitutional⁵⁰, the SJPD and LGBTQ+ identifying community members and advocates aided in the drafting of a new policy for undercover enforcement operations to prevent similar behavior in the future. This represents a positive collaborative process and is consistent with the intent of this recommendation.

However, we were not provided any evidence as to how these collaborative efforts are tracked to understand if the SJPD's (and community members') efforts are productive. For instance, during the CNA assessment team's site visit meeting with the CPS, the unit stated there is no formal feedback loop with the community to ensure their efforts are having the intended impact (see also our assessment of Recommendation 4.5). Although the meetings themselves act as an informal feedback system, this is less rigorous and does not contain elements of transparency for those who cannot attend the meetings. We recommend the SJPD provide some type of written or online feedback forms

⁴⁸ To learn more about the Crime Prevention Specialist role in SJPD, visit: <https://www.sjpd.org/community/crime-prevention>

⁴⁹ Learn more about the liaison role here: <https://www.sjpd.org/community/crime-prevention>

⁵⁰ In 2014 and 2015, the San Jose Police Department conducted undercover operations in Columbus Park targeting involving "lewd-conduct stings". This resulted in a federal lawsuit, whereas the Judge found the operations unconstitutional and ordered the City to pay the claimants \$125,000. Retrieved from: <https://www.mercurynews.com/2018/10/17/san-jose-settles-lawsuit-over-undercover-gay-sex-stings/>

at each community meeting to validate community members' voice and enhance the collaborative spirit of the meetings. We do note that at the time of our meeting, the CPS unit had recently completed a strategy session aimed at enhancing their initiatives and impact. One of the ways the unit proposed doing this is analyzing the crime per zip code and ensuring the presentations they provide to the community are reflective of that community's needs. This would be one way to address the issue and we encourage the SJPd to expand these types of efforts.

Furthermore, while we credit the SJPd with having an LGBTQ+ advisory board, we recommend the Department expand this approach by creating boards with other historically marginalized populations. The SJPd should also consider establishing its own Police Advisory Board comprised of only residents from areas within the respective division and representative of the demographics within that division. Initial appointments to the boards can be made by division leadership but subsequent membership should be determined by sitting members. These Advisory Boards should meet with division leadership monthly to cover division-related crime issues, receive updates from Department leadership, and act as a sounding board for Department policies, procedures, and practices.

Each of these efforts should be memorialized in a comprehensive community engagement plan, both for the Department and for each division. These plans should consider the overall strategic reorganization needed to accomplish the goals of the plan as well as the resources necessary (e.g., deploying foot patrol, bike, or Segway officers). We discuss this issue further in our assessment of Recommendation 4.1.

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPd expand their present efforts to collaborate with community members

CNA Recommendations for Full Implementation:

2.1.1: Provide some type of written or online feedback forms at each community meeting to validate community members' voice and enhance the collaborative spirit of the meetings

2.1.2: Create boards with additional historically marginalized populations. The SJPd should also consider establishing its own Police Advisory Board comprised of only residents from areas within the respective district and representative of the demographics within that district

2.1.3: Create a comprehensive community engagement plan, both for the Department as well as for each Division

2.2 Recommendation: Law enforcement agencies should have comprehensive policies on the use of force that include training, investigations, prosecutions, data collection, and information sharing. These policies must be clear, concise, and openly available for public inspection.

2.2.1 Action Item: *Law enforcement agency policies for training on use of force should emphasize de-escalation and alternatives to arrest or summons in situations where appropriate.*

2.2.2 Action Item: *These policies should also mandate external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.*

2.2.3 Action Item: *The task force encourages policies that mandate the use of external and independent prosecutors in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.*

2.2.4 Action Item: *Policies on use of force should also require agencies to collect, maintain, and report data to the Federal Government on all officer-involved shootings, whether fatal or nonfatal, as well as any in-custody death.*

2.2.5 Action Item: *Policies on use of force should clearly state what types of information will be released, when, and in what situation, to maintain transparency.*

2.2.6 Action Item: *Law enforcement agencies should establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency. The purpose of this board should be to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed.*

Our companion Use of Force Report examines SJPD's current practices as detailed in their Duty Manual and analyzes SJPD's use of force data and events over a four-year span between 2017 and 2021. The qualitative analysis focused on subtopics including the categorization of force, use of deadly force, mass demonstrations, providing first aid, and the force reporting tool used by officers to document their force. The quantitative analysis examined all use of force events and trends related to event, officer, and subject characteristics to identify possible racial disparities in SJPD use of force. Given the complexity of use of force, racial disparities, and law enforcement activity, three separate analyses examined differences among the San José population, including differences within arrests, and differences in experiencing a use of force event. The assessment also employed propensity score matching to evaluate whether differences existed between racial categories with regards to force

outcomes, including the amount of force, severity of force, and injuries resulting from force, were experienced.

SJPD's use of force policies are in line with best practices in some parts and other areas need improvement. In particular, the use of force definition lacks specificity and focuses on force as an outcome rather than an action of an officer. For example, SJPD does not adequately define levels of resistance and does not set consistent expectations for what level of resistance would be necessary to justify different force options. We refer the reader to that report for a more detailed discussion about these issues.

As related to the analyses of SJPD use of force data, the assessment found that use of force levels were relatively stable and that most force events resulted from an officer responding to a crime report or a call for service (as opposed to an officer-initiated contact). There were differences in use of force for some racial categories relative to their proportion in the San José population, however, these differences largely disappeared when compared to arrest statistics. Using propensity score matching, the assessment team did not find any significant differences between racial groups except that Hispanic community members experienced a greater amount of different use of force activities, as well as more severe injuries from the use of force when compared with the matched white group.

The report also found that SJPD's use of force reporting system is outdated, requires manual entry, and prohibits easy review and analysis. The report also identified areas of the Manual (and thus SJPD practice) that should be revised and augmented with additional use of force direction. For example, the SJPD does not have a use of force review board or any other third-party entity to audit uses of force and identify potential policy, training, or operational implications. Some report recommendations parallel a SJPD *After-Action Review* following the 2020 social justice protest. This review identified gaps in the Department's crowd control policies, training, and operation. Although many of these gaps have been identified, SJPD's own findings and recommendations have not yet been implemented.

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD revise their current policies and procedures related to use of force

CNA Recommendations for Full Implementation:

2.2.1: Implement the recommendations found within the corresponding report titled *Use of Force Assessment of the San José Police Department*

2.3 Recommendation: Law enforcement agencies are encouraged to implement nonpunitive peer review of critical incidents separate from criminal and administrative investigations.

After any OII, fatal or nonfatal, SJPDP conducts an OII training review panel. The purpose of the panel is to “identify issues and needs regarding training and tactics, equipment, communication, and officer safety, as well as identifying Departmental policies and procedures that may require review and revision.” SJPDP policy also requires an annual summary containing recommendations and subsequent Department actions, allowing for some measure of transparency.

This review panel is consistent with best practices, though there are some elements of SJPDP’s approach that could improve the overall process. For instance, the Duty Manual notes that the panel will convene within 90 days of the incident. While the desire for expediency is commendable, the investigation of the incident may not be completed within this timeframe. Therefore, the panel may not have the benefit of all interviews, medical evaluations, or other investigative findings.

The Duty Manual also states that once recommendations are approved by the Chief’s Office, “the Training Unit will then implement appropriate training in a manner consistent with the Department’s ability and resources.” The chief will likely have considered “the Department’s ability and resources” in approving the recommendations, so this clause may lead to diluted training. We therefore suggest removing this clause.

The Duty Manual also states, “On an annual basis, the chief of police will provide a public summary in narrative format to the Mayor and City Council that will summarize the panel’s deliberations and recommendations.” However, in practice, this summary does not appear to occur annually. For instance, it has been two years since the last written report of the Review Panel’s recommendations, and that report covered the years 2017 and 2018.⁵¹ Since 2018, there have been no recommendations and therefore no public summaries have been provided. Given that in 2017 and 2018, there were a total of 10 recommendations covering the span of 13 OIIs, there have been no recommendations since then 2018, even though 10 OIIs have occurred in that timeframe between then and now. SJPDP should evaluate the operation of the review panel for any policy or training implications.

Finally, there does not appear to be any written public report of the training review panel’s efforts. Rather, the SJPDP website states, “On an annual basis, the chief of police will provide a public summary in narrative format to the Mayor and City Council that will summarize the panel’s deliberations and recommendations.” However, this does not leave community members with the ability to review prior recommendations or to evaluate the information included. We recommend that SJPDP provide written summaries and post them on its website. The CNA assessment team recognizes posting written summaries on the website cannot happen until after the district attorney’s findings are

⁵¹ For additional discussion on this report, we refer the reader to our Use of Force Assessment report.

complete or the subsequent trial and/or civil suit are complete. However, this should not preclude the SJPDP from providing the summaries after completion of these proceedings.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

2.3.1: Ensure training is consistent with Chief's Office recommendations

2.3.2: Evaluate the operation of the review panel for any policy or training implications.

2.3.3: Upon completion of investigations and legal proceedings, provide written summaries of OII events and post on the SJPDP website

2.4 Recommendation: Law enforcement agencies are encouraged to adopt identification procedures that implement scientifically supported practices that eliminate or minimize presenter bias or influence.

The SJPD uses the Santa Clara County Eyewitness-Identification Protocol which is a widely praised process that utilizes best practices, including double-blind and sequential identification procedures. The use of these procedures minimizes presenter bias and the process appears to have also been a source of community engagement with the Santa Clara County District Attorney based on reviewed news articles. The SJPD should continue to utilize the protocol and, where possible, contribute to the ongoing development of best practices related to identification procedures.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

2.4.1: Maintain current efforts related to Recommendation 2.4

2.5 Recommendation: All federal, state, local, and tribal law enforcement agencies should report and make available to the public census data regarding the composition of their departments including race, gender, age, and other relevant demographic data.

2.5.1 Action Item: The Bureau of Justice Statistics should add additional demographic questions to the Law Enforcement Management and Administrative Statistics (LEMAS) survey in order to meet the intent of this recommendation.

The SJPD does not provide comprehensive demographic data for officers within the Department. Although the most recent Police Department Recruitment and Hiring Activity Annual Report provides gender and racial breakdowns for members, the information is incomplete, particularly for racial demographics. Nearly one in five SJPD members’ race is listed as “not specified,” in part due to the California Fair Employment and Housing Act that prohibits discrimination against job applicants and employees on the basis of age, race, gender, religion, etc. SJPD cannot require officers to report their race, or ethnicity however, the Department should continue ask officers to voluntarily provide this information and report it publicly, stressing to officers that it is a matter of import to community members. Voluntarily reported SJPD member demographics are found in the annual report but not reported on the SJPD website. We include the SJPD’s tables from that report here though suggest SJPD put this information on their website.

	Officer	Sgt.	Lt.	Captain	Dep. Chief	Asst. Chief	Chief	Total	%
American Indian	4				1			5	0.4%
Asian	126	23	1	1				151	14.0%
Black or African	28	8	2		1			39	3.6%
Hispanic or Latino	204	33	16	3			1	257	23.7%
Native Hawaiian or Pacific islander	4		1					5	0.5%
White	306	89	21	4	2	1		423	39.0%
Non-Specified	193	8	1	1				203	18.7%
TOTALS	865	161	42	9	4	1	1	1083	100.0%

Source: Police Personnel Unit

	Officer	Sergeant	Lt.	Captain	Dep. Chief	Asst. Chief	Chief	Total	%
FEMALE	109	9	6	1	2			127	12%
MALE	756	152	36	8	2	1	1	956	88%
TOTALS	865	161	42	9	4	1	1	1083	100%

Source: Police Personnel Unit

Figure 1: SJPD Officer Demographics

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends publicly posting departmental demographics

CNA Recommendations for Full Implementation:

2.5.1: Continue ask officers to voluntarily provide this information and report it publicly, stressing to officers that it is a matter of import to community members.

2.5.2: Put the information voluntarily provide by SJPD member on the SJPD website.

Figure 2. Less lethal shooting range

2.6 Recommendation: Law enforcement agencies should be encouraged to collect, maintain, and analyze demographic data on all detentions (stops, frisks, searches, summons, and arrests). This data should be disaggregated by school and non-school contacts.

2.6.1 Action Item: *The Federal Government could further incentivize universities and other organizations to partner with police departments to collect data and develop knowledge about analysis and benchmarks as well as to develop tools and templates that help departments manage data collection and analysis.*

We refer the reader to Recommendation 1.3 for discussion regarding SJPD’s efforts to collect, maintain, and analyze demographic data on all detentions in a public-facing dashboard. The data on the public website is not currently disaggregated by school and non-school contacts.

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD expand their present efforts in reporting demographic data on all detentions

CNA Recommendations for Full Implementation:

2.6.1: Where allowed by law, provide publicly available data regarding SJPD stops, summonses, and arrests

2.6.2: Disaggregate data by school and non-school contacts

2.7 Recommendation: Law enforcement agencies should create policies and procedures for policing mass demonstrations that employ a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.

2.7.1 Action Item: *Law enforcement agency policies should address procedures for implementing a layered response to mass demonstrations that prioritize de-escalation and a guardian mindset.*

2.7.2 Action Item: *The Federal Government should create a mechanism for investigating complaints and issuing sanctions regarding the inappropriate use of equipment and tactics during mass demonstrations.*

We refer the reader to our Use of Force Report for a more detailed discussion of the SJPD’s crowd control policies and procedures. However, we note in this report that SJPD swiftly and thoroughly evaluated their response to the summer of 2020 protests events related to George Floyd’s murder through a comprehensive after-action report, which provided the impetus for enhanced policies and procedures for policing mass demonstrations. SJPD assessed their response to the events, identified areas for improvement, and proposed responsive recommendations. SJPD identified 41 recommendations across five thematic categories. However, many of the recommendations have not been implemented yet. For this and other findings related to use of force, we recommend the SJPD implement CNA recommendations from our accompanying report.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to revise and expand policies and procedures for policing mass demonstrations

CNA Recommendations for Full Implementation:

2.7.1: Implement the recommendations found within the corresponding report titled *Use of Force Assessment of the San José Police Department*

2.8 Recommendation: Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.

The primary representation of civilian oversight of SJPD comes in the form of the IPA. The IPA has seen its authority expand over the years. For instance, the IPA's *2020 Year End Report* discussed a voter-approved measure in November of 2020 that gave IPA the authority to do the following:

- Review unredacted police records related to officer-involved shootings and use of force incidents resulting in death or severe bodily injury without a complaint
- Review and audit misconduct investigations initiated by the Department into its sworn officers
- Review redacted police records to make recommendations on Department policies under certain conditions

These abilities have been codified in the City Municipal Code (see Section 8.04.010 – Duties and Responsibilities) and represent a positive step toward civilian oversight. The IPA has also entered a pilot program with the Police Officers Association (POA) that allows it to ask direct questions during administrative investigation interviews with officers. Although currently only a pilot program, this authority was codified in the City Municipal Code. Additional components of the pilot program include a nine-month timeframe for IA to complete an initial investigation report and the authority that “IPA and/or [the Office of Employee Relations] may request the assigned IA investigator to complete enumerated tasks” after reviewing the initial IA investigation report. Although we have not reviewed the plan for measuring the outcome of the pilot program, we have seen similar models in other cities (see, for example Portland Police Bureau and the Independent Police Review⁵²) and believe it to be a sustainable model.

In addition to the expanded authority of the IPA, a review of its work product demonstrates a commitment to transparency. For instance, the year-end reports published by IPA contain many informative statistics, recommendations, and other information on the efforts of IPA. The reports indicate not only the authority to challenge the findings of an administrative investigation but also IPA's willingness to do so. For instance, the 2020 report notes that in 20 percent of cases reviewed for that year, the IPA identified concerns with the investigation or challenged the findings outright. Overall, we are impressed by the range of information we found in the reports.

Going forward, we recommend that the city review the findings of the pilot program and make an evidence-based decision on whether to retain the IPA's current authority. We also recommend that the city identify other ways that the IPA might contribute to civilian-led oversight, conduct pilot

⁵² <https://www.portland.gov/ipr>

reviews of those approaches, and act accordingly. For instance, the city may authorize the IPA to conduct certain types of investigations. Chicago, for example, authorizes its civilian oversight body⁵³ to investigate a host of allegations. Whatever future steps are taken regarding the IPA's authority, we believe the current steps are in line with the intent of Recommendation 2.8.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

2.8.1: Review the findings of the IPA pilot program and make an evidence-based decision on whether to retain the IPA's current authority.

2.8.2: Identify other ways that the IPA might contribute to civilian-led oversight, conduct pilot reviews of those approaches, and act accordingly.

⁵³ <http://copadev.wpengine.com/investigations/jurisdiction/>

2.9 Recommendation: Law enforcement agencies and municipalities should refrain from practices requiring officers to issue a predetermined number of tickets, citations, arrests, or summonses, or to initiate investigative contacts with citizens for reasons not directly related to improving public safety, such as generating revenue.

SJPD does not require officers to issue a predetermined number of tickets, citations, arrests, or summonses, nor does our review of SJPD policy or training indicate that investigative contacts are conducted to generate revenue. Additionally, a review of SJPD’s “Performance Appraisal Form” does not indicate that “level of activity” is a consideration in evaluating officers. While Section F of the form (*Reliability*) includes “attends to duties of job” as an evaluation component, the entirety of Section F taken together does not indicate a quota system. A more in-depth approach would be required to investigate whether the Department informally pushes a quota system, however, CNA’s assessment does not indicate this to be the case.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

2.9.1: Maintain current efforts related to Recommendation 2.9

2.10 Recommendation: Law enforcement officers should be required to seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause. Furthermore, officers should ideally obtain written acknowledgement that they have sought consent to a search in these circumstances.

In the SJPD Duty Manual, Sections L 4908 through L 4911 discuss officers' responsibilities when conducting consent searches. For instance, Section L 4908 states the following:

Whenever in the judgment of the officer it is possible and practical, the officer may obtain and document consent through optional, but not mandatory, compliance with the written Consent to Search (Form 202-54), audio recording, video recording and independent witnesses. Details of the consent obtained, consent search conducted, and whether or not any items of contraband were found and seized will be documented in the General Offense Report (Form 200-2-AFR).

However, this language is vague and does not set a clear expectation for officers. For instance, the section states that officer "may" obtain consent (though it does not appear to be mandatory). Additionally, Section L 4909 states that "officers will ensure that the consent is given under circumstances that avoid any implied or overt coercion." While we agree with this, there should be a requirement to obtain consent in all situations, especially considering that SJPD has a written consent to search form at its disposal. Related to this, there is no explicit requirement in the Duty Manual for an officer to explain that the subject can refuse consent, something that could be resolved through the mandatory use of a written consent to search form.

SJPD does require officers to document the consent search in the General Offense Report, though we note that the data will likely not be consistent without a formal data collection tool. We recommend that SJPD require officers to gain consent during warrantless searches and document this consent in a consistent manner. If officers are documenting the community member's consent to search through BWC recordings, this footage should be tagged with a specific category specifying "consent" and stored accordingly. In cases where consent was refused but where the officer still has the right to search based on case law (i.e., search incident to arrest, wingspan search, etc.), the officer should be required to explain why they are conducting the search despite the subject's objection. The officer can use their activated BWC to narrate their decision-making, explain to the community member why they are conducting the search despite the subject's objection, and use this in future potential litigation⁵⁴.

⁵⁴ Mosler, D., Coldren, J., and White, M. (2020) How to Manage the Implementation of your Body-Worn Camera (BWC) Deployment and Improve Outcomes. BWC TTA. <https://bwctta.com/resources/commentary/view-how-manage-implementation-your-body-worn-camera-bwc-deployment-and>

Status: Not Implemented

Full Implementation: The CNA assessment team recommends requiring officers to inform persons of their right to refuse consent before conducting a consent search and requiring officers to document such consent

CNA Recommendations for Full Implementation:

2.10.1: Require officers to gain consent during warrantless searches and document this consent in a consistent manner. If officers are documenting the community member's consent to search through BWC recordings, this footage should be tagged with a specific category specifying "consent" and stored accordingly.

2.10.2: In cases where consent was refused but where the officer still has the right to search based on case law (i.e., search incident to arrest, wingspan search, etc.), require the officer to explain why they are conducting the search despite the subject's objection.

2.11 Recommendation: Law enforcement agencies should adopt policies requiring officers to identify themselves by their full name, rank, and command (as applicable) and provide that information in writing to individuals they have stopped. In addition, policies should require officers to state the reason for the stop and the reason for the search if one is conducted.

2.11.1 Action Item: *One example of how to do this is for law enforcement officers to carry business cards containing their name, rank, command, and contact information that would enable individuals to offer suggestions or commendations or to file complaints with the appropriate individual, office, or board. These cards would be easily distributed in all encounters.*

Section C 1409 of the SJPD Duty Manual states:

Consistent with officer safety and protection of public, department members, while acting in an official capacity, will supply their name, rank and position, and similar identifying information in a professional manner to any person who may inquire. Officers will identify themselves, when requested, by using an Incident Card (Form 200-45a) or Department approved business card.

While requiring the officer provide such information “to any person who may inquire” is a positive practice, the qualifier is not necessary. While not observed by the CNA assessment team in SJPD, in numerous occasions observed nationwide, officers have exhibited retaliatory behavior when community members have requested the officer’s name and badge number. To deter community members from feeling fearful or anxious about asking officers for this information, officers should be forthright in offering such information at the beginning of the interaction without requiring the community member to make an initial request. Additionally, while the Duty Manual requires officers to provide information about reasons for a stop and/or search, there is no requirement that the officer proactively inform the community member of these reasons at the onset of the stop and/or search. The officer should proactively inform the community member of the reasons for the search at the beginning of the interaction so that the community member is aware of the lawful reason for the stop and/or search, and, if part of a consent search, is able to provide more informed consent.

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends requiring officers provide identifying information during stops.

CNA Recommendations for Full Implementation:

2.11.1: Revise Duty Manual to require officers to proactively identify themselves during stops and the reason for the stop

2.12 Recommendation: Law enforcement agencies should establish search and seizure procedures related to LGBTQ and transgender populations and adopt as policy the Recommendation from the President’s Advisory Council on HIV/AIDS (PACHA) to cease using the possession of condoms as the sole evidence of vice.

The Duty Manual currently provides guidelines for searches of transgender or nonbinary individuals in the context of cursory searches (e.g., pat-down searches or *Terry* stops) and strip searches. For cursory searches, the Duty Manual states that officers should respect community member’s request for a male, female, transgender, or gender-nonconforming officer if circumstances permit (see Section L 5110). Given that cursory searches are less intrusive than other searches, the qualifier “if circumstances permit” is not necessarily against best practices; however, SJPD should reinforce concepts of respectful policing when officers are deciding whether to conduct a cursory search. Additionally, the Duty Manual provides guidelines on conducting strip searches of transgender or nonbinary arrestees (see Section L 2911). For instance, strip searches may only be done “by two officers of the gender requested” by the arrestee. The Duty Manual also provides requirements when the arrestee does not specify a gender preference for the officer or where the gender expression or identity is not clear to the officers. The Duty Manual has sufficient guidelines for both cursory searches and strip searches of transgender individuals.

The Duty Manual, however, does not provide guidelines for other search types, primarily “search[es] incident to arrest.” These searches are more intrusive than cursory searches but less intrusive than strip searches. Because these searches require an officer to reach into the pockets of a community member, the search should be conducted by an officer of the preferred gender of the community member. We recommend that SJPD update Section L 4900 (Warrantless Searches) to discuss gender limitations when conducting a search of transgender individuals as part of the arrest process.

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends expanding search guidelines related to LGBTQ and transgender populations

CNA Recommendations for Full Implementation:

2.12.1: Revise Duty Manual to discuss gender limitations when conducting a search of transgender individuals as part of the arrest process

2.13 Recommendation: Law enforcement agencies should adopt and enforce policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.

The Duty Manual included several sections that prohibited profiling and discriminating against persons based on the characteristics listed in Recommendation 2.13.⁵⁵ Additionally, other sections held criteria for reporting and investigating discrimination. The relevant sections of the Duty Manual are as follows:

- C 1306 (*Bias-Based Policing*)
- C 1311 (*Behavior Involving Discrimination or Harassment*)
- C 1313 (*Reporting Potential Discrimination/Harassment, Including Sexual Harassment*)
- C 1314 (*Handling of Complaints of Potential Discrimination or Harassment*)
- C 1315 (*Formal Complaint Process*)
- C 1316 (*Responsibilities of the Department's Equality Assurance Officer*)
- C 1710 (*Determining the Classification of Allegations*)
- C 1803 (*Specific Conduct Subject to Disciplinary Action*)
- C 2401 (*Definitions*)
 - o As part of "Derogatory or Offensive Material"
- L 2402 (*Enforcement Action*)
 - o As part of "Traffic Law"
- L 2702 (*Unmanned Aircraft System (UAS)*)
- L 2806 (*Example of Facts*)
 - o As part of "Physical Arrest"
- L 5109 (*Documenting Detentions Pursuant to the Racial and Identity Profiling Act of 2015 (AB 953)*)

Overall, the CNA assessment team confirmed that the SJPD Duty Manual contains sufficient avenues for accountability, should an officer engage in profiling or discriminating activities. Furthermore, the CNA assessment team saw no evidence that biased-based policing practices occur in practice though a more in-depth evaluation would need to occur to verify this.

Status: Fully Implemented

CNA Recommendations for Full Implementation:

2.13.1: Maintain current efforts related to Recommendation 2.13

⁵⁵ While SJPD includes these prohibitions in several places, the range of identified classes and the exact terms used varies. For instance, compare the examples given in Sections C 1306, L 5109, C 1311, and C 1804. SJPD should ensure that its policies are consistent throughout the entire Duty Manual.

Pillar 3: Technology and Social Media

3.1 Recommendation: The U.S. Department of Justice, in consultation with the law enforcement field, should broaden the efforts of the National Institute of Justice to establish national standards for the research and development of new technology. These standards should also address compatibility and interoperability needs both within law enforcement agencies and across agencies and jurisdictions and maintain civil and human rights protections.

3.1.2 Action Item: *As part of national standards, the issue of technology's impact on privacy concerns should be addressed in accordance with protections provided by constitutional law.*

3.1.3 Action Item: *Law enforcement agencies should deploy smart technology that is designed to prevent the tampering with or manipulating of evidence in violation of policy.*

SJPD uses various technologies and specialized tools to carry out its day-to-day operations, including as part of the criminal investigation process. These tools include Department-issued smartphones, digital video recorders, audio recorders, automated license plate readers (ALPRs), cellular communication interception technology (CCIT), and BWCs, among others. While these tools provide valuable information to police agencies, agencies should also be respectful of individuals' civil liberties and constitutional rights when using these tools to collect data. The SJPD appears to recognize this point, at least in the context of having safeguards memorialized within the Duty Manual. For instance, the respective sections for ALPRs, CCIT, and BWCs provide important guidance related to authorized and restricted uses of the technology, training requirements, retention guidelines, storage and security, accountability, and information sharing.

As an example, SJPD policy (see Section L 4207) includes protections for ALPR data by placing restrictions around collecting data outside of the public view and emphasizing that "ALPR technology may not be used for the sole purpose of monitoring individual activities protected by the First Amendment to the United States Constitution". Furthermore, the policy limits retention of ALPR data to 12 months "or the length of time required by the Department for official purposes – whichever is shorter." Finally, this section of the Duty Manual explicitly states who is responsible for ensuring compliance with the policy and directing the aforementioned periodic, random audits.

The SJPD also uses several smart technologies to prevent the tampering with or manipulating of evidence. SJPD uses electronic access cards or fobs to control access to SJPD buildings and stores evidence in specific locations within SJPD buildings. SJPD property unit and evidence booking area is equipped with a video monitor and has alarmed keypad access on the doors. SJPD uses conventional

computer systems to store and access electronic evidence and access to the digital evidence is restricted.

Furthermore, some information systems collect auditable data, allowing SJPD to detect unauthorized access. For instance, the Duty Manual includes sections related to authorized access of BWC footage, noting that reviews of videos are “automatically tracked in the evidence management system’s audit trail. This information includes the person accessing the file(s), the date and time of access, the activity that was performed, and the specific IP address from which the file(s) were accessed” (Duty Manual, Section L 4443). However, while SJPD audits the system that stores BWC video to ensure videos exist for the calls officers respond to (see our assessment of Recommendation 3.2), we are not aware of any SJPD audit that examines unauthorized access of BWC footage. Similarly, the Department tracks access to ALPR information and Section L 4207 of the Duty Manual requires “periodic, random audits” of the system, though we note the regularity and scope of the audit could be better defined in this section.

Finally, while we believe the Department has comprehensive policies regarding other technologies, we note there is no policy for the Gunshot Detection System (GDS) program. While this is still a pilot program, this would also afford an opportunity for SJPD to put forth a pilot policy. In the same way the Department can evaluate the technology on a smaller scale before rolling out city-wide, so too should the Department have a pilot policy which can be modified after the evaluation phase but prior to full implementation. As all other technology policies contain sufficient guidelines, we would expect the final implementation of the program to contain a broader policy and we therefore do not hold this against our assessment of implementation. However, we recommend the SJPD put out a pilot directive for the remainder of the pilot phase so that all aspects of the program can be evaluated. We also recommend this to be a standard practice for any pilot test the Department engages in.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

3.1.1: Create pilot directive for the remainder of the pilot phase of the Gunshot Detection System program

3.1.2: Incorporate pilot policies as a standard practice for all future pilot tests

3.2 Recommendation: The implementation of appropriate technology by law enforcement agencies should be designed considering local needs and aligned with national standards.

3.2.1 Action Item: *Law enforcement agencies should encourage public engagement and collaboration, including the use of community advisory bodies, when developing a policy for the use of a new technology.*

3.2.2 Action Item: *Law enforcement agencies should include an evaluation or assessment process to gauge the effectiveness of any new technology, soliciting input from all levels of the agency, from line officer to leadership, as well as assessment from members of the community.*

3.2.3 Action Item: *Law enforcement agencies should adopt the use of new technologies that will help them better serve people with special needs or disabilities.*

Implementing new processes, including new technologies, requires taking steps to ensure the process reflects of communities' ideals and priorities, and in doing so, should garner support. Steps include gathering community input (as indicated by Action Item 3.2.1) and evaluating the effectiveness of the process in accordance with the identified needs (as indicated by Action Item 3.2.2). We examine how the SJPD incorporated these steps into the development and implementation of new technology.

As discussed in several places throughout this report, the SJPD does not generally seek broad community input during the development phase of policy creation. However, as it relates to implementing new technology, there is evidence that such pre- and post-implementation input from the community is solicited and incorporated. For instance, during the development of the GDS program, the SJPD held two well-attended listening sessions to gather community input.

However, the SJPD should ensure that it is seeking input and incorporating community feedback throughout the entirety of the pilot process for all new technologies. In addition to holding in-person or virtual forums and educating the community about the pilot process and the new technology, the Department can make a survey link available for community members to provide ongoing feedback or, as is the case with BWCs, having a dedicated page for the technology. It is important to gather feedback from the community during and at the conclusion of the pilot process to avoid the perception of excluding community input from the decision-making process.

Going forward, we recommend the SJPD ensure that the pre- and post-implementation input is sought for all new technologies by posting policy drafts regarding use of any new technologies for public comment and input for 30 days, presenting draft policies to a Police Advisory Board for feedback and comments, and ensuring ongoing opportunity for community member input. SJPD can encourage public engagement when developing a policy for new technology in several ways. SJPD

can establish a formal feedback process during a universal review period wherein anyone from the public can provide commentary. In addition to the other methods of outreach, placing a simple feedback form on SJPD website is a basic way to streamline public comment.⁵⁶ Furthermore, the SJPD should also ensure ongoing collaboration for existing programs. For example, a public information officer (PIO) can coordinate social media campaigns and other community engagement to solicit ongoing feedback during and after the pilot phase for new technologies. As noted above, we do see some evidence of this occurring for particular technologies; however, it does not appear to have been prior practice for all technologies and we recommend the SJPD standardize their approach.

After implementation, a Department will also want to ensure that technologies are serving their intended purpose, both from an objective standpoint as well as through the perceptions of those who are using the technology (i.e., officers) and those experiencing the technology (i.e., community members). This should come in the form of technology assessments as indicated by Action Item 3.2.2, including evaluating whether the technology is used as well as how it can be best used. For these considerations, we look at BWCs as they were the primary piece of technology discussed by SJPD members we spoke with.

Various city officials, including the SJPD, city manager, mayor, and the IPA,⁵⁷ have noted the importance of implementing BWC audits as such audits can strengthen the BWC program as well as promote public trust⁵⁸. To date, the SJPD's efforts to audit the program have been limited and have only focused on activation compliance. For instance, on a quarterly basis, the SJPD evaluates events to determine (1) whether there was an SJPD response and (2) whether a recording for that event exists. However, this audit only indicates whether any video exists for the event and does not provide information at the officer-level.

The Department is in the process of developing a broader program audit for BWCs, focusing on how the technology is presently used as well as how it can be used to improve departmental operations. Although not a finalized process yet, conversations with SJPD members indicate some concerns from the officers. During our virtual focus groups with SJPD members, several officers expressed dissatisfaction at the idea of implementing a video review component of an audit without an accompanying complaint. This was also indicated by SJPD representatives, who said the Department had not surveyed its officers on the idea of implementing a BWC audit but anecdotally felt the officers would be hesitant to change. We understand that negotiations are currently underway between SJPD, the city manager, and the Employee Relations Department to discuss the potential implementation of this system before it is brought before the City Council for public comment. The Department is also still working to determine how audits will be implemented, how many videos will be required

⁵⁶ See Baltimore, Maryland, Police Department's website at <https://www.baltimorepolice.org/policies> for an example of how feedback forms can be used for individual sections of policy

⁵⁷ <https://samliccardo.medium.com/fulfilling-the-promise-of-the-14th-amendment-our-next-steps-to-enhancing-police-accountability-in-7398bead42ff>

⁵⁸ <https://bwctta.com/resources/commentary/audits-and-compliance-reviews-can-strengthen-body-worn-camera-programs>

to be viewed, how much time this may take, how many people it may take to administer the audits, and the frequency of audits (annually or quarterly). The Department has conducted outreach to cities such as Chicago, Illinois; Hillsboro, Florida; and Orange County, Florida to learn how other agencies execute BWC auditing.

To SJPD's credit (though not a formal audit), there does appear to be positive feedback from members about how BWCs are being used as an instructional tool. Multiple interviewees from the patrol, sergeant, and lieutenant levels positively referenced the agency use of officers' BWC footage as opportunities to show what could have been done better, whether this was used in Crisis Intervention Training (CIT), Field Training Officer (FTO) training, or officer-involved shooting debriefs. One officer highlighted the value of using BWC video as a training tool⁵⁹ and said, "Sometimes officers also don't notice they were in wrong position for entry search and [the footage] gives a greater perspective and learning opportunity for pre-assaultive indicators." Interviewees mentioned that they are not notified when their footage is being pulled for a training, but that the agency blurs out badges and names protect the identity of the officer whose footage is being used. Additionally, multiple interviewees mentioned that SJPD operated using a "teaching rather than blaming" philosophy when using the BWC footage for training, and that the Department generally avoids "Monday morning quarterbacking." The SJPD should ensure that officers understand that any formal audit of videos will have this same "coaching" philosophy, and this may relieve some of the concern.

During the virtual focus groups, officers also raised concerns about BWC activation. Interviewees felt unclear on the policy surrounding BWC activation and were frustrated about the activation requirements, such as keeping the camera activated for the entire time an officer is present at the scene. Other officers felt concerned about allegations being made against them during times when they are required to deactivate their cameras, such as in a hospital or the county jail, because of Health Insurance Portability and Accountability Act (HIPAA). It is important to stem such confusion from the onset though without a formal feedback mechanism, the Department cannot be sure it has addressed officer concerns and confusion. For reference, the Spokane, Washington, Police Department⁶⁰ and the Fairfax, Virginia, Police Department⁶¹ issued surveys to officers and community members during pilot programs for their BWC technology. This may also be resolved in part through a new "vertical staff" program which encourages the inclusion of patrol- and line-level officers in decision-making processes. However, this is a new approach and there is insufficient information at this time for us to assess the efficacy of the process.

Furthermore, as it relates to auditing, the SJPD and the city will need to ensure that adequate resources are made available so as to conduct a comprehensive review. We are fully aware of the SJPD staffing issues and discuss this in depth in our assessment of Action Item 1.8.5. However, the

⁵⁹ Learn more about the value of using BWC footage in training in the webinar *Use of BWC Footage for Training Purposes*. <https://bwctta.com/tta/webinars/use-bwc-footage-training-purposes>

⁶⁰ <https://bj.a.ojp.gov/sites/g/files/xyckuh186/files/media/document/body-worn-camera-pilot-program-audit.pdf>

⁶¹ https://www.fairfaxcounty.gov/police/sites/police/files/assets/documents/fcpd%20final%20report%2006_25_19.pdf

results of a comprehensive and in-depth BWC audit system has wide-ranging implications and can be used in the context of training, occupational growth, and community engagement (among others). We therefore urge the Department to ensure that the scope of the audit is informed by officer feedback as well as ongoing community feedback. For instance, the SJPD informed us of their plan to post the audit process for community input prior to finalization. This is in line with best practices though also recommend the SJPD ensure community members have an ongoing ability to weigh in on the process.

Finally, the Department does not presently provide any type of formal write-up of the new technology evaluation or assessment process. When deciding to go forward with purchasing the new technology, the Department writes a policy; when deciding to not go forward with the technology, no explanation is provided. In discussing this with SJPD, we were informed that the Department does not make its decision to reject a technology public because of the potential effects to the vendor.⁶² This is understandable, particularly if a sufficient level of community engagement is conducted throughout the rest of the process.

Recommendation 3.2 also has an action item related to technology specific to individuals with special needs or disabilities. We note that, responsive to this action item, the SJPD uses special vehicles for persons with physical disabilities. Additionally, the Department uses a video chat feature for those with hearing disabilities, allowing for communication using American Sign Language as opposed to the more time-consuming practice of writing things down. Similarly (although not a disability), the Department has a Language Access Plan⁶³ for when officers cannot identify an individual's spoken language that during an encounter. Using an "I Speak" form, which includes languages identified by SJPD as representative of San José's demographics, an individual can point to his or her language on this form and then will be provided with a translator either from the agency or a contracted service. The present efforts are in line with current standards though we recommend the SJPD continue working with advocates to determine whether additional technologies could be employed.

⁶² An SJPD representative informed us SJPD would prepare a formal write-up if requested by the City Council.

⁶³ View the agency's Language Access Plan policy here: [http://www2.sjpd.org/records/Language Access Plan-Public.pdf](http://www2.sjpd.org/records/Language%20Access%20Plan-Public.pdf)

Status: Partially implemented

Full Implementation: The CNA assessment team advises the SJPD to embed BWCs into all training activities and developing policies for pilot technologies.

CNA Recommendations for Full Implementation:

3.2.1: Create pilot directive for the remainder of the pilot phase of the Gunshot Detection System program

3.2.2: Incorporate pilot policies as a standard practice for all future pilot tests

3.2.3: Establish and implement a BWC audit program

3.2.4: Incorporate meaningful input from stakeholders, including but not limited to community members, City Council, line officers, the union, and the district attorney's office when implementing a BWC audit program

3.2.5: Post policy drafts regarding use of any new technologies for public comment and input for 30 days and present draft policies to a Police Advisory Board for feedback and comments.

3.2.6: Work with the PIO to coordinate social media campaigns and other community engagement to ensure collaboration for existing programs and initiatives.

3.2.7: Discuss new policies at vertical staff program meetings to allow for officer feedback on new and existing programs and initiatives

3.2.8: Maintain other present practices related to this Recommendation

3.3 Recommendation: The U.S. Department of Justice should develop best practices that can be adopted by state legislative bodies to govern the acquisition, use, retention, and dissemination of auditory, visual, and biometric data by law enforcement.

3.3.3 Action Item: Law enforcement agencies should review and consider the Bureau of Justice Assistance's (BJA) Body-Worn Camera Toolkit to assist in implementing BWCs.

Although Recommendation 3.3 (and a majority of the action items) holds a requirement for the Federal Government, we take the opportunity to discuss the ways SJPD has implemented BJA's BWC Toolkit.

In reviewing the SJPD Duty Manual, we found sufficient guidelines about several important topics related to BWCs, including requirements related to the activation, termination, operation, and review of BWC videos. As it relates to community transparency, the SJPD also maintains an accessible website whereby community members can access the BWC policy and supplemental information about the BWC program in English, Spanish, and Vietnamese.⁶⁴ Each of these efforts are in line with the Toolkit and best practices.

However, there remain additional ways that the SJPD can bolster its BWC program, particularly in areas related to the Department's policy revision process, implementing a compliance and audit program, and navigating the video release process. For instance, the SJPD BWC policy is dated May 25, 2016, and therefore does not reflect best practices for reviewing and updating the policy on a yearly or bi-yearly basis to address internal (e.g., technology changes, change in command and leadership priorities) and external (e.g., legislation changes, community expectations, union contract negotiations, court stakeholder requirements and needs) drivers of change.⁶⁵

Additionally, as mentioned elsewhere throughout this report, SJPD does not have a robust BWC audit program. Establishing an audit program is an important part of a BWC program. During a recent virtual national meeting, subject experts discussed the benefits of this practice and suggested approaches for implementation.⁶⁶ They also discussed the importance of releasing BWC footage in a timely manner.⁶⁷ We recommend the SJPD review these resources in developing their audit approach.

⁶⁴ <https://www.sjpd.org/about-us/inside-sjpd/body-camera-information>

⁶⁵ <https://bwctta.com/resources/commentary/important-considerations-when-establishing-bwc-policy-review-and-revision>

⁶⁶ <https://bwctta.com/events/calendar/2021-body-worn-camera-training-and-technical-assistance-national-meeting>

⁶⁷ <https://bwctta.com/events/calendar/2021-body-worn-camera-training-and-technical-assistance-national-meeting>

Finally, while recent California legislation has mandated video release within 45 days of critical incidents subject to specified extensions⁶⁸, we recommend the SJPD develop its own standard policy for video release, which will help contribute to building transparency and accountability. In interviews with both community members and officers, CNA heard references to the video release process and concerns that the footage can be “doctored” as part of the redaction process. SJPD can work with community members to explain the importance and requirements around redaction. Additionally, holding meetings with local system stakeholders, such as the district and/or city attorney, judges, and public defenders about video release can mitigate future conflict and set the tone for a cooperative relationship.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to fully implement best practices cited in the BJA BWC Toolkit, also available on the BWC TTA website.

CNA Recommendations for Full Implementation:

3.3.1: Review and update the BWC policy on a yearly or bi-yearly basis to address internal and external drivers of change

3.3.2: Establish and implement a BWC audit program

3.3.3: Develop a standard policy for video release, not conflicting with the California legislation mandating video release.

⁶⁸ AB 748: Peace officers: video and audio recordings: disclosure.
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB748

3.4 Recommendation: Federal, state, local, and tribal legislative bodies should be encouraged to update public record laws.

While Recommendation 3.4 holds a requirement for legislators, we take the opportunity to discuss SJPD's efforts related to public records. SJPD is focused on improving access to its public records, part of which was led by legislation aimed at updating public records laws. Currently, if a community member requests allowable data pertaining to SB 1421⁶⁹ or AB 978,⁷⁰ SJPD provides the requestor with a link to a SharePoint database where he or she can log in and access the file. However, to cut down on labor costs and increase transparency, SJPD has been working to implement a system that would place all open data requests on a public-facing portal. As of this report, the city had received two vendor submissions for a published request for qualifications, had gone through a testing process, and was in the contractual process for purchasing a public-facing data portal. The agency stated that it hopes to launch this portal by the end of 2021.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to remain in compliance with SB 1421 and ensure requested data are easily accessible to all members of the public.

CNA Recommendations for Full Implementation:

3.4.1: Upon completing the contractual process for the public records portal, implement the portal in a timely manner

3.4.2: Ensure the public-facing data portal meets community needs

⁶⁹ SB 1421: Peace Officers: Release of Records.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1421

⁷⁰ AB 978: Law Enforcement Agencies: Public Records.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB978

3.5 Recommendation: Law enforcement agencies should adopt model policies and best practices for technology-based community engagement that increases community trust and access.

In assessing the SJPD's policies and practices for technology-based community engagement, we break our review into two primary topics. This includes reviewing how the agency uses social media to communicate with the community as well as how officers' personal use of social media shapes community members' perceptions of the Department.

Agency social media

SJPD's official social media accounts for interacting with the community⁷¹ include Facebook accounts in English and Spanish; a Facebook account for recruiting; Twitter accounts for the Department, chief, assistant chief, and PIO; a YouTube account; a NextDoor account; and Instagram accounts for the Department and for recruiting efforts. These efforts are extensive and take consistent resources to launch and maintain, especially given that the Media Relations Unit only includes one officer and one sergeant. Like other units the CNA assessment team spoke with, the Media Relations Unit is understaffed, which affects its methods and the level of engagement it has with the community of San José.⁷² With only two individuals, the Media Relations Unit works in a primarily reactive fashion. We recommend that SJPD evaluate its goals for the Media Relations Unit and assess whether the current resources are sufficient to accomplish those goals.

We also note that SJPD could improve its technology-based community engagement with non-native English speakers. According to the American Community Survey estimates, the majority of San José population that is Asian (36 percent) or Hispanic (31 percent).⁷³ White community members make up approximately 26 percent of the population, and Black community members are the smallest racial group, just 3 percent and less than those who are of another or multi-race (4 percent).⁷⁴ The agency can improve its efforts by modifying its technology outreach efforts to be more representative of the communities it serves, such as the Latinx and Vietnamese populations in San José, who in many cases, may not speak English. This can be accomplished several ways. For instance, SJPD may decide to maintain separate accounts on each platform for English, Spanish, and Vietnamese outreach. If SJPD decides not to have separate accounts, it can translate its posts into multiple languages to keep the community informed and to attract diverse talent as part of its recruitment efforts. All SJPD social

⁷¹ <https://www.sjpd.org/about-us/organization/office-of-the-chief-of-police/social-media-policy-and-official-accounts>

⁷² See Pillar 6 to review the wellness-related impacts of understaffing in this unit.

⁷³ Throughout this report the CNA team used "Latinx" to refer to people whose ethnic background originate from Central and South American, but here we used the term that the American Community Survey used to present demographics.

⁷⁴ <https://www.sanjose.org/meetings/quick-guides/san-jose-demographics-and-diversity>

media accounts should adopt this approach ensure the agency's messaging is consistent and appropriate and reaches various community sectors in the San José.

When speaking with members of SJPD, we also heard recommendations to bolster the agency's technology-based community engagement efforts with the Vietnamese communities in San José. One recommendation was to provide budget resources for agency personnel to participate in Vietnamese radio shows to connect with the Vietnamese communities in San José. The CNA assessment team agrees with this push to boost the technology-based community engagement efforts with the Vietnamese communities in San José.

Individual officers' social media

Section C 2403 of the Duty Manual (*Personal Online Presence*) addresses an individual officer's personal use of social media and other public-facing platforms. The policy regulates officers' speech that:

Adversely reflects upon the Department, impairs the working relationships of the Department, or inhibits the Department's ability to operate efficiently and effectively. Some examples of this may include material that would embarrass the Department, damage its reputation, strain community relations, inhibit recruiting, generate litigation, or interfere with successful prosecution.

To provide greater clarity about this policy, SJPD should provide supplemental guidance or training on subjects such as review parameters and allowable content. In reviewing Section C 2403 of the Duty Manual (*Personal Online Presence*), we note that SJPD could operationalize the policy with specific examples of observed past behavior.

The policy has recently been updated (March 5, 2021) based on actual events occurring within SJPD. While officers appeared to understand the importance of having policies related to online activities, there also appeared to be some apprehension about how those policies will be enforced. For instance, during virtual focus groups, some officers felt that they could be reprimanded for something posted 10 years ago (as was the case for the officer who was suspended) and expressed their belief that this would be unfair.

However, this does not negate the fact that some speech could damage SJPD's reputation and the community's trust. SJPD will need to evaluate those instances on a case-by-case basis and, where appropriate, hold officers accountable. Our recommendation is to ensure that agency personnel understand what is allowed on public-facing forums. SJPD should provide more policy guidance and/or training to officers. The communication around this policy should also emphasize the types of speech and extent of acceptable speech under the policy.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to modify their policy and practices related to technology-based engagement to achieve a greater level of community member and agency personnel trust.

CNA Recommendations for Full Implementation:

3.5.1: Evaluate the goals for the Media Relations Unit and assess whether the current resources are sufficient to accomplish those goals.

3.5.2: Modify technology-based community outreach efforts to be more representative of San José communities, such as the Latinx and Vietnamese populations, who may or may not speak English.

3.5.3: Provide supplemental guidance or training to agency personnel on allowable social media content and operationalize the relevant policy with specific examples of observed unallowable past behavior.

Pillar 4: Community Policing and Crime Reduction

4.1 Recommendation: Law enforcement agencies should develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety.

4.1.1 Action Item: Law enforcement agencies should consider adopting preferences for seeking “least harm” resolutions, such as diversion programs or warnings and citations in lieu of arrest for minor infractions.

In general, we find that the SJPd has several policies that reinforce the importance of community engagement in managing public safety. For example, SJPd’s mission statement clearly states the Department’s dedication to “maintaining community partnerships, which promote a high quality of life for the City’s diverse population.” The required duties for Department members at all levels include “actively participating in the Department’s community policing efforts.” Furthermore, Section S 1500 of the Duty Manual (*Crime Prevention/Community Services*) outlines strategies that Department members may employ to engage with the community. These include but are not limited to alerting community members to unsafe conditions, conducting home and business security surveys, and inquiring with community members about prevalent issues and engaging in problem solving. These efforts, when performed consistently, are designed to remind law enforcement of the service aspect of their role, thereby increasing trust within the community.

In addition, Department members also receive training to aid in the development of their community policing skills. Relevant classes include topics such as procedural justice, the history of policing, social intelligence, and cultural competence. Furthermore, sergeants told the CNA assessment team that they reinforce training by providing formal and informal feedback on interactions they view in person and in BWC footage.

While we commend SJPd for having a community focus in the Duty Manual as well as in training, we also note areas where such focus could be improved. For instance, Section S 1500 of the Duty Manual (*Crime Prevention/Community Services*) uses the qualifier “if time permits” quite often as it relates to community policing. It is certainly understandable that patrol officers may not be able to engage in “community policing efforts” during every call for service. However, the phrasing allows officers to remain within policy without ever undertaking these actions. While we did hear in focus group discussions that sergeants encourage officers to make time to take part in these activities, the Department should provide more concrete language in the policy. Furthermore, SJPd can expand Duty Manual section A 2812 to more explicitly state how sergeants themselves should be participating in the Department’s community policing efforts. For instance, for both officers and

supervisors, the Duty Manual may be revised to be more prescriptive by saying something to the effect of, “When not actively engaged in a law enforcement action, members shall engage with the community...” through the activities described in those sections.

Additionally, there does not exist any comprehensive, written community policing strategy or plan to provide direction for officers when engaging with the community. In interviews, a Department member shared that when the Community Advisory Board (CAB) was first established, it was tasked with aiding in drafting a community policing strategy document. However, that same member also indicated that implementation had failed, in part because of the Department’s strained relationships with various segments of the community. The CNA assessment team recommends that SJPd develop a community policing plan that outlines strategies the Department will employ, the goals they will achieve, and a timeline for implementation. SJPd should develop this plan with input from the community using both established forums, such as the CAB, and more widespread outreach.

Furthermore, the Department should task captains of each division with developing community policing plans specific to their own areas using the same methodology, thereby allowing officers to understand the broader picture for their efforts. The division plans should align with Department-wide goals but provide more specificity and nuance. This does appear to be occurring to some degree as SJPd interviewees we spoke with relayed that each division captain has an overtime budget for community engagement which can be used in accordance with the needs of the division. Where one division captain may increase foot patrols if they recognize a new pattern of burglaries, another division captain may utilize the budget for officers to attend community meetings after a use of force event. We would expect a division-specific community policing plan to include some degree of flexibility reflective of this practice. The Department also needs to be conscious about the internal messaging to officers. As an example of this, the CNA assessment team conducted a walk-through of the training facility as part of a site visit. During that walk-through, we observed a reproduction of street-artist Banksy’s “Thug for Life Bunny” inside one of the scenario houses. The painting itself is not rare—the CNA assessment team was able to find a canvas print of it being sold on Walmart’s website. In total, it appears to be a fairly well-known painting, at least in certain subcultures. However, the CNA assessment team is not convinced that SJPd officers are representative of such subcultures and therefore, out of context, the potential for misinterpreting the painting is not insignificant. Particularly if SJPd is looking to create a diverse recruitment class, the presence of the painting may deter qualified recruits from continuing if they believe the painting represents negative stereotypes. We note that when the CNA assessment team raised this issue with the Chief and Assistant Chief, there appeared to be firm resolve to address the issue immediately and there was no indication that the painting was sanctioned in any way. We appreciate the Chief and Assistant Chief for their response though recommend each SJPd division look for similar issues that, out of context, may be misinterpreted to the detriment of the Department.

As one example of a community-oriented department, Action Item 4.1.1 discusses “adopting preferences for seeking ‘least harm’ resolutions, such as diversion programs or warnings and citations in lieu of arrest for minor infractions.” By policy, the SJPd reflects this in Section L 2410 of

the Duty Manual which states, “Proper enforcement does not always involve a citation. In many instances the ends of justice and the object of enforcement are adequately served by a warning.” Additionally, Section L 2828 of the Duty Manual suggests situations where officers may decide not to make an arrest, including when there is a juvenile offender who may be better addressed with an informal warning or parental discussion.

However, here too community members reported their experience was inconsistent with concepts of appropriate discretion. For instance, the CNA assessment team spoke with community members that regularly participated in protests against police brutality. Three individuals shared that they believed SJPD targeted members of their organizations for arrest for what they thought were minor infractions in retaliation for their outspokenness. One individual said that the Department used a Ramey warrant to arrest an individual who placed a sticker on a statue (SJPD later offered clarification on this incident, informing us that the arrest was for felony-level offenses). Others shared that their arrests never resulted in charges, and that they believed that SJPD made these arrests without enough evidence to support them. While the CNA assessment team cannot substantiate these claims, the repetition and similarities in the claims are sufficient for SJPD to explore these concerns. Certainly, officers should employ discretion, though analysis of how discretion is employed may help the Department identify patterns and whether additional training may be necessary (e.g., bias-free policing training).

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to fully implement community engagement strategies as part of managing public safety

CNA Recommendations for Full Implementation:

- 4.1.1: Provide concrete expectations for community engagement in the Duty Manual, including expectations for Sergeants
- 4.1.2: Create a comprehensive, written community policing strategic plan and task captains in each division with developing area-specific community policing strategic plans
- 4.1.3: Ensure that community engagement efforts are being experienced by all types of community members

4.2 Recommendation: *Community policing should be infused throughout the culture and organizational structure of law enforcement agencies.*

4.2.1 Action Item: *Law enforcement agencies should evaluate officers on their efforts to engage members of the community and the partnerships they build. Making this part of the performance evaluation process places an increased value on developing partnerships.*

4.2.2 Action Item: *Law enforcement agencies should evaluate their patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities.*

While we refer the reader to our assessment above related to community policing’s presence in policy and training, we note here that many of the action items under Recommendation 4.2 discuss evaluation, a necessary component if community policing is truly to be “infused throughout the culture and organizational structure” of a police department. However, as noted throughout this report, the SJPD does not have consistent and reliable measures of street-level interactions and community sentiments. This will be important for ongoing measurement of compliance with this recommendation.

In addition to measuring officers’ success in community engagement, the Department will also need to ensure they are also measuring officers’ opportunities to successfully engage the community. During interviews with SJPD members, several noted that the current staffing shortage affects their ability to routinely conduct community engagement tasks. Officers shared that staffing challenges have made it increasingly difficult to complete even standard tasks, such as responding to calls for service and completing paperwork. Additionally, there appeared to be consensus among officers that SJPD responds to calls that may be better suited to a non-police agency. By routing those calls elsewhere, officers would be afforded greater opportunity to engage the community. While there are perhaps overtime opportunities available in various divisions for some of community engagement activities (e.g., attending community meetings), community engagement should be occurring on a daily basis during all shifts by all officers and members should have the ability to do so. We therefore recommend the SJPD incorporate the findings of the March 2021 staffing analysis done by the City Auditor to ensure that officers have the bandwidth to carry out the community-focused tasks prioritized in policy and training.

One area where the SJPD has incorporated measures of community policing is through their annual performance evaluations. As part of this review, supervisors are required to evaluate officers on community-focused policing using the performance appraisal form. The section provides the following guidance:

Utilizes the IMPACT goals and/or the community and Department resources to identify and remain knowledgeable of community crime and disorder problems. Takes action to correct identified problems. This includes soliciting input, cooperation and participation of community members. When appropriate, shares such information with other officers, teams, units, City departments and outside agencies.

We believe this is a best practice though note that this process could be enhanced by incorporating personalized goals for officers based upon the Department and division community engagement plans (once they are developed). These goals can include the number of community events attended and other contacts, documenting and following up on community issues, review of BWC footage, community feedback, and supervisor observations.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD ensure community policing is infused throughout the culture and organizational structure through expanded evaluation efforts

CNA Recommendations for Full Implementation:

4.2.1: Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy

4.2.2: Incorporate the findings of the March 2021 staffing analysis done by the City Auditor to ensure that officers have the bandwidth to carry out the community-focused tasks prioritized in policy and training

4.2.3: Develop personalized community engagement goals for officers based on the Department and division community engagement plans, including the metrics officers will be evaluated on

4.3 Recommendation: Law enforcement agencies should engage in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors.

4.3.1 Action Item: *The U.S. Department of Justice should collaborate with others to develop and disseminate baseline models of this crisis intervention team approach that can be adapted to local contexts.*

4.3.2 Action Item: *Communities should look to involve peer support counselors as part of multidisciplinary teams when appropriate. Persons who have experienced the same trauma can provide both insight to the first responders and immediate support to individuals in crisis.*

4.3.3 Action Item: *Communities should be encouraged to evaluate the efficacy of these crisis intervention team approaches and hold agency leaders accountable for outcomes.*

The use of co-responder models is becoming increasingly common, particularly considering the regularity with which law enforcement comes into contact with persons with mental illness. Building off of the Memphis Model Crisis Intervention Team (where specially trained officers are dispatched to crisis calls), a co-responder model involves a mental health professional response as well, allowing for professional help to come to the person in crisis (as opposed to a CIT officer transporting the person to professional help). Research has shown these programs can be effective⁷⁵ but that their effectiveness may depend on a number of implementation factors.⁷⁶

In October of 2020, the SJPD launched a Mobile Crisis Response Team (MCRT) program in collaboration with Santa Clara County Department of Behavioral Health Services. The program follows a co-responder model, deploying both a police officer and a mental health professional to calls involving a mental health crisis rather than a traditional law enforcement dispatch. Since the launch of the program, the unit has been made permanent with grant funding from the Department of Justice. Additionally, the SJPD has recently expanded MCRT resources in the Department, transitioning the program to a full-time unit and providing each member of the unit with specialized training. As with other sections, we recommend the SJPD continue to evaluate the efficacy of the program in order to ensure departmental goals are being met.

⁷⁵ Meehan, Tom, Janet Brack, Yolanda Mansfield, and Terry Stedman. "Do police-mental health co-responder programmes reduce emergency department presentations or simply delay the inevitable?." *Australasian Psychiatry* 27, no. 1 (2019): 18-20.

⁷⁶ Puntis, Stephen, Devon Perfect, Abirami Kirubarajan, Sorcha Bolton, Fay Davies, Aimee Hayes, Eli Harriss, and Andrew Molodynski. "A systematic review of co-responder models of police mental health 'street' triage." *BMC Psychiatry* 18, no. 1 (2018): 1-11.

Should resources allow, we also urge SJPD to consider using the MCRT to take a proactive approach to recognizing individuals who represent an escalating risk, thereby being able to coordinate services before an acute mental health crisis occurs. This model is used in locations such as Portland, OR⁷⁷ where it was shown to be associated with an immediate reduction in the frequency of arrests/custodies.⁷⁸

We note that contrary to Action Item 4.3.2, there do not appear to be peer support counselors as part of the MCRT response teams. Per the Department of Behavioral Health Services webpage, “response teams are made of up licensed clinicians and therapists with training and expertise in crisis response.”⁷⁹ While clinicians and therapists may certainly have lived experience, having dedicated peer specialists offers an important resource. We recommend SJPD provide their support for having peer specialists if not already done so though we recognize the ultimate decision does not likely rest with the Department.

Finally, despite SJPD’s efforts, we note that some segments of the San José community are dissatisfied with the way the Department has historically responded to mental health crisis calls. In response, there are currently efforts underway, with funding from the County of Santa Clara Behavioral Health Services Department, to implement a community mobile response program. This would be a completely community-led effort addressing groups with “historical trauma due to police brutality” and those who have been “historically unserved, underserved, and inappropriately served”⁸⁰ by police. Where a non-law enforcement response is possible, we recommend SJPD support these types of community-led efforts. However, there will continue to be mental health crises which will necessarily require a law enforcement response. Therefore, we also recommend SJPD collaborate with the community-led effort to identify which types of calls need not be handled by SJPD as well as which types of calls should be handled by officers.

⁷⁷ [Behavioral Health Response Team | Behavioral Health Unit | The City of Portland, Oregon \(portlandoregon.gov\)](#)

⁷⁸ [Compliance+and+Outcome+Assessment+Report+-+Mental+Health+Response+with+appendices \(squarespace.com\)](#)

⁷⁹ [Mobile Crisis Response Team \(MCRT\) - Behavioral Health Services - County of Santa Clara \(sccgov.org\)](#)

⁸⁰ <https://namisantaclara.org/2021/02/community-mobile-response-cmr-program-let-us-know-what-you-think/>

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

4.3.1: Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy

4.3.2: Evaluate the efficacy of the MCRT in order to ensure departmental goals are being met.

4.3.3: Use MCRT to take a proactive approach to recognizing individuals who represent an escalating risk

4.3.4: Give departmental support for having peer specialists as part of MCRT

4.3.5: Collaborate with community-led efforts for non-law enforcement responses to mental health crises and help identify which types of calls should be handled by SJPD and which could be handled with a non-law enforcement response

4.4 Recommendation: Communities should support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all, especially the most vulnerable.

4.4.1 Action Item: *Because offensive or harsh language can escalate a minor situation, law enforcement agencies should underscore the importance of language used and adopt policies directing officers to speak to individuals with respect.*

4.4.2 Action Item: *Law enforcement agencies should develop programs that create opportunities for patrol officers to regularly interact with neighborhood residents, faith leaders, and business leaders.*

Although we discuss SJPD’s broader community engagement efforts in other sections of this report, we focus here on the Department’s efforts as it relates to promotion of community members’ human dignity, especially amongst the most vulnerable. For instance, Section C 1308 of the SJPD Duty Manual outlines courtesy expectations of Department members and Section C 1404 includes general prohibitions against engaging in conduct unbecoming of a police officer. Particularly for profanity (see Action Item 4.4.1), Section C 1308 states, “Except when necessary to establish control during a violent or dangerous situation, no member shall use course, profane or derogatory language.” While these sections guide dignified interaction with community members in general, the SJPD also provides relevant, Police Officers Standards and Training (POST)-approved training to all Department members for engaging with vulnerable populations, including persons in mental health crisis, persons living with addiction, and youth (among others).

Furthermore, the SJPD participates in several Department-wide (and divisional) community engagement initiatives with neighborhood stakeholders (see Action Item 4.4.2). In many cases, the COVID-19 pandemic has curtailed the Department’s ability to conduct in-person community engagement efforts. However, the current initiatives the Department currently participates in (even if temporarily paused due to COVID-19) include the following:

- *Camp Everytown:* a camp run by SJPD for children from East San José who are unaware counselors are law enforcement until the end of the program
- *Chief’s Community Advisory Board (CAB):* a regularly meeting advisory body chosen by the Department that aids in problem solving and provides recommendations to SJPD
- *Coffee with a Cop and Boba with a Cop:* events in the community where law enforcement and community members can meet to share a beverage while discussing community issues and current events
- *Making Strides 5K Cancer Walk:* an annual fundraising event for cancer awareness

- *National Night Out*: an annual event to promote community building with law enforcement
- *Parent Project*: a program run by the District Attorney’s Office that provides additional support and training to parents of “difficult or out-of-control adolescents”
- *Project Hope*: a city-wide program that aims to address gang activity, drugs, and blight
- *San José State University (SJSU) Football Team Meeting*: an annual event where SJPD meets with football team members to engage in conversations about policing in communities of color
- *Shop with a Cop*: an annual event during the winter holiday season where SJPD members shop with children for presents
- *Special Olympics Torch Run*: an annual fundraising event benefitting the Special Olympics
- *Together Empowering and Mentoring (TEAM) Kids*: a program where patrol officers visit elementary schools for six weeks to provide early positive interactions with law enforcement and prevent gang involvement
- *YWCA Walk a Mile in Her Shoes*: an annual fundraising event for sexual assault awareness.

As another form of engagement, the SJPD also conducted a ride-along program before the COVID-19 pandemic and has plans to continue the program when it is safe again. Participants are required to be 18 years of age or older and are subject to a background check. SJPD also requires participants to attend an orientation class. The process takes about a month to complete and all information about the process is available to community members online⁸¹. Exceptions to the age requirements include high school students aged 14–18, who can participate on Friday and Saturday evenings, and Police Athletic League (PAL) cadets. SJPD also conducts a helicopter ride-along program with PAL cadets. The CNA assessment team recommends that SJPD continue ride-alongs when health safety guidelines allow for them.

Additionally, Christian and Muslim religious leaders shared that SJPD members at the command level have visited their places of worship. Similarly, recent SJPD recruits visited a Sikh temple during their academy training to gain a better understanding of the community. Black church leaders and community members have also met with Black SJPD officers to discuss current events and community issues to build better relationships within the Black community.

While these efforts are commendable, community members we spoke with indicated that more can be done. For instance, as it relates to SJPD members visiting places of worship and working with the faith-based community, interviewees expressed that such interactions were largely ad hoc and there appeared to be a desire for more consistent coordination. Additionally, there continues to be distrust in the Muslim community due to the 2020 discovery of a Facebook group in which multiple SJPD officers posted Islamophobic content. In addition to terminating one officer and suspending another

⁸¹ [Request a Ride-Along | San Jose Police Recruitment \(sjpdyou.com\)](https://www.sjpdyou.com)

for four weeks,⁸² the Department, union, and Muslim community leaders also met shortly thereafter to discuss the event and plan a path forward that centered the Muslim community and ensured Department support. However, we were informed that after this meeting, SJPD did not follow up with Muslim community leaders about repercussions for the officers involved and since then, community members we spoke with informed us that the Department has not engaged in consistent, meaningful community engagement to rebuild trust within the Muslim community.

As it relates to broader community experiences, the CNA assessment team received mixed feedback regarding the level of respect and human dignity extended by SJPD members during interactions. For example, those who engage in regular demonstrations or other regular interaction with SJPD officers shared that SJPD members were frequently rude and “verbally abusive.” However, community members from the business and religious communities stated that, while officers are apathetic in some instances, officers had not been disrespectful in their experience.

Differential experiences with SJPD may also be a function of socioeconomic status. For instance, community members from neighborhoods of higher socioeconomic status expressed that they did not interact with SJPD officers on a regular basis. However, these individuals conveyed their desire for improved relationships with officers who patrol their areas so that they can share any concerns they might have. For other community members that we spoke with, including some from the East San José area, we heard concerns that they see SJPD officers and squad cars constantly, expressing concern about over-policing. Some of these community members wanted to interact with officers in nonenforcement settings but were also wary of the Department’s intentions. Others shared that it would be very difficult for SJPD to regain their confidence solely through community meetings and events. These community members advocated for increased accountability for SJPD officers and said that substantive changes would need to be made before they would feel comfortable interacting with Department members. We note here that the sentiments of the community members we spoke may be the result of self-selection bias, since one councilmember we met with noted that the majority of East San José residents desired an increase in police presence. This is one area where regular surveys measuring satisfaction with and trust in the police would help clarify public opinion.

The CNA assessment team also heard from interviewees both in SJPD and in the community that responses to vulnerable populations such as people experiencing housing instability are insufficient. From the police perspective, officers shared that the range of actions they can take in response to these calls for service are limited and, in many cases, may be better suited to a non-police agency. Community members expressed concerns about treatment by SJPD officers, sharing that there have been instances where SJPD members have taken and broken belongings of unhoused community members. In other less serious cases, community members shared that SJPD members have spoken to unhoused people in demeaning manners. Where possible, we recommend that SJPD work with

⁸² <https://www.mercurynews.com/2021/07/04/sjpd-social-media-scandal-what-happened-to-the-officers-put-on-leave-after-blog-exposed-racist-islamophobic-and-derogatory-facebook-posts/>

city, county, and community stakeholders to identify situations where alternative response resources might result in more beneficial outcomes.⁸³

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to expand current community engagement efforts to reflect the values of protection and promotion of the dignity of all, especially the most vulnerable

CNA Recommendations for Full Implementation:

4.4.1: Continue ride-alongs when health safety guidelines allow

4.4.2: Follow up with Muslim community about repercussions for the officers involved with the Facebook group

4.4.3: Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy

4.4.4: Work with city, county, and community stakeholders to identify situations where alternative response resources might result in more beneficial outcomes with unhoused persons

⁸³ We understand this is also currently being discussed through the Reimagining Public Safety Community Advisory Committee.

4.5 Recommendation: Community policing emphasizes working with neighborhood residents to co-produce public safety. Law enforcement agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.

4.5.1 Action Item: *Law enforcement agencies should schedule regular forums and meetings where all community members can interact with police and help influence programs and policy.*

4.5.2 Action Item: *Law enforcement agencies should engage youth and communities in joint training with law enforcement, citizen academies, ride-alongs, problem solving teams, community action teams, and quality of life teams.*

4.5.3 Action Item: *Law enforcement agencies should establish formal community/citizen advisory committees to assist in developing crime prevention strategies and agency policies as well as provide input on policing issues.*

4.5.4 Action Item: *Law enforcement agencies should adopt community policing strategies that support and work in concert with economic development efforts within communities.*

Although we discuss SJPD's broader community engagement efforts in other sections of this report, we focus here on the Department's efforts as it relates to creating consistent forums to achieve the co-production of public safety with the community. Although listed as part of Action Item 4.5.3 for this recommendation, a broader discussion of advisory committees is found in our assessments of Recommendations 1.5 and 2.1. Although listed as part of Action Item 4.5.2, (creating forums for youth engagement), we note that SJPD's broader shortcomings in creating opportunities for community input on training, citizen academies, ride-alongs, and problem-oriented policing responses also apply to their engagement with youth. We also discuss SJPD's relationship with youth in greater detail in our assessment of Recommendation 4.6. Although listed as part of Action Item 4.5.4, a broader discussion of division-specific community engagement plans is found in our assessment of Recommendation 4.1.

The SJPD does not have any formal community engagement plan and therefore does not have policy related to hosting community forums. However, in practice, the SJPD holds various community meetings within divisions, focusing on specific communities and areas. Typically, these meetings include updates about the division from the captain (and, at times, the Chief's Office), including discussions about crime trends and other topics that emerge during an open dialogue segment of the meetings. Based on these meetings, captains may adjust their use of discretionary overtime funds (see also Recommendation 4.1). However, it's unclear exactly how these meetings have led to substantive policy or training changes as there are no written reports of these meetings and no formal feedback loop (though the meetings themselves afford an opportunity for oral feedback). This

was echoed by some community members we spoke with who felt that they did not receive follow-up on the feedback they have provided (either as part of these community meetings or through other feedback efforts). Additionally, other community members appeared unaware of these meetings as they felt there were few opportunities to interact with division leadership. In reviewing promotion material for community meetings, they appeared on their face sufficient to provide information about upcoming engagements, though we suggest SJPD determine whether significant portions of the SJPD are not being reached through the current outreach efforts. Finally, some community members we spoke with indicated their belief that engagement was often in one-direction, and that while community members were expected to attend SJPD meetings, the Department did not reciprocate by attending their meetings. Because we do not have data regarding each community engagement effort taken by SJPD⁸⁴, we cannot confirm this empirically though urge SJPD to look further into the distribution of Department-led and community-led collaboration.

To their credit, the SJPD appears to prepare supervisors for conducting community engagement, particularly in the context of facilitating community meetings. SJPD reports that “hosting a community meeting” is part of the sergeants, lieutenants, and captains promotional tests, requiring applicants to demonstrate an ability to facilitate discussion and respond to community concerns. This is a positive step and one that SJPD should maintain for future promotional classes.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to expand current efforts to work with community residents to co-produce public safety

CNA Recommendations for Full Implementation:

- 4.5.1: Create a comprehensive community engagement plan, both for the Department as a whole as well as for each division
- 4.5.2: Evaluate how community meetings have led to substantive policy or training changes
- 4.5.3: Determine whether all portions of the SJPD is being reach through current outreach efforts
- 4.5.4: Evaluate distribution of Department-led and community-led collaboration
- 4.5.5: Maintain requirement to demonstrate an ability to lead a community meeting as part of the promotional process

⁸⁴ This is not unique to SJPD as agencies across the country struggle with how to best capture reliable and valid community engagement data. While departments should attempt to document such efforts, there may also be a concern for reinforcing the “photo-op” stereotype by over-formalizing the process. Additionally, many officers may not document each of their efforts as it may remove some of the spontaneity of community engagement.

4.6 Recommendation: Communities should adopt policies and programs that address the needs of children and youth most at risk for crime or violence and reduce aggressive law enforcement tactics that stigmatize youth and marginalize their participation in schools and communities.

4.6.1 Action Item: *Education and criminal justice agencies at all levels of government should work together to reform policies and procedures that push children into the juvenile justice system.*

4.6.2 Action Item: *In order to keep youth in school and to keep them from criminal and violent behavior, law enforcement agencies should work with schools to encourage the creation of alternatives to student suspensions and expulsion through restorative justice, diversion, counseling, and family interventions.*

4.6.3 Action Item: *Law enforcement agencies should work with schools to encourage the use of alternative strategies that involve youth in decision-making, such as restorative justice, youth courts, and peer interventions.*

The Federal Government could incentivize schools to adopt this practice by tying federal funding to schools implementing restorative justice practices.

4.6.4 Action Item: *Law enforcement agencies should work with schools to adopt an instructional approach to discipline that uses interventions or disciplinary consequences to help students develop new behavior skills and positive strategies to avoid conflict, redirect energy, and refocus on learning.*

4.6.5 Action Item: *Law enforcement agencies should work with schools to develop and monitor school discipline policies with input and collaboration from school personnel, students, families, and community members. These policies should prohibit the use of corporal punishment and electronic control devices.*

4.6.6 Action Item: *Law enforcement agencies should work with schools to create a continuum of developmentally appropriate and proportional consequences for addressing ongoing and escalating student misbehavior after all appropriate interventions have been attempted.*

4.6.7 Action Item: *Law enforcement agencies should work with communities to play a role in programs and procedures to reintegrate juveniles back into their communities as they leave the juvenile justice system.*

4.6.8 Action Item: *Law enforcement agencies and schools should establish memoranda of agreement for the placement of School Resource Officers that limit police involvement in student discipline*

The above recommendations and action items relate to the involvement of the entire criminal justice system (including the district attorney, courts, and detention centers) and is not (nor should be) limited to SJPD alone. Police departments are often the public face and gatekeepers of the justice system though the system's impact on youth's future ability to participate in society is shared across all stakeholders. While we limit our assessment to the efforts of San José and the SJPD, we would support the County conducting a self-assessment as related to youth engagement and coordinating with SJPD for such an assessment. Additionally, in our conversations with the SJPD, we learned the Department decided to not participate in school policy enforcement and are focused on building relationships and positive, nonenforcement contact in schools. However, as per the scope of the assigned work, the CNA assessment team reviewed the recommendation and accompanying action items for section 4.6 and have provided additional areas for SJPD to consider in their participation in schools.

Overall, the SJPD appears to engage with youth in several ways, beginning with policy guidance for officers. For instance, the SJPD Duty Manual has an entire section devoted to juvenile contacts that includes policy related to street interactions, school interactions, and treatment of juveniles who are victims (see Section L 3000). The opening paragraph of this section emphasizes officers using discretion which balances "the best interest of the child" with community safety. This concept is then reinforced throughout other sections, including Section L 3003 (*Disposition in the Field*), Section L 3007 (*Minors at Schools*), and Section 3011 (*Status Offenders*), among others. Furthermore, juveniles are specifically referenced in Section L 2825 (*The Decision Not to Arrest*) with an example of a juvenile "whose wrongdoing would best be handled through informal warning, advice, etc., and a talk with the parents."

In addition to emphasizing discretion, the SJPD Duty Manual also provides SJPD members with resources for referral services. For instance, Section L 3012 (*Law Violators*) references the Santa Clara County Police Chief's Association Juvenile Detention Reform Protocol when "releasing or taking a minor into custody." Furthermore, that same section provides specific diversion resources for minors, including the Bill Wilson Center, the Alum Rock Counseling Center, and diversion programs used by Juvenile Hall staff. While we have not assessed the quality of these resources nor do we have data on how often these resources are used, their inclusion into the SJPD Duty Manual is a positive sign that the Department expects officers to at least consider their use.

Additionally, the SJPD has a Juvenile Detail (though sometimes referred to as the Juvenile Division or the Juvenile Unit). According to the SJPD's website, the Detail investigates crimes committed by minors though "works closely with both the Santa Clara County Juvenile Probation Department and the District Attorney's Office." However, we have not assessed the strength of this relationship nor outcomes associated with the collaboration.

The SJPD also participates in the Santa Clara County Reentry Network as voting members. The Network's stated goals are to "identify comprehensive reentry and recidivism reduction strategies" through a variety of approaches. However, a review of minutes from the last six meetings show that SJPD representatives were only present for two of the meetings. We recommend the Department members ensure they are acting as a consistent voice on the Reentry Network.

One area where there appears for greater engagement with youth is through the SJPD's relationship with schools. Presently, the SJPD does not have a traditional School Resource Officer program. Rather than having on-duty officers imbedded into schools, the schools hire off-duty officers to provide security during the school day and at one point, the SJPD had off-duty officers working in about 35 schools. Schools do also hire officers to provide security during events such as athletic games, social functions, and graduations.

However, the current SJPD model has some limitations that could be resolved through a more traditional school resource officer (SRO) program. For instance, because officers are working on their days off, there is no ability to staff the same officer at the school every day. This limits the relationships that may be built between students and a consistently staffed officer. Further limiting these connections is the fact that SJPD officers do not take on the role of advisor or mentor but rather share resources with the children. While we encourage sharing resources, limiting advising or mentoring function may create the appearance that the officers are in schools in an enforcement capacity only (though we commend SJPD officers for dressing out-of-uniform when working at schools).

More recently, the SJPD severely limited its role in schools based on public opposition during school board meetings. For both the East Side School District and the San José Unified School District, we understand that officers are not working in schools except as security for extracurricular activities. While we understand community concerns about officers engaging in enforcement action, there are missed opportunities by completely excluding officers from schools. For instance, one SJPD representative informed us that officers used to read to elementary school students during class to create more positive relationships. We recommend the SJPD continue to work with educational partners with the expressed stipulations that officers act not in an enforcement capacity but rather as a partner in child development. This will likely require the development of a more traditional SRO program.

Furthermore, this recommendation contains four action items that relate to law enforcement collaborating with schools to help inform school policies and practice. For all four actions, the SJPD does not directly participate in the development of school policy, including policy related to suspensions and expulsions (though the Department's internal directives related to diversion, counseling, and family interventions are discussed above). Where possible, the SJPD should provide information and guidance that may help schools shape their alternative disciplinary policy and collaborate with schools to reform policies and procedures that encourage the creation of alternatives to student suspensions and expulsion. The SJPD has institutional knowledge and data and that could be used by schools and other collaboration partners (community and families) to inform their development of alternative strategies. As discussed above, the SJPD already participates in youth diversion strategies and therefore has the experience to contribute to enrich and support school policies that stress diversion and restorative justice. In doing so, we note that this recommendation does not mean SJPD should be expected to bring an enforcement perspective to the table but rather a social development perspective based on their unique expertise.

We also refer the reader to our assessment of Recommendation 4.1 with regards to a broader community engagement plan for both the Department and individual divisions. When developing such a plan, we urge SJPd to specify youth as a population worthy of specialized outreach, beginning with engagement with schools but also extending to diversion and reentry efforts.

Finally, despite multiple efforts, we were unable to meet with youth representatives to better understand how well SJPd's policies and practices translated into actual engagement from the perspective of youth. As part of our assessment, we reached out to about dozen youth organizations, including youth activists, after-school youth programs, schools, youth housing organizations, and churches. Several were unwilling to speak with us while others did not return our emails and calls. We discuss this further in our overall comments in the introduction section

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPd to expand current efforts to work with youth community members and improve the Department's relationship with schools

CNA Recommendations for Full Implementation:

4.6.1: Where agreed upon with school districts and where receiving community support, incorporate elements of a more traditional SRO program to resolve limitations of the current model

4.6.2: Continue to work with educational partners with the stipulation that officers act not in an enforcement capacity but rather as a partner in child development

4.6.3: Participate in the development of school policy, including policy related to suspensions and expulsions that prioritizes restorative justice and alternatives to sanctions

4.6.4: When developing a community engagement plan, identify youth as a population worthy of specialized outreach, beginning with engagement with schools but also extending to diversion and reentry efforts

4.7 Recommendation: Communities need to affirm and recognize the voices of youth in community decision-making, facilitate youth-led research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions.

4.7.1 Action Item: *Communities and law enforcement agencies should restore and build trust between youth and police by creating programs and projects for positive, consistent, and persistent interaction between youth and police.*

4.7.2 Action Item: *Communities should develop community- and school-based evidence-based programs that mitigate punitive and authoritarian solutions to teen problems.*

Although Recommendation 4.7 and the associated action items are largely directed at communities, we take the opportunity to discuss SJPD's youth programs separately from the diversion and school-based youth engagement discussed in Recommendation 4.6.

The SJDP has several initiatives that are geared towards recognizing the voices of youth. These include:

- The TEAM Kids program which introduces decision-making skills, with a focus on crime prevention, for elementary-aged children. An SJPD officer addresses the class for six weeks and the classes build upon the skills taught in the previous sessions. Topics include zero tolerance, choices and consequences, peer pressure, bullying and harassment prevention, and gang prevention.
- "Rites of Passage," a yearlong program where high school aged youth participate in ongoing conversations about the transition into adulthood. Participants also share and discuss the effects of various interactions with law enforcement. SJPD has similar annual conversations with the SJSU football team as well.
- Police Athletic League (PAL), which was established in 1967 and is still active. The PAL aims to "rely on education, health, athletics, and other recreational activities that cement a bond between police officers and the youth."⁸⁵
- Camp Everytown, a program directed toward youth in the East San José area, where camp counselors, unbeknownst to participants, are members of law enforcement. Their identities are revealed at the end of the experience, providing campers, in theory, with positive interactions with SJPD members. These efforts are a positive step toward relationship building, as they allow for nonenforcement contact with police officers.

⁸⁵ <http://www.sjpdpal.com/Default.asp?org=sjpdpal.com>

In addition, the SJPD has also attempted to develop a Youth Advisory Board (YAB) to provide youth with an opportunity to provide meaningful input to the Department. However, because of the COVID-19 pandemic, participation was less than optimal. We recommend the SJPD continue efforts to develop the YAB though we also underscore the importance of gaining input from leaders and members of established youth groups, especially those working in historically underserved communities. As emphasized in our assessment of other recommendations, this should be done as part of an overarching community engagement strategic plan.

While we commend the SJPD for the above efforts, we note that the Department does not consistently evaluate its youth efforts to evaluate whether the Department's goals are being achieved. The CNA assessment team recommends that the Department utilize survey tools and data about justice-involved youth to gauge the effectiveness of its programs. **Status:** Partially Implemented

Full Implementation: The assessment team advises the SJPD to expand current efforts to incorporate youth voices into departmental decision-making

CNA Recommendations for Full Implementation:

4.7.1: Continue efforts to develop the Youth Advisory Board

4.7.2: When developing a community engagement plan, gather input from leaders and members of established youth groups, especially those working in historically underserved communities

4.7.3: Utilize survey tools and data about justice-involved youth to gauge the effectiveness of youth outreach efforts

Pillar 5: Training and Education

5.1 Recommendation: The Federal Government should support the development of partnerships with training facilities across the country to promote consistent standards for high quality training and establish training innovation hubs.

5.1.1 Action Item: *The training innovation hubs should develop replicable model programs that use adult-based learning and scenario-based training in a training environment modeled less like boot camp. Through these programs the hubs would influence nationwide curricula, as well as instructional methodology.*

5.1.2 Action Item: *The training innovation hubs should establish partnerships with academic institutions to develop rigorous training practices, evaluation, and the development of curricula based on evidence-based practices.*

Although Recommendation 5.1 refers to Federal Government training coordination, for this report we assessed the quality and innovation of SJPD’s training approach. That is not to say though that SJPD does not support consistent standards of training in and around San José. For instance, SJPD’s training facility serves as a POST-certified regional training center for other law enforcement agencies. However, the majority of this report looks at SJPD’s adherence to best practices.

The training facility that SJPD currently uses was originally built as a satellite precinct for the Department. Because of staffing and budget cuts, the Department repurposed the building for training. Although the building was not originally designed to be a training location, we note that the facility includes several elements we would expect to see. For instance, the building has the classroom capabilities necessary for instruction and also houses both a driving and a use

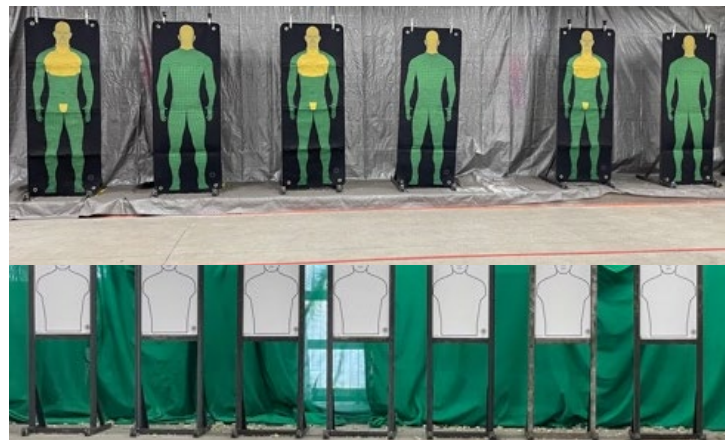


Figure 2. Less lethal shooting range

of force simulator in two separate rooms. Other spaces that have had to be modified for recruit learning. For example, standard training facilities have rooms covered in protective mats for activities such as arrest and control techniques. SJPD currently uses various multipurpose spaces for these activities. Both the less lethal shooting range and a fabricated scenario building are housed in the lower parking garage (see embedded images⁸⁶). While SJPD modified the building to temporarily

⁸⁶ Officers are trained to use less lethal weapons in the green zones and to avoid yellow zones.

serve the Department's needs, SJPD has obtained funds to build a new academy and training center, which would improve the training experience for both new recruits and current officers.⁸⁷

As specifically related to Action Item 5.1.1, SJPD uses modern technology for scenario-based training. We discuss these efforts in more detail in our assessment of Recommendation 5.12.

As specifically related to Action Item 5.1.2, SJPD partners with several academic institutions as part of training development. We discuss these efforts in more detail in our assessment of Recommendation 5.3.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

5.1.1: Maintain current efforts related to Recommendation 5.1

⁸⁷ <https://sanjosespotlight.com/san-jose-purchases-land-to-for-new-police-academy/>

5.2 Recommendation: Law enforcement agencies should engage community members in the training process.

SJPD does not allow the members from the general public to observe training or participate in the development of in-service training. However, there are other opportunities for community members and other community stakeholders to contribute to the overall SJPD training experience. The Department provides the following opportunities for members of the public to engage in training:

- Inviting community members to speak with new recruits during their academy training
- Engaging victim-assistance community groups to participate in sexual assault training
- Using advocacy groups to aid in the delivery of procedural justice training
- Requiring recruits to visit a local LGBTQ center and places of worship during training
- Conducting an implicit bias training for recruits that was developed by a community group

While these collaborations are a positive step teaching officers about the communities they serve and building meaningful relationships with those communities, there is room for SJPD to improve. For instance, some community members we spoke with indicated the majority of these opportunities are available only when a speaker or group's expertise or relevance falls under the umbrella of an existing training. This could be addressed through broader dedicated training oversight committees who work with the Department to identify training needs and implement responsive training⁸⁸. Multiple community members we spoke with supported this approach, with one community leader suggesting that SJPD develop a panel of individuals from various San José communities who can review current and new trainings to provide feedback and recommendations.

Citizen academies are also a way to gather community input, allowing community members to go through an abridged training process over the course of several weeks to better understand the experiences of law enforcement members. This additional knowledge and familiarity provide an opportunity for more thoughtful and well-informed feedback on the process. Through this approach, community members are also able to build relationships with officers in training. SJPD does not currently engage in this process, but it should explore opportunities to develop such a program and ensure that participants are able to provide a formal evaluation at the conclusion of the program.

During interviews with community members, we consistently heard a desire to participate in training with officers and have the opportunity to provide direct feedback on the training that officers receive. At present, it appears that most were unfamiliar with the current curriculum. Consistent with

⁸⁸ See, for instance, <https://baltimore.cbslocal.com/2019/04/27/bpd-calling-for-9-members-for-new-consent-decree-implementation-unit/>

recommendations throughout this report, we recommend SJPD consistently incorporate community input at each stage of training development.

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD fully engage the community in the entire training process

CNA Recommendations for Full Implementation:

5.2.1: Incorporate a broader training oversight committee

5.2.2: Implement a civilian academy and allow for a formal evaluation of the training and overall experience

5.3 Recommendation: Law enforcement agencies should provide leadership training to all personnel throughout their careers.

5.3.1 Action Item: *Recognizing that strong, capable leadership is required to create cultural transformation, the U.S. Department of Justice should invest in developing learning goals and model curricula/training for each level of leadership.*

5.3.2 Action Item: *The Federal Government should encourage and support partnerships between law enforcement and academic institutions to support a culture that values ongoing education and the integration of current research into the development of training, policies, and practices.*

5.3.3 Action Item: *The U.S. Department of Justice should support and encourage cross-discipline leadership training.*

SJPD currently requires several leadership skills training courses for recruits and current officers. For instance, the department requires officers to receive training on procedural justice, community policing, positive communication skills, bias-free policing, and other community-oriented policing topics. SJPD also uses a five-year training cycle that ensures that officers receive routine and timely refresher training.

However, while we see evidence that SJPD requires members to take these classes, efforts to evaluate the success of the training in the past appears to have been limited.⁸⁹ For instance, the course evaluations provided to us asked questions such as “Were the instructor(s) responsive to the needs of the student?” and “Did the instructor make the material relevant, involving the student(s), allow discovery, give the student experience/practice?” These questions are problematic for a few reasons. First, some are multi-pronged (meaning that one question has multiple focal points and is therefore different to interpret). Further adding to this is that the students answer in free response fields, preventing SJPD from conducting quantitative analysis across cohorts. Related to this, many responses in the evaluations simply said, “Yes,” but did not elaborate.

Furthermore, the evaluations focused primarily on officer perceptions of the class, rather than the including the range of desired training outcomes. Training evaluations should focus not only on the perceptions of the class but should also include knowledge checks, changes in officer attitudes, measurements of on-the-street behavior to ensure that training is being carried out in practice, and (where possible) organizational improvements related to the training⁹⁰. For instance, while officers may believe they benefited from leadership classes during in-service, SJPD does not have a basis to

⁸⁹ The SJPD informed that improvements were recently made to evaluate the success of training. However, the changes were being made after our assessment period which did not allow us to review the entire implemented process

⁹⁰ See, for instance, [The Kirkpatrick Model \(kirkpatrickpartners.com\)](http://kirkpatrickpartners.com)

evaluate whether officers actually improved their understanding of community-oriented policing topics (though SJPd notes this does occur during recruit training). Scenarios are not empirically scored to evaluate whether officers can demonstrate the skills they learned in the classroom. Pre-/post-tests to evaluate changes in attitudes or perceptions are not employed. While we commend SJPd for incorporating leadership training, the Department should implement a broader set of evaluation methodologies to ensure this training is effective.

As indicated by Action Item 5.3.1, leadership training does not end when trainees graduate from the academy and all SJPd members should be expected to positively guide others through their entire careers. This is certainly true when discussing the role of sergeants, who often have the most direct effects on officers. Sergeants lead briefings and roll calls, provide street-level training for officers, evaluate officer performance, conduct investigations, and are first in chain of command for patrol line officers. The Department must train sergeants properly in areas such as communication, technical duties, equipment, and accountability (among other topics) to ensure that SJPd officers develop throughout their careers.

Accordingly, POST conducts an 80-hour training on these topics for new supervisors. Newly promoted sergeants also shadow an existing SJPd sergeant for more practical training. While these practices are appropriate in theory, sergeants the CNA assessment team spoke with shared that there were inconsistencies in implementation and that the shadow phase should be extended. One expressed that when they participated in the training, some of the other supervisors present had already been in their roles for a year. Another shared, “[SJPd] put [supervisors] on the streets a week before the training; they were supposed to do shadow phase, but we were short staffed.” While there were comments about the shortcomings of the training process, sergeants did express that there is a strong sense of camaraderie among supervisors. One shared, “I know I could call any other supervisor with a situation and ask for advice. [Supervisors] have no problem sharing their experience to help you make the best decision possible. It is a collaborative environment.”

Although we received information about sergeants attending the 80-hour training to prepare them for their roles, there is no departmental training for all newly promoted members at higher ranks. For instance, there is a 104-hour management course for new lieutenants required by POST. However, there is no departmental training requirement for newly promoted captains, commanders, or executive staff. Although external trainings appear to be encouraged, SJPd itself does not provide training. SJPd should create and require specialized training for newly promoted lieutenants and captains.

Additionally, while Action Items 5.3.2 and 5.3.3 are geared towards the US DOJ, we note that SJPd has engaged in partnerships with multiple research entities to assess Department practices and bolster training received by Department members. In 2016, The Center for Law and Human Behavior at The University of Texas at El Paso (UTEP) conducted an analysis of traffic and pedestrian stops at the Department’s behest.⁹¹ This assessment was prompted by community concerns about racial and

⁹¹ <https://www.sjpd.org/home/showdocument?id=278>

ethnic disparities in Department practices. UTEP found disparities in some facets of stop procedures for Black and Latinx community members, such as the frequency with which these community members were required to exit their vehicles and sit on a curb and how often officers conducted field interviews with these groups. However, the report acknowledged that a relatively small number of officers engage in these practices. The UTEP analysis provided recommendations surrounding training, policies, and practices, and identified officers who act inappropriately (however, we have not evaluated the SJPD's implementation of these recommendations). The Department has also worked with SJSU and West Valley College to deliver training to new recruits on the history of policing. We discuss this training in more depth in Pillar 1 and refer the reader to that section for more information. Finally, we also recently learned of a training related to shooting at moving vehicles. A member of SJPD command staff identified a national trend of officers shooting at moving vehicles and, in an effort to avoid similar incidents, decided to learn more about the phenomenon. SJPD leveraged the help of the Force Science Institute to better understand the practice and implement new training. Previously, the Department trained solely on the content of the policy. However, it now conducts training that includes various scenarios officers may encounter in the field based on the Force Science Institute's research.

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD enhance training evaluation efforts to ensure that leadership training is having the desired effect.

CNA Recommendations for Full Implementation:

5.3.1: Implement a broader set of evaluation methodologies to ensure training is effective.

5.3.2: Create and require specialized training for newly promoted lieutenants and above

5.3.3: Incorporate a longer shadow phase for new supervisors

5.6 Recommendation: POSTs should make Crisis Intervention Training (CIT) a part of both basic recruit and in-service officer training.

California POST does not require CIT training, but does include information about the purpose of CIT and resources for implementing CIT programs. While it is not required, SJPd partners with the local chapter of the National Alliance on Mental Illness (NAMI) to develop and deliver CIT training. For instance, NAMI is invited to teach approximately 4 hours of the 40-hour training. The organization conducts scenario-based training exercises for officers and shares perspectives of people living with mental illness. Training related to crisis response is conducted both in the academy and as an in-service training, including the 2020 de-escalation training which included an entire section dedicated to mental health crisis.⁹² At the time of this report, SJPd informed us that all new hires since 2016 have received the CIT training, with approximately 94 percent of those hired prior to 2016 also having received the training.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

5.6.1: Consider incorporating a specialized component for mental health crisis response in line with the Memphis Model CIT program

⁹² SJPd currently provides all officers with the 40-hour CIT Basic course, a practice that is employed in other departments. However, this course does not reference the original Memphis Model and has the potential to dilute the effects of this evidence-based approach. Although we have not conducted an in-depth evaluation of SJPd's mental health response, we suggest SJPd consider incorporating a specialized component for CIT. For more information, see https://www.citinternational.org/resources/Documents/Position%20Statement%20on%20Generalist_Specialist%20Model.pdf.

5.7 Recommendation: POSTs should ensure that basic officer training includes lessons to improve social interaction as well as tactical skills.

SJPD provides several California POST- provides several certified basic academy trainings designed to address domains related to social interaction and tactical skills. For instance, basic academy training includes courses involving principled policing in the community, leadership, cultural diversity and discrimination, interacting with persons with disabilities, social intelligence, and engaging with youth. For tactical skills, SJPD provides courses related to de-escalation, interpersonal communication, and tactical positioning. We reviewed lesson plans and training material related to some of these trainings and believe they reflect the goals of Recommendation 5.7 and we have heard anecdotally that officers appreciated and enjoyed the training. However, we refer the reader to other sections of this report related to training evaluation, community input, and other considerations as they would also apply here as well.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

5.7.1: Incorporate recommendations from other sections in this report related to training evaluation, community input, and other considerations for training

5.8 Recommendation: POSTs should ensure that basic recruit and in-service officer training include curriculum on the disease of addiction.

There are no California POST requirements to directly address addiction as a disease. However, SJPD independently requires a course on controlled substances, which covers topics such as the effects of various substances and how to recognize crimes involving controlled substance. The topic is covered as part of both recruit and in-service training and is reinforced in the Department through the Crisis Management Unit (CMU) and peer support team. The SJPD should maintain their current efforts for this recommendation.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

5.8.1: Maintain current efforts related to Recommendation 5.8

5.9 Recommendation: POSTs should ensure both basic recruit and in-service training incorporates content around recognizing and confronting implicit bias and cultural responsiveness.

5.9.1 Action Item: *Law enforcement agencies should implement ongoing, top down training for all officers in cultural diversity and related topics that can build trust and legitimacy in diverse communities. This should be accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally had adversarial relationships with law enforcement.*

5.9.2 Action Item: *Law enforcement agencies should implement training for officers that covers policies for interactions with the LGBTQ population, including issues such as determining gender identity for arrest placement, the Muslim, Arab, and South Asian communities, and immigrant or non-English speaking groups, as well as reinforcing policies for the prevention of sexual misconduct and harassment.*

SJPD offers both recruit and in-service training on constitutional policing, procedural justice, and fair and impartial policing. As stated earlier, SJPD at times engages community groups for new recruit training related to those topics. For instance, SJPD command staff leveraged a local community organization for a POST-certified training on engaging with communities of color. It is a positive step for the Department to engage in training that addresses current issues though the Department should ensure that it consistently uses help from the community for proactive training as well. Additionally, the Department conducts training on sexual harassment and communication with victims as well as academy and in-service training on interacting with LGBTQ community members. The Department also partners with an LGBTQ center to bolster recruit training with information about local resources.

The training described above included individuals belonging to communities that have historically strained relationships with law enforcement. However, some grassroots activists holding more reformative views shared with us that they had not been consulted to provide their input. In response, the SJPD informed us that while such groups may not be specifically consulted for individual trainings, other community engagement efforts are in place to gather perspectives and incorporate them into departmental operations. This is a reasonable approach though we encourage SJPD to ensure that where community stakeholders have shown an explicit desire to have direct input on training, they be afforded the opportunity. We furthermore encourage SJPD to extend such opportunity more broadly to ensure that the whole of the San José community has an opportunity to contribute to SJPD training, including vocal advocates as well as the “silent majority.”

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD enhance the development and delivery of training in cultural diversity and related topics.

CNA Recommendations for Full Implementation:

5.9.1: Utilize community input for proactive training in addition to reactive training

5.9.2: Provide consistent and ongoing training related to cultural diversity and related topics

5.9.3: Provide opportunities for community members who want to participate in training an opportunity to training to do so

5.12 Recommendation: The Federal Government should support research into the development of technology that enhances scenario-based training, social interaction skills, and enables the dissemination of interactive distance learning for law enforcement.

Although Recommendation 5.12 holds a requirement for the Federal Government, we take the opportunity to discuss SJPD’s use of technology as related to use of force and driving. The Department uses both driving and use of force simulators. The Department uses the driving simulators to imitate high-speed chases and other situations, as it does not have a dedicated driving course. SJPD recognized that the use of the simulator was helpful, but could not replace the experience of driving in an actual police vehicle. The driving simulator is currently being phased out by POST, which has been responsible for the maintenance of the machines.

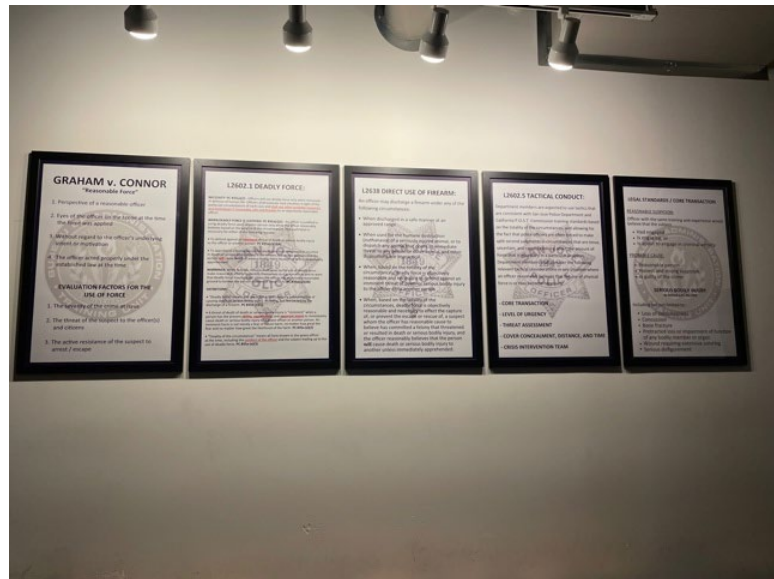


Figure 3: Legal standards posted in SJPD training room

Further, the in-car training the Department did provide, until recently, was taught using Ford Crown Victorias, even though the Department issues officers Ford Explorers. The training Department was eventually able to obtain the SUVs to ensure that the training was relevant for the recruits. We refer the reader to Recommendation 6.6 for additional information regarding this.

SJPD also uses a force simulator to provide trainees with various scenarios in which force may or may not be necessary. Trainees must use critical thinking skills, policy training, and practical training to decide what measures to take. The Department currently uses an older version of this software, but shared it is currently testing a virtual reality headset version, which is a more realistic and effective training tool. Further, the Department displays relevant policy and legal standard information in the force simulator room to remind Department members of their importance (see embedded image).

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

5.12.1: Maintain current efforts related to Recommendation 5.12

5.13 Recommendation: The U.S. Department of Justice should support the development and implementation of improved Field Training Officer programs.

5.13.1 Action Item: *The U.S. Department of Justice should support the development of broad Field Training Program standards and training strategies that address changing police culture and organizational procedural justice issues that agencies can adopt and customize to local needs.*

Although Recommendation 5.13 relates to the US DOJ, we take the opportunity to discuss SJPD's FTO Program. The SJPD follows a model of field training it developed in the 1970s, which has been adapted by numerous other departments and is one of the most widely used training programs in the US.⁹³ However, the SJPD's FTO Program is ever-changing and adapting to best practices in adult learning concepts. For instance, the program provides recruit officers with experiential learning and problem-based strategies while also immersing the recruit in the pillars of 21st century policing. In doing so, the Department also reports they consider the recruits experience and educational background in order to provide more tailored and immediate feedback.

The SJPD's model also includes a sliding focus between training and evaluation, with the first two weeks incorporating a training-only approach (i.e., having the FTO refrain from "evaluating" the officer and allowing the officer to just learn) and with the final weeks being much more evaluation-focused (i.e., having the FTO refrain from "training" the officer and evaluating the officer on their ability to respond to calls independently). Throughout the course of the FTO program, the focus between "training" and "evaluating" shifts, seeking to transition the officer into being a solo patrol officer. In speaking with the SJPD, we were informed that this mindset is also represented in the FTO program logo to further reinforce the concept.

Figure 4: SJPD FTO Program Logo



SJPD Field Training Program objectives are as follows:⁹⁴

- *To train and evaluate all recruit officers in preparation for solo patrol duty.*
- *To achieve a 90 percent success rate for all recruit officers trained.*
- *To train newly appointed field training officers and sergeants in preparation for their new duties.*
- *To provide information and training to outside agencies in the development and implementation of the San José Model of the Field Training and Evaluation Program.*

⁹³ Caro, Cary A. "Predicting state police officer performance in the field training officer program: What can we learn from the cadet's performance in the training academy?" *American Journal of Criminal Justice* 36, no. 4 (2011): 357-370.

⁹⁴ <https://www.sjpd.org/about-us/organization/bureau-of-field-operations/field-training-program>

The SJPD academy training lasts for seven months and the Department staggers two classes at once, with the senior class being about three-months ahead of the junior. Ideally, the Department would like to have about 60 recruits in each academy class. However, it is currently averaging between 40 and 50. Following academy training, SJPD requires new officers to complete a 16–20-week Field Training Program. Officers are required to meet standards in 30 different performance categories before being approved for solo patrol duty. After officers complete the program, the Department monitors officers’ performance for the duration of their probationary period through daily interactions with the officers’ FTO as well as biweekly meetings with a patrol sergeant. Officers are then required to pass an oral board examination, which is administered by the field training program, in order to be recommended for retention.

Although the program strives to retain 90 percent of the officers SJPD recruits from the beginning of the process through field training, the Department currently has an attrition rate of approximately 20 percent. The Department shared that most of those individuals who leave early in the process do so for personal reasons. Those who voluntarily separate from the Department later in the process primarily do so once they experience the reality of the duties firsthand.

Overall, we find the SJPD FTO program to be consistent with other agencies as it relates to preparing recruits to take on the role of becoming a police officer. However, we suggest the SJPD also incorporate elements from other agencies where appropriate. For instance, the COPS Office, in collaboration with the Police Executive Research Forum (PERF) and the Reno, Nevada, Police Department developed a training program from which elements could be gleaned and incorporated into the SJPD process. For instance, some agencies that use the Reno model have trainees undergo a shortened rotation with their community policing units. Others require that trainees engage in a neighborhood portfolio exercise, which is essentially a written report on the profile of an area that the officer works in over the course of his or her training program.

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

5.13.1: Where appropriate, incorporate elements from the Reno, NV model, including shortened rotations with community policing units and engaging in neighborhood portfolio exercises

Pillar 6: Officer Wellness and Safety

6.1 Recommendation: The U.S. Department of Justice should enhance and further promote its multifaceted officer safety and wellness initiative.

6.1.2 Action Item: *The U.S. Department of Justice, in partnership with the U.S. Department of Health and Human Services, should establish a task force to study mental health issues unique to officers and recommend tailored treatments.*

6.1.3 Action Item: *The Federal Government should support the continuing research into the efficacy of an annual mental health check for officers, as well as fitness, resilience, and nutrition.*

6.1.4 Action Item: *Pensions plans should recognize fitness for duty examinations as definitive evidence of valid duty or non-duty related disability.*

6.1.5 Action Item: *Public Safety Officer Benefits (PSOB) should be provided to survivors of officers killed while working, regardless of whether the officer used safety equipment (seatbelt or anti-ballistic vest) or if the officer's death was the result of suicide attributed to a current diagnosis of duty-related mental illness, including but limited to post-traumatic stress disorder (PTSD).*

Although the recommendation and action items associated with 6.1 primarily relate to responsibilities of federal actors, we take the opportunity to discuss SJPD's approach to officer safety and wellness. Overall, we find evidence that SJPD has incorporated several approaches to officer safety and wellness though there remains room for improvement, particularly with respect to the experiences of officers on the street.

One area where SJPD has attempted to address officer wellness is through voluntary focus groups convened by the Department to study the mental health issues unique to its own agency. These focus groups were started in July of 2021 by chaplains working with the agency and have touched upon many different subjects, such as police officers' working conditions and community engagement. To encourage open dialogue, the focus groups do not include commanders. SJPD has also identified interdepartmental trends that it is working to address. For instance, SJPD found that officers approaching or in retirement face their own unique challenges pertaining to wellness; the Department has held focus groups specifically for these populations as well. We encourage SJPD to continue these efforts and look for other tenure-, rank-, or demographic-related trends.

The focus groups held by the chaplains are a new initiative and demonstrate that the Department is being proactive and attempting to learn about officers' wellness. As with all other wellness initiatives, it is important that all members of the Department are queried, including but not limited to, dispatchers, professional staff, command, and chiefs. Additionally, to supplement the information

being gathered in the focus groups and ensure actions are taken from the information provided in these groups, SJPD should conduct an internal survey, ideally with an outside research partner, to study the specific mental health challenges that SJPD sworn and nonsworn personnel are experiencing. Then, SJPD should work with a research partner to develop a customized plan based upon on evidence-based practices could help it be more responsive to its members.

Organizational stress

As SJPD continues its efforts related to officer wellness, we note that interviews with various Department and city stakeholders indicate ongoing stress experienced by Department members. One common theme touched upon during our discussions with SJPD officers related to the concept of organizational stress. We note from the outset that during our interviews with SJPD members, many interviewees across all ranks had positive views of the culture inside SJPD. A positive organizational culture can affect the resilience of its officers, as research has shown that organizational stressors affect officer stress.⁹⁵ Interviewees mentioned ways they help each other daily, such as debriefing informally after tough calls, talking with each other about officer wellness and their hobbies, and taking time off. However, despite the commendable efforts of the rank-and-file to support each other, organizational stress proved to be a consistent theme.

One of the primary factors associated with such stress is staffing shortages within the Department and the impact that has on current SJPD members. For instance, we heard from various city stakeholders (including the mayor, several councilmembers, and the IPA) and from officers from all ranks of SJPD (including the chief) that understaffing and mandatory overtime were directly affecting officers' physical and mental health. The status of SJPD's staffing dilemma was cited in a report published in March 2021, sent to the City Council by the City Auditor, stating that reductions in sworn staff over the last 20 years have led to the present challenges.⁹⁶ During the virtual interviews, many themes associated with staffing challenges arose—one of them being an inability to take time off. In most of the interviews, officers cited the challenges of understaffing and the stress of having their responsibilities fall on their fellow officers if they were to take time off. This was not a feeling shared by all members, though. Some officers mentioned that certain agency members would call out sick just to take time off, which can result in at least 15–20 individuals calling in sick per day. To this point, for incoming officers, the agency switched from an “incentivized” overtime policy to an “un-incentivized” overtime policy, where officers will no longer be paid out for their sick time, which has caused additional stress among the members.

While all SJPD officers discussed the collective burnout they are facing, there appear to be some differences among groups of sworn staff. For instance, some of the sergeants we spoke with reported suffering from burnout, but also noted they did not “have it as bad as the patrol.” One sergeant stated,

⁹⁵ Officer Wellness Policy Assessment, May 2021. Council on Criminal Justice. https://assets.foleon.com/eu-west-2/uploads-7e3kk3/41697/officer_wellness.1a7fb2585197.pdf

⁹⁶<https://www.sanjoseca.gov/home/showpublisheddocument/70064/637507895190170000#:~:text=Budget%20and%20Staffing,Budget%20was%20roughly%20%24471.5%20million.>

“the main issue is the staffing...I think its crushing morale because folks are getting burnt out.” Officers referred to being in the field with four officers on a team that is designed to have six or seven, and said that this situation leads to burnout in SJPD. Interviewees also felt the understaffing affected their injury rates, as well as training. Officers interviewed in virtual focus groups expressed frustration at “bidding for a supervisor” and then the sergeant being moved around. They also expressed dismay at being ordered to stay on duty, as compared to voluntary overtime. One interviewee suggested that the injuries members sustain happen while they are operating on overtime, as opposed to their normal shifts. Interviewees mentioned the understaffing also affects officers’ ability to receive training.

The understaffing is not unique to patrol, as the impacts of understaffing are also felt in the Media Relations Unit as well. This unit consists of two individuals who are essentially on call 24/7, feel as if they “never have an off-switch,” and mentioned that the work interrupts their sleep schedules, relationships with their families, and other off-the-clock activities.

As another source of organizational stress, many officers raised concerns about internal procedural justice–related stressors⁹⁷ inside SJPD, which research has shown can have a greater effect on officer mental health than critical incidents.⁹⁸ Some of these internal stressors were related to what they felt are arduous or duplicative amounts of paperwork and documentation. Officers mentioned the feeling of being “babysat,” having to fill out a form for actions such as drawing a Taser, making a car stop, “curb-sitting” someone, and putting someone in a police car. An interviewee expressed frustration at having to collect data related to the Racial Identity and Profiling Act of 2015 and felt the excessive paperwork signified they were not trusted to do their job.⁹⁹ SJPD should determine ways to cut down on the duplication of efforts by the officers by sharing data or merging data fields. Simultaneously, as there are state-mandated requirements posed to the officers to collect data, SJPD should ensure its officers understand the reasoning behind this data collection to avoid confusion and resentment.¹⁰⁰

A third organizational stressor that multiple interviewees referred to is the agency’s policy limiting tattoos. Section C 1418.5 of the Duty Manual (*Body Art, Tattoos, Brands, Intentional Scarring, Mutilation, or Dental Ornamentation*) states that members are “prohibited from displaying [bodily ornamentation] while on duty or representing the Department in any official capacity.” However, SJPD’s limitations are somewhat outdated, as noted by RAND (2010): “the militaristic nature of police work, with its emphasis on hierarchy and formality, and the sacrifices that officers must make, from maintaining certain appearances (e.g., no beards or tattoos) to erratic schedules and long shifts, to

⁹⁷ The assessment team uses the definition “internal procedural justice” provided by the COPS Office. Learn more in the COPS Dispatch “Organizational Change through Decision Making and Policy: A New Procedural Justice Course for Managers and Supervisors”. https://cops.usdoj.gov/html/dispatch/04-2015/a_new_procedural_justice_course.asp

⁹⁸ Shane, J. M. (2010). “Organizational stressors and police performance.” *Journal of Criminal Justice*, 38(4), 807–818. <https://doi.org/10.1016/j.jcrimjus.2010.05.008>

⁹⁹ <https://oag.ca.gov/ab953>

¹⁰⁰ <https://oag.ca.gov/ab953>

placing themselves in harm's way, is also likely to discourage applicants.”¹⁰¹ Many SJPD officers with tattoos felt pride in their tattoos, felt their tattoos helped them to build rapport with the community, and felt that the current policy requiring officers to cover all tattoos is out-of-date.

SJPD should consider modifying its tattoo policy to be less restrictive. As law enforcement agencies across the country have struggled with staffing issues, many departments have loosened their tattoo policies.¹⁰² Agencies such as Springfield, Missouri, Police Department;¹⁰³ Pittsburg, California, Police Department;¹⁰⁴ and the Austin, Texas, Police Department¹⁰⁵ have all relaxed their policies regarding tattoos (except for tattoos on the neck, face, or head). SJPD should consult with peer agencies before modifying its policies and discuss any unintended consequences that may result from loosening tattoo restrictions.

Fitness

Also implicated in this recommendation are concepts of officer fitness, resilience, and nutrition. While SJPD does not require annual fitness tests for its members, it has demonstrated a commitment to officer fitness, resilience, and nutrition. For instance, the SJPD has two gyms and shower access and provides members with one hour of workout time for a maximum of two days out of the four-day workweek. During conversations with SJPD officers, many reflected positively on having access to the gym, appreciating the time the agency provides for on-duty workouts. When the gyms were shut down during the COVID-19 pandemic, many officers interviewed said that they “didn’t have the opportunity to take out frustrations” in the gym. A patrol officer also disclosed that it is hard to take advantage of the available gym time with short staffing and briefings. One step the Department could take to remedy this issue to work with local fitness centers to provide reduced rates for officers to remain physically fit.

While SJPD officers appear to appreciate the fitness options available to them, there are several ways that SJPD could improve its approach to officer fitness. For instance, some law enforcement agencies have instituted various forms of voluntary check-ups (fitness, medical) for their officers, and provided incentives for doing so. An assessment by the COPS Office of the San Diego, California, Police Department discussed how it built and sustained its wellness program, in addition to the benefits of

¹⁰¹ *Police Recruitment and Retention for the New Millennium*. RAND. 2010. https://www.researchgate.net/profile/Jeremy-Wilson-16/publication/341299158_Police_Recruitment_and_Retention_for_the_New_Millennium_The_State_of_Knowledge/links/5eb9ee81a6fdcc1f1dd2d1b2/Police-Recruitment-and-Retention-for-the-New-Millennium-The-State-of-Knowledge.pdf

¹⁰² *The Workforce Crisis, and What Police Agencies Are Doing About It*. Police Executive Research Forum. 2019. <https://www.policeforum.org/assets/WorkforceCrisis.pdf>

¹⁰³ <https://www.news-leader.com/story/news/crime/2021/01/15/springfield-police-spd-relaxes-tattoo-policy-improve-recruiting/4174010001/>

¹⁰⁴ <https://www.policemag.com/512172/california-department-now-allows-officers-to-display-tattoos-on-duty>

¹⁰⁵ <https://www.apdrecruiting.org/faq>

physical fitness programs and incentives.¹⁰⁶ The Frederick, Maryland, Police Department instituted a voluntary physical fitness and wellness incentive program¹⁰⁷ for sworn members and provides five hours of administrative leave upon completion; the Mesa, Arizona, Police Department instituted a voluntary physical fitness incentive program;¹⁰⁸ and the Norfolk, Virginia, Police Department requires officers to participate in an annual medical exam at the city's expense and requires an annual fitness assessment, providing officers who are unable to pass a fitness protocol for "mandatory on-duty physical activity."¹⁰⁹

As it relates to Action Item 6.1.4, an employee's fitness for duty examination¹¹⁰ is not considered to be definitive evidence of duty or non-duty-related disability. Presently, the Police and Fire Department Retirement Board has discretion as to whether a fitness for duty examination alone qualifies an employee for a disability retirement. The 21st Century Policing Task Force's recommendation is that fitness for duty examinations be considered definitive evidence, a position we generally agree with when both the officer and the duty examination hold the position that the officer is not fit for duty. However, in situations wherein the Department's duty examination disagrees with the officer (i.e., where the officer's position is that they are not fit for duty but the examination differs), we would expect the type of discretion found in San José's model to be of value. Therefore, we cannot conclude that Action Item 6.1.4 has been fully implemented though we would not at this time recommend full implementation. Instead, we recommend the City and SJPD continue to explore what amount of weight should be given to the duty examination, particularly in situations where the officer and the Department may disagree.

As it relates to Action Item 6.1.5, the Department does not place any limits on survivorship benefits for when an officer is killed regardless of whether they were using safety equipment. Additionally, San José does not have language in the Municipal Code or in the Police and Fire Department Retirement Plan that explicitly prevents survivorship benefits in the case of suicide resulting from mental illness. For all deaths, the Police and Fire Retirement Board would determine whether the death is considered service-connected.

¹⁰⁶ Police Executive Research Forum. 2018. *Building and Sustaining an Officer Wellness Program: Lessons from the San Diego Police Department*. Washington, DC: Office of Community Oriented Policing Services.

¹⁰⁷ <https://www.cityoffrederickmd.gov/DocumentCenter/View/6475/1980---Sworn-Employee-Voluntary-Physical-Fitness-Incentive-Program?bidId=>

¹⁰⁸ <https://public.powerdms.com/MESAPD/documents/266411>

¹⁰⁹ <https://www.norfolk.gov/DocumentCenter/View/62089/ADM-325-Wellness-and-Physical-Fitness>

¹¹⁰ A fitness for duty examination assesses a potential or current employee's ability to perform essential job functions

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPD to continue addressing mental health and address the organizational stress in the agency.

CNA Recommendations for Full Implementation:

6.1.1: Continue to hold voluntary focus groups to study mental health issues at SJPD and look for other tenure-, rank-, or demographic-related trends

6.1.2: Conduct an internal survey, ideally with an outside research partner, to study the specific mental health challenges that SJPD sworn and nonsworn personnel experience

6.1.3: Work with a research partner to develop a customized plan for ensuring members' wellness based upon on evidence-based practices

6.1.4: Determine ways to cut down on the duplication of paperwork by sharing data or merging data field and ensure officers understand the reasoning behind state-mandated data collection

6.1.5: Consider modifying the tattoo policy to be less restrictive

6.1.6: Consider supplemental approaches to fitness and incorporate as necessary

6.2 Recommendation: Law enforcement agencies should promote safety and wellness at every level of the organization.

6.2.1 Action Item: *Though the Federal Government can support many of the programs and best practices identified by the U.S. Department of Justice initiative described in recommendation 6.1, the ultimate responsibility lies with each agency.*

After SJPD tragically experienced officer several officer suicides in 2008, the agency created a video training that is presented to all Department members, created in conjunction with POST and other resources and is disseminated Department-wide for sworn and nonsworn personnel.

Crisis Management Unit

SJPD supports officer wellness in a preventative manner through its CMU. The CMU provides services such as on-call therapists, one-on-one peer support, access to chaplains, and has a physical location by the breakroom in headquarters. Pamphlets, such as the ones to the right, are posted outside of the CMU and throughout headquarters. While the positions in the CMU were previously classified as temporary duty assignments, a few months ago, the unit reclassified these positions to allow the sergeant and two officers who are assigned to be more permanently located in the CMU and develop relationships with staff throughout the Department. Officers interviewed did not mention any concerns about the confidentiality of the services they received or would receive through the CMU, aside from its central location in headquarters. Whereas law enforcement agencies have struggled with stigmas related to seeking help for mental health, officers interviewed for this review did not express feeling stigmatized when seeking CMU services. One officer summarized this sentiment and said that SJPD has “done a good job of normalizing mental health for officers.” Officers said that they are encouraged to seek help by each other, supervisors, and the Department, and that talking to a counselor does not carry a stigma.



Figure 5: Wellness resources for SJPD officers

During in-person and virtual discussions, individuals also mentioned the importance of employee appreciation. SJPD has assigned a specific captain the task of enhancing employee appreciation within SJPD, including dedicating certain days to “appreciation days,” when the Department brings in catered food to let the officers know their work is appreciated. Multiple officers referenced experiencing a tough life event and receiving services through the CMU through automatic referrals by command staff or CMU personnel.¹¹¹

While SJPD has taken concrete actions to enhance the wellness of their members, some interviewees listed areas for improvement. During in-person and virtual discussions, multiple interviewees stated that with more staff in the unit, the CMU could provide better services to the officers. One interviewee mentioned that the unit was overwhelmed with work, so while it is trying to be proactive and engage with members before a crisis, that work takes resources, and realistically, the unit should be twice its current size. The CNA assessment team recommends the SJPD evaluate its goals for the CMU and assess whether the current resources are sufficient to accomplish those goals.

Additionally, while some officers viewed the location of the CMU as convenient and helping to break the stigma for mental health, others viewed it as a barrier to receiving services. Multiple individuals mentioned they would like to see an off-site location to allow for more confidentiality when individuals are receiving services and to encourage more members to use the services.

While SJPD is meeting many of the needs of its officers, there is still room for improvement in officer safety and wellness. By adding more individuals to the unit, the members assigned could conduct more proactive outreach, provide more professional development opportunities to officers who may feel exhausted from remaining on patrol for an extended length of time, and collect more robust data on the CMU’s activities. While the services provided to individuals coming in and out of the CMU are anonymous, the unit should be more methodological about its data collection. The CNA assessment team learned of a preliminary meeting with a technology developer that would provide statistics to the CMU based on the usage of its application; however, this application is not yet deployed in the agency. Without monitoring the number of individuals seeking services, the number of individuals receiving services, the types of referrals to clinicians being made, the amount of time between a request for programming and referral, or other relevant data, the unit is not monitoring whether it is meeting the needs of its officers in a timely fashion, whether it is providing standard services to members across the agency, or whether there has been a lull in requests from the unit.

The agency should staff the unit appropriately so that it can proactively provide services to sworn and nonsworn members. The unit can add a nonsworn member, which would also allow nonsworn members throughout the agency to have representation inside the unit and avoid taking a sworn officer off the street to staff this position.¹¹² For resources for improving the CMU, and to learn how

¹¹¹ See the next section for a recommendation about improving the referral process.

¹¹² This is in line with the recommendation to civilianize agency positions:
<https://www.sanjoseca.gov/home/showpublisheddocument/70064/637507895190170000#:~:text=Budget%20and%20Staffing,Budget%20was%20roughly%20%24471.5%20million>

other agencies have addressed the staffing and location of their wellness unit, read the COPS Office Law Enforcement Mental Health and Wellness Programs case studies.¹¹³

Critical incident stress debriefing

SJPD also promotes wellness in a reactive manner through the critical incident stress debriefing (CISD) coordinator, who is also assigned to the CMU. The CNA assessment team analyzed the policy outlining the CISD and makes the following recommendations:

- The policy, L-7501 – *Critical Incident Stress Debriefing*, states, “After a particular critical incident, the event will be assessed for the necessity of a Critical Incident Stress Debriefing (CISD).” During an interview, SJPD members mentioned that the CMU personnel are aware of the mandatory triggers for an individual to attend a debriefing; however, these requirements are not codified in policy. The policy, L-7501, should clearly delineate the factors that determine whether the event is deemed eligible or necessary for a CISD to ensure that employees across the agency are receiving the same opportunities for treatment and services and that events are not being missed or overlooked. This recommendation is not intended to restrict members from attending debriefings; on the contrary, it is to ensure that members across the agency are provided the same standard of care and resources after traumatic events.
- The policy also conflicts on whether the CISD is mandatory. In one sentence, it states, “If it is determined that a CISD is necessary, then attendance is mandatory,” but in another, it includes crossed out language, stating, “The initial Critical Incident Stress Debriefing service ~~is mandatory and~~¹¹⁴ is provided for all officers directly involved in a critical incident such as an officer-involved shooting incident.” SJPD should clarify in the policy whether or not attendance at the CISD is mandatory. The policy also states, “Critical Incident Stress Debriefing should be completed for officers as soon as practicable after a critical incident concludes.” The policy should clearly delineate the timeframe for completion of a CISD (e.g., within two weeks of the incident or two months after the incident.).
- The policy, L-7501.5 – Psychological Counseling, does not specify whether the officer involved in the use of deadly force will be required to attend the counseling session prior to resuming his or her duties—instead, it says, “as soon as practicable.” We recommend that the agency require the officer’s attendance at the counseling session prior to resuming his or her normal duties.

CNA also determined that dispatchers who were involved in critical incidents are, in fact, included in the critical incident debriefs, but with little consideration to the dispatcher schedule or staffing situation. Staff permitting, all PSCSs, PSRDs, senior PSDs, and supervising PSDs involved in the

¹¹³ <https://cops.usdoj.gov/RIC/Publications/cops-p371-pub.pdf>

¹¹⁴ Parts of the SJPD Duty Manual include edits (e.g. strikethrough text or statements that sections had been deleted). We recommend that SJPD update the Duty Manual with the finalized text.

incident are urged to attend. The assistant communications manager, communications manager, and the supervising PSD (or any combination thereof) attend the chief-level debrief.

Dispatcher mental health is important to the organization and should be given appropriate attention. The SJPD CISD coordinator should develop a line of communication with the proper authority in the Communications/Dispatch division to ensure that Dispatch has the opportunity to debrief with the officers from the critical incident. This will not only provide for adequate healing for all individuals involved in the incident but can contribute to improved communications and dynamics between officers and dispatchers in future critical incidents.

Dispatch

Law enforcement agencies should promote safety and wellness at every level of the organization. As such, dispatchers are provided critical incident stress management (CISM) resources, an employee assistance program (EAP), and peer support. However, there are no policies related to mandated counseling for dispatchers. SJPD should ensure that their dispatch processes are in line with national best practices and re-assess whether a mandatory counseling policy for dispatchers should be developed.

Additionally, the Department does not collect data to evaluate the training that dispatchers receive on officer safety in the dispatch academy. Consistent with other department training, all training provided to Dispatch should be evaluated, particularly on officer safety, to identify gaps in learning and opportunities for improvement. Also related to training, it would be beneficial for dispatchers and officers to co-train with one another during activities such as ride-alongs and sit-alongs, as it enhances communication and coordination. It is also beneficial for dispatchers to attend briefings when possible. Accordingly, the SJPD should continue to send dispatchers on ride-alongs during Basic and Radio Academies and continue to send new recruits on sit-alongs post-academy.

SJPD should also continue the efforts to have Dispatch personnel attend briefings at the agency and attend via Zoom or a secure web channel if necessary and available. Furthermore, to ensure adequate resources are provided to Dispatch and improve the way they account to officer safety, the Department should address the staffing needs of Dispatch at the dispatch, supervisor, senior, PSRD, and PSCS ranks; reinstate the quality assurance program for the Dispatch personnel; and ensure that all of the Dispatch personnel receive the CIT training.

Sergeants

The role of the front-line supervisor is vital to police accountability and the importance of using evidence-based practices in the selection of, providing training to, and evaluation of the supervisors cannot be overemphasized. Sergeants at SJPD are given a disproportionate amount of responsibility. One sergeant mentioned, “[we] all do two sergeants’ jobs... [we] all supervise 12–17 people a day which is not healthy; you should only supervise 7 a day.” Multiple interviewees referred to the frequent need for sergeants to oversee two districts, when normally they would only be assigned to one. The understaffing and frequent nature of assigning sergeants to oversee two districts impairs

the sergeants' ability to follow policy A-2609¹¹⁵ to the best of their ability. Sergeants admitted to suffering from burnout and enduring forced overtime, while also saying it was "not as bad as the patrol."

Multiple interviewees also stated that the sergeants are the ones responsible for encouraging the officers they supervise to utilize the wellness resources, though some sergeants felt that wellness resources are not emphasized as a high priority. One sergeant mentioned, "we always get the short end of the stick...I tried [working out] as a sergeant and I got some interesting comments from superiors." Another mentioned, "for sergeants, it's most difficult...We can't take off days or go home early."

We learned that SJPD planned to promote sixteen officers to sergeant in September 2021 to alleviate the strain. This is a positive step in that it is removing the strain placed on many of the sergeants; however, SJPD should monitor these individuals and their supervisees to ensure the influx of new supervisors does not have an adverse effect on the officers they are supervising. For example, the CNA assessment team learned that sergeants are not uniformly provided with access to the two-week in-house sergeant school. Various interviewees noted that depending on the number of sergeants promoted at one time, they can be placed on the job without knowing the basics, such as how to review a report or approve timecards. One sergeant noted they "were supposed to shadow [another] sergeant, but that didn't happen due to staffing, so it was a splash of cold water. A shadow phase or a radio partner would have helped". Newly promoted sergeants experiencing these issues were able to look to others to mentor them until the appropriate training was provided to them, at times up to a year later. In each interview with sergeants, they noted the importance of relying on others with more experience to receive formal outlines on how to do investigations or learn other job-related tasks. With sixteen new officers being promoted to the sergeant position, it will be important for the agency to ensure they are all adequately prepared.

Such issues may be resolved through an expanded effort on the part of SJPD leadership to engage sergeants to address their concerns. Presently, the BFO chief holds quarterly meetings with field-operation sergeants to listen to concerns, explain department decisions, and gather feedback. The Department also has a normal chain-of-command notification process and, using this process, information is able to flow from sergeants to lieutenants to captains and ultimately the Chief's Office. While these efforts are a positive step, we note that there has been some damage to the trust that sergeants have for management based on a 2020 list of recommendations to raise morale that was submitted from sergeants to management. These recommendations were forwarded to an assistant chief that is no longer with the Department and therefore nobody knows what happened to them. While no current individual may be necessarily blame-worthy for the prior AC not following up or forwarding the list, the damage remains real for the sergeants we spoke with. We recommend the Department re-engage with sergeants, explain what happened, and attempt to recreate the list of recommendations.

¹¹⁵ A-2609: Morale: Supervisors will take positive steps to create and maintain high morale and a spirit of service among subordinates.

Status: Partially Implemented

Full Implementation: The CNA assessment team advises the SJPd to promote agency wellness for sworn and nonsworn members and take action to improve morale.

CNA Recommendations for Full Implementation:

6.2.1: Evaluate the goals for the CMU and assess whether the current resources are sufficient to accomplish those goals.

6.2.2: Staff the CMU appropriately so that it can proactively provide services to sworn and nonsworn members.

6.2.3: Revise the Critical Incident Stress Debriefing policy to clearly delineate the factors that determine whether the event is deemed eligible or necessary for a CISD

6.2.4: Develop a line of communication with the proper authority in the Communications/Dispatch division to ensure that Dispatch can debrief with the officers from the critical incident

6.2.5: Assess if the current wellness training and resources for Dispatch are appropriate or if further resources are needed

6.2.6: All training provided to Dispatch should be evaluated, particularly on officer safety, to identify gaps in learning and opportunities for improvement

6.2.7: Create a direct line of communication between leadership and sergeants to address sergeants' concerns

6.2.8: Re-engage with sergeants about list of sergeants' 2020 recommendations, explain what happened with initial recommendations, and engage in new process to glean feedback

6.3 Recommendation: The U.S. Department of Justice should encourage and assist departments in the implementation of scientifically supported shift lengths by law enforcement.

6.3.1 Action Item: *The U.S. Department of Justice should fund additional research into the efficacy of limiting the total number of hours an officer should work within a 24–48-hour period, including special findings on the maximum number of hours an officer should work in a high risk or high stress environment (e.g., public demonstrations or emergency situations).*

Although the Recommendation and Action Items associated with 6.3 primarily relate to the US DOJ, we take the opportunity to discuss SJPD’s approach to shift scheduling. The SJPD currently uses a 4-10 shift assignment, meaning officers work 10-hour shifts for four days a week. This shift length is consistent with research indicating 10-hour shifts are associated with “increased sleep, improved quality of work life, and reduced overtime compared to standard 8-hour shifts.”¹¹⁶

While SJPD shifts are consistent with current research, our interviews with SJPD members indicate some level of dissatisfaction with the current shift schedule and SJPD’s one-year assignment bid process. For instance, one officer positively referred to the Sheriff’s Office’s model of working 12-hour shifts and then receiving four days off. Other officers discussed the yearlong shift assignments, indicating with was affecting officers’ mental health and attitudes. Officers also expressed frustration at not having or receiving the option to negotiate a shift differential in combination with the mandatory holdovers they experience.

The combination of understaffing leading to increased responsibility on individual officers, mandatory holdovers, inability to access paid time off, and stresses of shift work appear to be having a detrimental effect on morale and officers reported checking in with each other more frequently as a result. This can also eventually have negative effects on the communities the Department serves. While the 4-10 shift model is in line with evidence-based research on the topic, it is also important to listen to the officers. Modifying shifts and the one-year patrol model could help to address officer concerns and act as a form of giving voice to the officers. However, the officers we spoke with represent a subsection of all SJPD officers and SJPD should attempt to gather more information on officers’ perceptions. Should SJPD decide to incorporate an organizational survey, we recommend this be one of the topics assessed. Furthermore, if not already done, we recommend the SJPD discuss these issues at an upcoming OAB meeting.

¹¹⁶ [5Things ShiftWork2 \(policefoundation.org\)](https://www.policefoundation.org/5things-shiftwork2/)

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

6.3.1: Gather systematic information on officers' perceptions of current shift and assignment process through an organizational survey and OAB meetings

6.4 Recommendation: Every law enforcement officer should be provided with individual tactical first aid kits and training as well as anti-ballistic vests.

Although SJPD issues first aid kits to all patrol officers, the Duty Manual does not include the kits as part of the “required equipment” for officers (see Section S 1124). However, SJPD officers do go through TacMed training and have trauma (or quick clot) kits in their cars. The agency also provided training (including first aid) for during in-service and recruit training within the last year. This training was required for officers, sergeants, lieutenants, and command staff. Therefore, we recommend the agency change the status of first aid kits to be “required equipment” as this would reinforce the prioritization reflected in the training provided. Models for this can be found in Chicago¹¹⁷ and Portland¹¹⁸ and, if needed, we also suggest SJPD consider taking advantage of the Edward Byrne Memorial Justice Assistance Grant,¹¹⁹ which has previously funded tactical first aid kits.

SJPD also issues ballistic vests to all patrol officers, requires the use of ballistic vests for most officers¹²⁰, and has conducted training on this topic during in-service and recruit training within the last three years. SJPD is in line with best practices by providing officers with anti-ballistic vests. If necessary, we suggest SJPD consider taking advantage of the Patrick Leahy Bulletproof Vest Partnership, an initiative that has awarded “more than 13,000 jurisdictions a total of \$522 million in federal funds for the purchase of over one million vests (1,441,013) as of November 2020.”¹²¹

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD memorialize the importance of first aid kits in the Duty Manual

CNA Recommendations for Full Implementation:

6.4.1 Revise the Duty Manual to consider first aid kits as “required equipment”

6.4.2 If necessary, consider securing grant funding to purchase first aid kits and bulletproof vests

¹¹⁷ <https://www.chicagocopa.org/wp-content/uploads/2018/04/Policy-Report-re-First-Aid-Policy-Training-Equipment.pdf>

¹¹⁸ <https://www.portlandoregon.gov/police/article/526150>

¹¹⁹ <https://bja.ojp.gov/program/jag/overview>

¹²⁰ Due to arbitration, the requirement to wear body armor applies only to those who were hired after August of 1989

¹²¹ <https://www.ojp.gov/program/bulletproof-vest-partnership/overview>

6.6 Recommendation: Law enforcement agencies should adopt policies that require officers to wear seat belts and bulletproof vests and provide training to raise awareness of the consequences of failure to do so.

The SJPD Duty Manual requires officers to use seatbelts when driving or riding in an SJPD vehicle and requires nearly all officers to wear soft body armor at all times while on duty. While this action item is solely focused on seatbelts and bulletproof vests, SJPD can do more as an agency to improve on overall roadway safety. For instance, within the last three years, the Department has offered training focused on vehicular safety, including seatbelt usage, during in-service and recruit training to officers, sergeants, lieutenants, and command staff. However, one interviewee mentioned that numerous officers have been involved in accidents and several interviewees referenced the need for more training, though the Department's ability to provide the training has been affected by understaffing. Interviewees also referenced the Department's procurement of SUVs, but the current emergency vehicle operations course (which is conducted by Alameda County Sheriff's Office) does not use these types of vehicles. The SJPD does not therefore control this aspect of training; however, the potential danger for emergency driving with in an unfamiliar vehicle still remains. While SJPD currently abides by POST standards, the Department might consider alternative vehicle training arrangements such as using local racetracks in order to be able to use Department-specific vehicles.

Finally, interviewees felt they did not receive enough driving training in their recent continued professional training. The Department should ensure they provide time to train officers on critical skills relevant to roadway safety, and that the training focuses on the areas that present the highest risk to SJPD officers. Trainings should be prioritized based on the officer injury data. Considering the risk that traffic-related incidents pose to officers, other drivers, passengers, and pedestrians,¹²² the Department's officer safety strategy should prioritize actions such as training and disciplinary measures.

We also note that sections of policy could be improved to reinforce concepts of officer safety. For instance, Duty Manual Section 2102 states, "Depending upon the circumstances, officers shall evaluate if the distance between the pursuing and fleeing vehicles is so great that initiating or continuing a pursuit would be impractical." The policy should provide some type of guidance on what constitutes an impractical distance, meaning the officers should not initiate a pursuit. Additionally, Section 2104 states, "Officers may consider their own safety in deciding whether or not to initiate, continue or terminate a pursuit." The Department should set the standards for officer safety and should not allow an officer, by policy, to disregard their own safety. We recommend changing this policy to read, "Officers shall consider..."

¹²² https://www.cna.org/CNA_files/PDF/Law-Enforcement-Officer-Safety.pdf

Status: Fully Implemented

CNA Recommendations for Ongoing Implementation:

6.6.1: Gather officer feedback regarding scope of training received versus desired and provide supplemental training, as necessary

6.6.2: Revise the Duty Manual to clarify departmental guidance on pursuits

6.7 Recommendation: Congress should develop and enact peer review error management legislation.

Recommendation 6.7 discusses peer review error management, which relates to incidents that may be considered “lawful but awful” or “near misses” in the context of being found out of policy. The SJPD does not conduct “peer review” in the sense of a formal non-disciplinary review process for nearly-out-of-policy events (outside of the mandatory review of officer-involved shooting events). Most appropriate for these types of events would be applications of force that may have been avoided or reduced had the officer made different tactical decisions. In part, this could be achieved through a regular force audit, Force Review Board, or through a force inspector (see also our Use of Force Report in this regard). While such an approach would also cover departmental operations issues (i.e., policy, training, operations, etc.), peer members could discuss the officer’s decision-making as well.

While not a “peer review,” the Department does attempt to address the underlying concept of error management through their Early Intervention System (EIS). EIS is a tool that many agencies use to identify potentially problematic employees who are at risk of an adverse event. Although no two EISs across the nation are identical, the underlying concept behind them remains consistent: certain officers demonstrate characteristics that are associated with a higher likelihood of experiencing an adverse event. In order to avoid such events and to address the underlying behavior, the officer receives supervisor intervention in the form of coaching, referral to the EAP, or other remediation efforts. A department’s EIS may be informed by univariate thresholds, relative comparisons between officers, or complex statistical models. Regardless of how EIS alerts are generated, the system must be well understood by employees and must be able to identify those who are at risk.

The SJPD’s approach to EIS has evolved over the years though is moving towards more complex processes to identify officers. For instance, the SJPD has historically used an EIS¹²³ that relies upon officer complaint data to signal when an officer may benefit from an intervention. However, this approach uses a univariate threshold (i.e., number of complaints) and several interviewees appeared to agree that the system could be more robust for both officer and community safety if it included additional information beyond complaint data. The SJPD has also incorporated a relative comparison approach with use of force data. Using data collected as part of their routine use of force analyses,¹²⁴ the SJPD identifies officers who use comparatively higher rates of force. The Chief’s Office then reviews those officers more closely and determines whether there exists a need for an intervention. While this is more consistent with contemporary EIS approaches given the comparative element, this

¹²³ “An early warning system is a data-based police management tool designed to identify officers whose behavior is problematic and provide a form of intervention to correct that performance.”
<https://www.ojp.gov/pdffiles1/nij/188565.pdf>

¹²⁴ [Force Analysis Data | San Jose Police Department, CA \(sjpd.org\)](https://www.sjpd.org/Force-Analysis-Data)

approach only includes inputs from use of force and diminishes the management responsibility of the direct supervisor (i.e., Sergeant).

Multiple interviewees stated it is currently the responsibility of the sergeants to monitor officers and anticipate possible stressors, but due to sergeants' workloads and the number of officers working overtime, this level of oversight does not consistently occur. A system informed by multiple data sources could help the Department identify officers that may need of additional support, thereby providing supervisors with an empirical pointer system for where guidance would be most beneficial. Officers reflected on several anecdotes about the benefits of early interventions, including the following:

- One individual mentioned a need to monitor individuals working overtime to ensure they are not under financial stress.
- Officers mentioned ways that an EIS could be helpful to officers by flagging problematic behaviors before a serious offense. For example, an individual mentioned that timesheet fraud is an issue—if an offending individual is held accountable early because the EIS recognizes the issue, the Department can avoid more serious forms of discipline, such as firing.
- Other individuals mentioned that data that could be tracked in a system would comply with secondary employment tracking sheets.

Responsive to the shortcomings of SJPD's prior approaches, the Department is currently working with a vendor to expand the Department's ability to identify potentially problematic officers. The SJPD and vendor are presently coordinating on an 18-month project which has consisted of compiling the data, analyzing the vendor's capabilities, and deferring to the city for a final decision. Data sources being included in the test system include, but are not limited to, computer-aided dispatch (CAD) data, officer organization chart, arrest information, IA data, uses of force, stop data, rank and supervisor, and time missed. SJPD plans to conduct a train-the-trainer in November of 2021 with the additional plan of going live with five years' worth of data in December. The system will be doing a peer-level comparison to identify outliers and unusual activity. This will require SJPD to revise their current policy for EIS, which it is in the process of doing.

SJPD should continue to monitor its deployment of the EIS and make improvements as necessary during the system rollout. The Department should also consider whether the EIS should be housed in IA or in another unit. Given that an EIS is not meant to be disciplinary, housing the system within IA could attach a negative stigma to the program. The agency should also continue collaboration with various stakeholders during the ongoing development and review of the new EIS approach. Also of importance to this are consistent and reliable measures of how officers and supervisors are experiencing the new system and (once sufficient data has been collected) where the desired outcomes are being achieved.¹²⁵

¹²⁵ To learn more about creating and implementing an early warning system, visit: <https://www.theiacp.org/sites/default/files/2020-05/EarlyIdentificationSystems%2005-19-2020-to%20publish.pdf>

Status: Partially Implemented

Full Implementation: The CNA assessment team recommends the SJPD implement peer review, at least as it relates to nearly-out-of-policy uses of force

CNA Recommendations for Full Implementation:

6.7.1: Create a process for a force audit, force review board, or force inspector to identify “near misses” and assign peer members to discuss event with involved officers

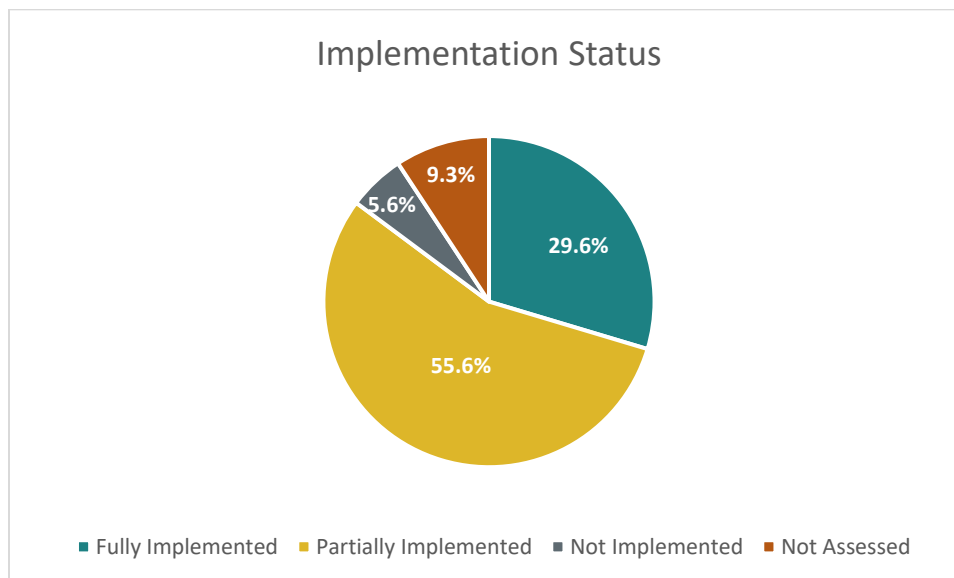
6.7.2: Maintain efforts to implement broader EIS program

6.7.3: Develop consistent and reliable measures for evaluating the operation of the EIS

Conclusion

In reviewing the SJPD’s policies, procedures, training, and operations, we find an overall appreciable degree of implementation of the recommendations and action items from the President’s Task Force Report on 21st Century Policing. Particularly as it relates to memorializing 21st century policing principles into the SJPD Duty Manual, we see evidence of the Department’s dedication to incorporating best practices. Additionally, the Department has delivered several quality trainings that reinforce positive principles of policing. Throughout this report, we highlight such policies and training in support of the Department’s goals.

In performing this assessment, we evaluated a total of 49 recommendations provided by the President’s Task Force on 21st Policing with most recommendations having multiple action items associated with them. Overall, we found that SJPD had fully implemented 16 of the recommendations, partially implemented 30 of the recommendations, and had not implemented 3 of the recommendations. The relatively few “not implemented” recommendations should serve as a credit to SJPD in that we found they had at least attempted to implement the letter (and in most cases, the spirit) of the recommendations. However, within each pillar, we found shortcomings that require resolution.



Where we find the most room for the Department to improve is in the current quality-control mechanisms to ensure that street-level behavior and departmental operations conform to the expectations set out in policies and training. Most often, our inability to find full implementation of the Task Force’s report was due to a lack of empirical evidence that efforts were being successful. In such situations, and particularly when the experiences of community members were contrary to 21st century policing principles, the Department will need to identify relevant foci, incorporate sound methodologies for measuring those foci, and integrate findings into a robust cycle for self-evaluation. This should occur as part of a well-planned community engagement plan. Through this process, the

Department will also be able to provide direct and responsive evidence when negative community sentiment is inconsistent with broader departmental operations.

This is most salient and consequential for the Department's efforts at community engagement. The SJPD has several community-oriented practices aimed at improving the relationship with the community served by the Department. However, the Department cannot presently be assured that the time and resources being dedicated to community engagement are having the desired impacts, potentially limiting the utility of such efforts to being a nominal practice. Similarly, the Department should be assured that each street-level interaction involves officers demonstrating concepts of procedural justice through consistent interaction surveys, a recommendation which we reference throughout this report.

Similarly, in addition to empirically evaluating community perceptions, the Department does not comprehensively gather feedback from its own members. Through discussions with members of all ranks, we heard consistent evidence that Department members do not regularly shape policy, training, or have input on day-to-day operations. While exceptions certainly exist, routine contributions by departmental members do not appear to be a standard practice. This could be addressed by regular organizational-wide surveys as well as an expansion of the advisory groups currently being used. As with community input, the SJPD would benefit from a system of reporting back to those who provided comment so as to validate their voice.

Appendix A: Acronyms

Acronym	Definition
ALPR	Automated license plate reader
BJA	Bureau of Justice Assistance
BWC	Body-worn camera
CAB	Community Advisory Board
CAD	Computer-aided dispatch
CCIT	Cellular communication interception technology
CISD	Critical incident stress debriefing
CISM	Critical incident stress management
CIT	Crisis Intervention Training
CMU	Crisis Management Unit
COPS	Office of Community-Oriented Policing Services
CPS	Crime Prevention Specialist
CSO	Community service officer
DOJ	US Department of Justice
EAP	Employee assistance program
EIS	Early intervention system
FTO	Field Training Officer
GDS	Gunshot detection system
HIPAA	Health Insurance Portability and Accountability Act
IA	Internal Affairs Unit
ICE	US Immigration and Customs Enforcement
IPA	San José's Independent Police Auditor
NAMI	National Alliance on Mental Illness
OAB	Officer's Advisory Board
OII	Officer involved incident ¹²⁶
PAL	Police Athletic League
PIO	Public information officer
POA	Police Officers Association
POST	Police Officers Standards and Training
SARA	Scanning, Analysis, Response, and Assessment model
SJPD	San José Police Department

¹²⁶ Arising from a fatal/non-fatal firearm discharge or an in-custody death.

TEAM	Together Empowering and Mentoring
UTE	University of Texas at El Paso
YAB	Youth Advisory Board

Appendix B: Findings and Recommendations by Theme

Recommendation Theme	CNA Recommendation Number	Recommendation
Accountability - Implementation	1.4.5	Re-iterate the potential for mediation as an outcome and encourage officers to participate in the approach when appropriate.
Accountability - Implementation	2.8.2	The city should identify other ways that the IPA might contribute to civilian-led oversight, conduct pilot reviews of those approaches, and act accordingly.
Accountability - Measurement	2.3.2	Evaluate the operation of the review panel for any policy or training implications.
Accountability - Measurement	2.8.1	The city should review the findings of the IPA pilot program and make an evidence-based decision on whether to retain the IPA's current authority.
Accountability - Policy	1.3.5	Require all department members to accept allegations of misconduct as currently described in Section C 1703.
Accountability - Policy	1.3.6	Revise the Duty Manual to focus on maintaining community trust through fair and impartial investigations.
Accountability - Policy	1.3.7	Allow the investigator to make preliminary findings for administrative investigations while keeping the ultimate responsibility for findings with the chief.
Accountability - Policy	1.3.8	Require supervisors to make findings during a supervisory investigation.
Accountability - Policy	1.3.9	Revise the Duty Manual to reserve strip searches for criminal matters, and only in accordance with strict criteria and with the approval of the Chief or Deputy Chief.
Accountability - Policy	1.4.4	Continue developing the SJPD discipline guide, incorporating best practices from other agencies.
Accountability - Transparency	1.3.3	During public briefings of OII events, state only objective facts relevant to the event and avoid making concrete statements prior to the conclusion of the investigation.
Accountability - Transparency	1.3.4	During public briefings of OII events, provide information related to each application of force, particularly for OII events in which multiple officers fire multiple shots.
Community Engagement - Feedback	2.1.1	Provide some type of written or online feedback forms at each community meeting to validate community members' voice and enhance the collaborative spirit of the meetings.
Community Engagement - Feedback	4.4.2	Follow up with Muslim community about repercussions for the officers involved with the Facebook group.

Community Engagement - Implementation	1.1.3	Utilize findings of prior evaluations to inform future efforts to create a learning organization cycle in accordance with the Scanning, Analysis, Response, and Assessment (SARA) model for problem-oriented policing.
Community Engagement - Implementation	1.2.1	Provide a public acknowledgement of the role that police have had in past and present injustice and discrimination.
Community Engagement - Implementation	1.9.4	Staff designated liaison officers for each unique community within San José.
Community Engagement - Implementation	3.5.2	Modify technology-based community outreach efforts to be more representative of San José communities, such as the Latinx and Vietnamese populations, who may or may not speak English.
Community Engagement - Implementation	4.1.2	Create a comprehensive, written community policing strategic plan and task captains in each division with developing area-specific community policing strategic plans.
Community Engagement - Implementation	4.3.5	Collaborate with community-led efforts for non-law enforcement responses to mental health crises and help identify which types of calls should be handled by SJPD and which could be handled with a non-law enforcement response.
Community Engagement - Implementation	4.4.1	Continue ride-alongs when health safety guidelines allow for them.
Community Engagement - Implementation	Multiple	Create a comprehensive community engagement plan, both for the department as a whole as well as for each division.
Community Engagement - Input	1.5.2	Implement a universal review period and notification process for upcoming policy revisions.
Community Engagement - Input	1.5.3	Create dedicated webpages for areas of community interest to facilitate the review and comment processes.
Community Engagement - Input	1.5.4	Spotlight important policies with a coordinated outreach effort.
Community Engagement - Input	1.5.5	Enhance present level of collaboration with school districts.
Community Engagement - Input	2.1.2	Create boards with additional historically marginalized populations. The SJPD should also consider establishing its own Police Advisory Board comprised of only residents from areas within the respective district and representative of the demographics within that district.
Community Engagement - Input	5.9.1	Utilize community input for proactive training in addition to reactive training.
Community Engagement - Input	5.9.3	Provide opportunities for community members who want to participate in training an opportunity to do so.

Community Engagement - Language Access	1.9.2	Translate the Language Access Plan into Spanish and Vietnamese (among other languages spoken in San José).
Community Engagement - Language Access	1.9.3	Reinforce to officers the importance of using multi-language resources so as to be responsive to community concerns.
Community Engagement - Measurement	1.4.1	Incorporate a regular organizational survey to collect employee sentiment about the direction of the organization and organizational decisions.
Community Engagement - Measurement	1.5.1	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.
Community Engagement - Measurement	3.4.2	Ensure the public-facing public records portal meets community needs.
Community Engagement - Measurement	3.5.1	Evaluate the goals for the Media Relations Unit and assess whether the current resources are sufficient to accomplish those goals.
Community Engagement - Measurement	4.1.3	Ensure that their community engagement efforts are being experienced by all elements of the community.
Community Engagement - Measurement	4.2.1	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.
Community Engagement - Measurement	4.2.3	Develop personalized community engagement goals for officers based on the department and division community engagement plans, including the metrics officers will be evaluated on.
Community Engagement - Measurement	4.5.2	Evaluate how community meetings have led to substantive policy or training changes.
Community Engagement - Measurement	4.5.3	Determine whether all portions of the SJPD community is being reached through current outreach efforts.
Community Engagement - Measurement	4.5.4	Evaluate distribution of department-led and community-led collaboration.
Community Engagement - Measurement	4.7.3	Utilize survey tools and data about justice-involved youth to gauge the effectiveness of youth outreach efforts.
Community Engagement - Measurement	Multiple	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.
Community Engagement - Policy	2.11.1	Revise Duty Manual to require officers to proactively identify themselves during stops and the reason for the stop.

Community Engagement - Policy	2.12.1	Revise Duty Manual to discuss gender limitations when conducting a search of transgender individuals as part of the arrest process.
Community Engagement - Policy	4.1.1	Provide concrete expectations for community engagement in the Duty Manual, including expectations for Sergeants.
Community Engagement - Training	5.2.1	Incorporate a broader training oversight committee.
Community Engagement - Training	5.2.2	Implement a civilian academy and allow for a formal evaluation of the training and overall experience.
Community Engagement - Transparency	1.3.2	Translate all documents on the SJPD website, prioritizing important items first (e.g., Duty Manual).
Community Engagement - Transparency	1.9.1	Maintain efforts to publicly clarify SJPD's relationship with ICE.
Community Engagement - Transparency	2.3.3	Upon completion of investigations and legal proceedings, provide written summaries of OII events and post on the SJPD website.
Community Engagement - Transparency	2.5.1	Continue ask officers to voluntarily provide this information and report it publicly, stressing to officers that it is a matter of import to community members.
Community Engagement - Transparency	2.5.2	Put the information voluntarily provide by SJPD member on the SJPD website.
Community Engagement - Transparency	2.6.2	Disaggregate data by school and non-school contacts.
Community Engagement - Transparency	Multiple	Where allowed by law, provide publicly available data regarding SJPD stops, summonses, and arrests.
Diversity - Training	5.9.2	Provide consistent and ongoing training related to cultural diversity and related topics.
EIS - Measurement	6.7.3	Develop consistent and reliable measures for evaluating the operation of the EIS.
Maintenance	2.13.1	Maintain current efforts related to Recommendation 2.13.
Maintenance	2.4.1	Maintain current efforts related to Recommendation 2.4.
Maintenance	2.9.1	Maintain current efforts related to Recommendation 2.9.
Maintenance	3.2.8	Maintain other present practices related to Recommendation 3.2.
Maintenance	4.5.5	Maintain requirement to demonstrate an ability to lead a community meeting as part of the promotional process.
Maintenance	4.7.1	Continue efforts to develop the Youth Advisory Board.

Maintenance	5.1.1	Maintain current efforts related to Recommendation 5.1.
Maintenance	5.12.1	Maintain current efforts related to Recommendation 5.12.
Maintenance	5.8.1	Maintain current efforts related to Recommendation 5.8.
Maintenance	6.7.2	Maintain efforts to implement broader EIS program.
Organizational Justice - Measurement	6.3.1	Gather systematic information on officers' perceptions of current shift and assignment process through an organizational survey and OAB meetings.
Organizational Justice - Policy	6.1.4	Determine ways to cut down on the duplication of paperwork by sharing data or merging data field and ensure officers understand the reasoning behind state-mandated data collection.
Organizational Justice - Policy	6.1.5	Consider modifying the tattoo policy to be less restrictive
Organizational Justice - Voice	1.4.2	Incorporate consistent and completed processes for gathering employee feedback on the development and revision of policies.
Organizational Justice - Voice	1.4.3	Incorporate a mechanism for gathering employee input on the development of training.
Organizational Justice - Voice	3.2.7	Discuss new policies at vertical staff program meetings to allow for officer feedback on new and existing programs and initiatives.
Organizational Justice - Voice	6.2.7	Create a direct line of communication between leadership and sergeants to address sergeants' concerns.
Organizational Justice - Voice	6.2.8	Re-engage with sergeants about list of sergeants' 2020 recommendations, explain what happened with initial recommendations, and engage in new process to glean feedback.
Procedural Justice - Policy	1.1.1	Incorporate explicit references to procedural justice and the department's reliance on the practice as a guiding principle into the SJPD Duty Manual.
Safety - Implementation	6.4.2	If necessary, consider securing grant funding to purchase first aid kits and bulletproof vests.
Safety - Policy	6.4.1	Revise the Duty Manual to consider first aid kits as "required equipment."
Safety - Policy	6.6.2	Revise the Duty Manual to clarify departmental guidance on pursuits.
Search - Policy	2.10.1	Require officers to gain consent during warrantless searches and document this consent in a consistent manner. If officers are documenting the community member's consent to search through body-worn camera recordings, this footage should be tagged with a specific category specifying "consent" and stored accordingly.
Search - Transparency	2.10.2	In cases where consent was refused but where the officer still has the right to search based on case law (i.e., search incident to arrest, wingspan search, etc.), require the officer to explain

		why they are conducting the search despite the subject's objection.
Staffing - Diversity	1.8.1	Maintain efforts to increase female recruits.
Staffing - Diversity	1.8.2	Continue attempts to gather officer race/ethnicity data.
Staffing - Implementation	1.8.3	Conduct an analysis of recruitment efforts to assess comparative effectiveness.
Staffing - Implementation	1.8.4	Maintain efforts to implement the recommendations of the Auditor's staffing analysis.
Staffing - Implementation	4.2.2	Incorporate the findings of the March 2021 staffing analysis done by the City Auditor to ensure that officers have the bandwidth to carry out the community-focused tasks prioritized in policy and training.
Staffing - Implementation	6.2.2	Staff the CMU appropriately so that it can proactively provide services to sworn and nonsworn members.
Technology - Implementation	3.3.1	Review and update the BWC policy on a yearly or bi-yearly basis to address internal and external drivers of change.
Technology - Implementation	3.4.1	Upon completing the contractual process for the public records portal, implement the portal in a timely manner.
Technology - Implementation	Multiple	Establish and implement a BWC audit program.
Technology - Input	3.2.4	Incorporate meaningful input from stakeholders, including but not limited to community members, City Council, line officers, the union, and the district attorney's office when implementing a BWC audit program.
Technology - Input	3.2.5	Post policy drafts regarding use of any new technologies for public comment and input for 30 days and present draft policies to a Police Advisory Board for feedback and comments.
Technology - Input	3.2.6	Work with the PIO to coordinate social media campaigns and other community engagement to ensure collaboration for existing programs and initiatives.
Technology - Policy	3.3.3	Develop a standard policy for video release, not conflicting with the California legislation mandating video release.
Technology - Policy	Multiple	Create pilot directive for the remainder of the pilot phase of the Gunshot Detection System program.
Technology - Policy	Multiple	Incorporate pilot policies as a standard practice for all future pilot tests.
Technology - Training	3.5.3	Provide supplemental guidance or training to agency personnel on allowable social media content and operationalize the relevant policy with specific examples of observed unallowable past behavior.
Training - Development	5.3.2	Create and require specialized training for newly promoted lieutenants and captains.
Training - Implementation	2.3.1	Ensure training is consistent with Chief's Office recommendations.

Training - Implementation	5.3.3	Incorporate a longer shadow phase for new supervisors.
Training - Implementation	5.7.1	Incorporate recommendations from other sections in this report related to training evaluation, community input, and other considerations for training.
Training - Measurement	5.3.1	Implement a broader set of evaluation methodologies to ensure training is effective.
Training - Measurement	6.6.1	Gather officer feedback regarding scope of training received versus desired and provide supplemental training, as necessary.
Training - Policy	5.13.1	Where appropriate, incorporate elements from the Reno, NV model, including shortened rotations with community policing units and engaging in neighborhood portfolio exercises.
Use of Force - Policy	1.5.6	Expand restrictions on use of force against vulnerable populations.
Use of Force - Policy	6.7.1	Create a process for a force audit, force review board, or force inspector to identify “near misses” and assign peer members to discuss event with involved officers.
Use of Force - Policy, Procedure, Training, and Operations	Multiple	Implement the recommendations found within the corresponding report titled <i>Use of Force Assessment of the San José Police Department</i> .
Vulnerable Populations - Measurement	4.3.2	Evaluate the efficacy of the MCRT in order to ensure departmental goals are being met.
Vulnerable Populations - Policy	4.3.3	Use MCRT to take a proactive approach to recognizing individuals who represent an escalating risk.
Vulnerable Populations - Policy	4.3.4	Give departmental support for having peer specialists as part of MCRT.
Vulnerable Populations - Policy	4.4.4	Work with city, county, and community stakeholders to identify situations where alternative response resources might result in more beneficial outcomes with unhoused persons.
Vulnerable Populations - Policy	5.6.1	Consider incorporating a specialized component for mental health crisis response in line with the Memphis Model CIT program.
Wellness - Implementation	6.1.3	Work with a research partner to develop a customized plan for ensuring members’ wellness based upon on evidence-based practices.
Wellness - Implementation	6.1.6	Consider supplemental approaches to fitness and incorporate as necessary.
Wellness - Implementation	6.2.4	Develop a line of communication with the proper authority in the Communications/Dispatch division to ensure that Dispatch can debrief with the officers from the critical incident.
Wellness - Measurement	6.1.1	Continue to hold voluntary focus groups to study mental health issues at SJPD and look for other tenure-, rank-, or demographic-related trends.

Wellness - Measurement	6.1.2	Conduct an internal survey, ideally with an outside research partner, to study the specific mental health challenges that SJPd sworn and nonsworn personnel experience.
Wellness - Measurement	6.2.1	Evaluate the goals for the CMU and assess whether the current resources are sufficient to accomplish those goals.
Wellness - Measurement	6.2.5	Assess if the current wellness training and resources for Dispatch are appropriate or if further resources are needed.
Wellness - Measurement	6.2.6	All training provided to Dispatch should be evaluated, particularly on officer safety, to identify gaps in learning and opportunities for improvement.
Wellness - Policy	6.2.3	Revise the Critical Incident Stress Debriefing policy to clearly delineate the factors that determine whether the event is deemed eligible or necessary for a CISD.
Youth - Implementation	4.6.4	When developing a community engagement plan, identify youth as a population worthy of specialized outreach, beginning with engagement with schools but also extending to diversion and reentry effort.
Youth - Implementation	4.7.2	When developing a community engagement plan, gather input from leaders and members of established youth groups, especially those working in historically underserved communities.
Youth - Policy	4.6.1	Where agreed upon with school districts and where receiving community support, incorporate elements of a more traditional SRO program to resolve limitations of the current model.
Youth - Policy	4.6.2	Continue to work with educational partners with the stipulation that officers act not in an enforcement capacity but rather as a partner in child development.
Youth - Policy	4.6.3	Participate in the development of school policy, including policy related to suspensions and expulsions that prioritizes restorative justice and alternatives to sanctions.

Appendix C: Findings and Recommendations – Cost and Priority

Pillar	Recommendation Number	Recommendation	Cost	Priority
1- Building Trust and Legitimacy	1.1.1	Incorporate explicit references to procedural justice and the department's reliance on the practice as a guiding principle into the SJPD Duty Manual.	Low	Medium
1- Building Trust and Legitimacy	1.1.2	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.	High	Medium
1- Building Trust and Legitimacy	1.1.3	Utilize findings of prior evaluations to inform future efforts to create a learning organization cycle in accordance with the Scanning, Analysis, Response, and Assessment (SARA) model for problem-oriented policing.	Medium	Medium
1- Building Trust and Legitimacy	1.2.1	Provide a public acknowledgement of the role that police have had in past and present injustice and discrimination.	Low	Medium
1- Building Trust and Legitimacy	1.2.2	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.	High	Medium
1- Building Trust and Legitimacy	1.3.1	Where allowed by law, provide publicly available data regarding SJPD stops, summonses, and arrests	Medium	Low
1- Building Trust and Legitimacy	1.3.2	Translate all documents on the SJPD website, prioritizing important items first (e.g., Duty Manual)	Medium	Low
1- Building Trust and Legitimacy	1.3.3	During public briefings of OII events, state only objective facts relevant to the event and avoid making concrete statements prior	Low	Medium

		to the conclusion of the investigation		
1- Building Trust and Legitimacy	1.3.4	During public briefings of OII events, provide information related to each application of force, particularly for OII events in which multiple officers fire multiple shots	Low	Medium
1- Building Trust and Legitimacy	1.3.5	Require all department members to accept allegations of misconduct as currently described in Section C 1703	Low	Low
1- Building Trust and Legitimacy	1.3.6	Revise the Duty Manual to focus on maintaining community trust though fair and impartial investigations	Low	Low
1- Building Trust and Legitimacy	1.3.7	Allow the investigator to make preliminary findings for administrative investigations while keeping the ultimate responsibility for findings with the chief	Low	Low
1- Building Trust and Legitimacy	1.3.8	Require supervisors to make findings during a supervisory investigation	Low	Low
1- Building Trust and Legitimacy	1.3.9	Revise the Duty Manual to reserve strip searches for criminal matters, and only in accordance with strict criteria and with the approval of the Chief or Deputy Chief.	Low	Low
1- Building Trust and Legitimacy	1.4.1	Incorporate a regular organizational survey to collect employee sentiment about the direction of the organization and organizational decisions	High	Medium
1- Building Trust and Legitimacy	1.4.2	Incorporate consistent and completed processes for gathering employee feedback on the development and revision of policies.	High	Medium
1- Building Trust and Legitimacy	1.4.3	Incorporate a mechanism for gathering employee input on the development of training.	Medium	Medium

1- Building Trust and Legitimacy	1.4.4	Continue developing the SJPD discipline guide, incorporating best practices from other agencies.	Low	Low
1- Building Trust and Legitimacy	1.4.5	Re-iterate the potential for mediation as an outcome and encourage officers to participate in the approach when appropriate	Low	Low
1- Building Trust and Legitimacy	1.5.1	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy.	High	Medium
1- Building Trust and Legitimacy	1.5.2	Implement a universal review period and notification process for upcoming policy revisions.	Medium	Medium
1- Building Trust and Legitimacy	1.5.3	Create dedicated webpages for areas of community interest to facilitate the review and comment processes	Medium	Low
1- Building Trust and Legitimacy	1.5.4	Spotlight important policies with a coordinated outreach effort	Medium	Low
1- Building Trust and Legitimacy	1.5.5	Enhance present level of collaboration with school districts	Medium	Medium
1- Building Trust and Legitimacy	1.5.6	Expand restrictions on use of force against vulnerable populations	Low	High
1- Building Trust and Legitimacy	1.6.1	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy	High	Medium
1- Building Trust and Legitimacy	1.7.1	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy	High	Medium
1- Building Trust and Legitimacy	1.8.1	Maintain efforts to increase female recruits	Medium	Medium
1- Building Trust and Legitimacy	1.8.2	Continue attempts to gather officer race/ethnicity data	Low	Low
1- Building Trust and Legitimacy	1.8.3	Conduct an analysis of recruitment efforts to assess comparative effectiveness	High	Medium

1- Building Trust and Legitimacy	1.8.4	Maintain efforts to implement the recommendations of the Auditor's staffing analysis	Medium	High
1- Building Trust and Legitimacy	1.9.1	Maintain efforts to publicly clarify SJPD's relationship with ICE	Low	Low
1- Building Trust and Legitimacy	1.9.2	Translate the Language Access Plan into Spanish and Vietnamese (among other languages spoken in San José)	Medium	Low
1- Building Trust and Legitimacy	1.9.3	Reinforce to officers the importance of using multi-language resources so as to be responsive to community concerns.	Low	Low
1- Building Trust and Legitimacy	1.9.4	Staff designated liaison officers for each unique community within San José	High	Medium
2 - Policy and Oversight	2.1.1	Provide some type of written or online feedback forms at each community meeting to validate community members' voice and enhance the collaborative spirit of the meetings	Low	Medium
2 - Policy and Oversight	2.1.2	Create boards with additional historically marginalized populations. The SJPD should also consider establishing its own Police Advisory Board comprised of only residents from areas within the respective district and representative of the demographics within that district	Medium	High
2 - Policy and Oversight	2.1.3	Create a comprehensive community engagement plan, both for the department as a whole as well as for each division	Medium	High
2 - Policy and Oversight	2.2.1	Implement the recommendations found within the corresponding report titled <i>Use of Force Assessment of the San José Police Department</i>	Medium	Medium
2 - Policy and Oversight	2.3.1	Ensure training is consistent with Chief's Office recommendations	Low	Low

2 - Policy and Oversight	2.3.2	Evaluate the operation of the review panel for any policy or training implications.	Medium	Medium
2 - Policy and Oversight	2.3.3	Upon completion of investigations and legal proceedings, provide written summaries of OII events and post on the SJPD website	Low	High
2 - Policy and Oversight	2.4.1	Maintain current efforts related to Recommendation 2.4	Medium	Medium
2 - Policy and Oversight	2.5.1	Continue ask officers to voluntarily provide this information and report it publicly, stressing to officers that it is a matter of import to community members.	Low	Low
2 - Policy and Oversight	2.5.2	Put the information voluntarily provide by SJPD member on the SJPD website.	Low	Low
2 - Policy and Oversight	2.6.1	Where allowed by law, provide publicly available data regarding SJPD stops, summonses, and arrests	Medium	Medium
2 - Policy and Oversight	2.6.2	Disaggregate data by school and non-school contacts	Low	Medium
2 - Policy and Oversight	2.7.1	Implement the recommendations found within the corresponding report titled <i>Use of Force Assessment of the San José Police Department</i>	Medium	Medium
2 - Policy and Oversight	2.8.1	The city should review the findings of the IPA pilot program and make an evidence-based decision on whether to retain the IPA's current authority.	Low	Medium
2 - Policy and Oversight	2.8.2	The city should identify other ways that the IPA might contribute to civilian-led oversight, conduct pilot reviews of those approaches, and act accordingly.	Medium	Medium
2 - Policy and Oversight	2.9.1	Maintain current efforts related to Recommendation 2.9	Medium	Medium
2 - Policy and Oversight	2.10.1	Require officers to gain consent during warrantless searches and	Low	Medium

		document this consent in a consistent manner. If officers are documenting the community member's consent to search through body-worn camera recordings, this footage should be tagged with a specific category specifying "consent" and stored accordingly.		
2 - Policy and Oversight	2.10.2	In cases where consent was refused but where the officer still has the right to search based on case law (i.e., search incident to arrest, wingspan search, etc.), require the officer to explain why they are conducting the search despite the subject's objection.	Low	Medium
2 - Policy and Oversight	2.11.1	Revise Duty Manual to require officers to proactively identify themselves during stops and the reason for the stop	Low	High
2 - Policy and Oversight	2.12.1	Revise Duty Manual to discuss gender limitations when conducting a search of transgender individuals as part of the arrest process	Low	Medium
2 - Policy and Oversight	2.13.1	Maintain current efforts related to Recommendation 2.13	Medium	Medium
3- Technology and Social Media	3.1.1	Create pilot directive for the remainder of the pilot phase of the Gunshot Detection System program	Low	Medium
3- Technology and Social Media	3.1.2	Incorporate pilot policies as a standard practice for all future pilot tests	Low	Medium
3- Technology and Social Media	3.2.1	Create pilot directive for the remainder of the pilot phase of the Gunshot Detection System program	Low	Medium
3- Technology and Social Media	3.2.2	Incorporate pilot policies as a standard practice for all future pilot tests	Low	Medium
3- Technology and Social Media	3.2.3	Establish and implement a BWC audit program	Medium	Medium

3- Technology and Social Media	3.2.4	Incorporate meaningful input from stakeholders, including but not limited to community members, City Council, line officers, the union, and the district attorney's office when implementing a BWC audit program	Low	High
3- Technology and Social Media	3.2.5	Post policy drafts regarding use of any new technologies for public comment and input for 30 days and present draft policies to a Police Advisory Board for feedback and comments.	Low	High
3- Technology and Social Media	3.2.6	Work with the PIO to coordinate social media campaigns and other community engagement to ensure collaboration for existing programs and initiatives.	Medium	Medium
3- Technology and Social Media	3.2.7	Discuss new policies at vertical staff program meetings to allow for officer feedback on new and existing programs and initiatives.	Low	High
3- Technology and Social Media	3.2.8	Maintain other present practices related to Recommendation 3.2	Medium	Medium
3- Technology and Social Media	3.3.1	Review and update the BWC policy on a yearly or bi-yearly basis to address internal and external drivers of change	Low	Medium
3- Technology and Social Media	3.3.2	Establish and implement a BWC audit program	Medium	Medium
3- Technology and Social Media	3.3.3	Develop a standard policy for video release, not conflicting with the California legislation mandating video release.	Low	Medium
3 - Technology and Social Media	3.4.1	Upon completing the contractual process for the public records portal, implement the portal in a timely manner	Medium	Medium
3 - Technology and Social Media	3.4.2	Ensure the public-facing public records portal meets community needs	Medium	Medium
3- Technology and Social Media	3.5.1	Evaluate the goals for the Media Relations Unit and assess whether the current resources	Medium	Medium

		are sufficient to accomplish those goals.		
3- Technology and Social Media	3.5.2	Modify technology-based community outreach efforts to be more representative of San José communities, such as the Latinx and Vietnamese populations, who may or may not speak English.	Medium	High
3- Technology and Social Media	3.5.3	Provide supplemental guidance or training to agency personnel on allowable social media content and operationalize the relevant policy with specific examples of observed unallowable past behavior.	Medium	Medium
4- Community Policing and Crime Reduction	4.1.1	Provide concrete expectations for community engagement in the Duty Manual, including expectations for Sergeants	Low	High
4- Community Policing and Crime Reduction	4.1.2	Create a comprehensive, written community policing strategic plan and task captains in each division with developing area-specific community policing strategic plans	High	High
4- Community Policing and Crime Reduction	4.1.3	Ensure that their community engagement efforts are being experienced by all elements of the community	Medium	Medium
4- Community Policing and Crime Reduction	4.2.1	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy	High	Medium
4- Community Policing and Crime Reduction	4.2.2	Incorporate the findings of the March 2021 staffing analysis done by the City Auditor to ensure that officers have the bandwidth to carry out the community-focused tasks prioritized in policy and training	High	High
4- Community Policing and Crime Reduction	4.2.3	Develop personalized community engagement goals for officers based on the department and division community engagement	Medium	Medium

		plans, including the metrics officers will be evaluated on		
4- Community Policing and Crime Reduction	4.3.1	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy	High	Medium
4- Community Policing and Crime Reduction	4.3.2	Evaluate the efficacy of the MCRT in order to ensure departmental goals are being met	Medium	Medium
4- Community Policing and Crime Reduction	4.3.3	Use MCRT to take a proactive approach to recognizing individuals who represent an escalating risk	High	High
4- Community Policing and Crime Reduction	4.3.4	Give departmental support for having peer specialists as part of MCRT	Low	High
4- Community Policing and Crime Reduction	4.3.5	Collaborate with community-led efforts for non-law enforcement responses to mental health crises and help identify which types of calls should be handled by SJPD and which could be handled with a non-law enforcement response.	Medium	High
4- Community Policing and Crime Reduction	4.4.1	Continue ride-alongs when health safety guidelines allow for them.	Low	Low
4- Community Policing and Crime Reduction	4.4.2	Follow up with Muslim community about repercussions for the officers involved with the Facebook group	Low	Medium
4- Community Policing and Crime Reduction	4.4.3	Create a consistent and ongoing empirical methodology for determining the degree of public trust and legitimacy	High	Medium
4- Community Policing and Crime Reduction	4.4.4	Work with city, county, and community stakeholders to identify situations where alternative response resources might result in more beneficial outcomes with unhoused persons	Medium	High
4- Community Policing and Crime Reduction	4.5.1	Create a comprehensive community engagement plan, both for the Department as a whole as well as for each division	High	High

4- Community Policing and Crime Reduction	4.5.2	Evaluate how community meetings have led to substantive policy or training changes	Medium	Low
4- Community Policing and Crime Reduction	4.5.3	Determine whether all portions of the SJPDP community is being reached through current outreach efforts	Medium	Low
4- Community Policing and Crime Reduction	4.5.4	Evaluate distribution of department-led and community-led collaboration	Medium	Low
4- Community Policing and Crime Reduction	4.5.5	Maintain requirement to demonstrate an ability to lead a community meeting as part of the promotional process	Low	Medium
4- Community Policing and Crime Reduction	4.6.1	Where agreed upon with school districts and where receiving community support, incorporate elements of a more traditional SRO program to resolve limitations of the current model	Medium	High
4- Community Policing and Crime Reduction	4.6.2	Continue to work with educational partners with the stipulation that officers act not in an enforcement capacity but rather as a partner in child development	Medium	Medium
4- Community Policing and Crime Reduction	4.6.3	Participate in the development of school policy, including policy related to suspensions and expulsions that prioritizes restorative justice and alternatives to sanctions	Medium	Medium
4- Community Policing and Crime Reduction	4.6.4	When developing a community engagement plan, identify youth as a population worthy of specialized outreach, beginning with engagement with schools but also extending to diversion and reentry effort	High	High
4- Community Policing and Crime Reduction	4.7.1	Continue efforts to develop the Youth Advisory Board	Medium	High
4- Community Policing and Crime Reduction	4.7.2	When developing a community engagement plan, gather input from leaders and members of	High	High

		established youth groups, especially those working in historically underserved communities		
4- Community Policing and Crime Reduction	4.7.3	Utilize survey tools and data about justice-involved youth to gauge the effectiveness of youth outreach efforts	High	Medium
5 - Training and Education	5.1.1	Maintain current efforts related to Recommendation 5.1	Medium	Medium
5 - Training and Education	5.2.1	Incorporate a broader training oversight committee	Medium	Medium
5 - Training and Education	5.2.2	Implement a civilian academy and allow for a formal evaluation of the training and overall experience	Medium	Low
5 - Training and Education	5.3.1	Implement a broader set of evaluation methodologies to ensure training is effective.	Low	Medium
5 - Training and Education	5.3.2	Create and require specialized training for newly promoted lieutenants and captains	Medium	Low
5 - Training and Education	5.3.3	Incorporate a longer shadow phase for new supervisors	Medium	Low
5 - Training and Education	5.6.1	Consider incorporating a specialized component for mental health crisis response in line with the Memphis Model CIT program	Medium	Low
5 - Training and Education	5.7.1	Incorporate recommendations from other sections in this report related to training evaluation, community input, and other considerations for training	Medium	Medium
5 - Training and Education	5.8.1	Maintain current efforts related to Recommendation 5.8	Medium	Medium
5 - Training and Education	5.9.1	Utilize community input for proactive training in addition to reactive training	Medium	Medium
5 - Training and Education	5.9.2	Provide consistent and ongoing training related to cultural diversity and related topics	High	Medium
5 - Training and Education	5.9.3	Provide opportunities for community members who want	Low	Medium

		to participate in training an opportunity to do so		
5 - Training and Education	5.12.1	Maintain current efforts related to Recommendation 5.12	Medium	Medium
5 - Training and Education	5.13.1	Where appropriate, incorporate elements from the Reno, NV model, including shortened rotations with community policing units and engaging in neighborhood portfolio exercises	Medium	Low
6 - Officer Wellness and Safety	6.1.1	Continue to hold voluntary focus groups to study mental health issues at SJPD and look for other tenure-, rank-, or demographic-related trends	Medium	Medium
6 - Officer Wellness and Safety	6.1.2	Conduct an internal survey, ideally with an outside research partner, to study the specific mental health challenges that SJPD sworn and nonsworn personnel experience	High	Medium
6 - Officer Wellness and Safety	6.1.3	Work with a research partner to develop a customized plan for ensuring members' wellness based upon on evidence-based practices	High	Low
6 - Officer Wellness and Safety	6.1.4	Determine ways to cut down on the duplication of paperwork by sharing data or merging data fields and ensure officers understand the reasoning behind state-mandated data collection	Medium	Low
6 - Officer Wellness and Safety	6.1.5	Consider modifying the tattoo policy to be less restrictive.	Low	Low
6 - Officer Wellness and Safety	6.1.6	Consider supplemental approaches to fitness and incorporate as necessary	Medium	Low
6 - Officer Wellness and Safety	6.2.1	Evaluate the goals for the CMU and assess whether the current resources are sufficient to accomplish those goals.	Medium	Medium
6 - Officer Wellness and Safety	6.2.2	Staff the CMU appropriately so that it can proactively provide services to sworn and nonsworn members.	High	Medium

6 - Officer Wellness and Safety	6.2.3	Revise the Critical Incident Stress Debriefing policy to clearly delineate the factors that determine whether the event is deemed eligible or necessary for a CISD.	Low	Low
6 - Officer Wellness and Safety	6.2.4	Develop a line of communication with the proper authority in the Communications/Dispatch division to ensure that Dispatch can debrief with the officers from the critical incident	Low	Low
6 - Officer Wellness and Safety	6.2.5	Assess if the current wellness training and resources for Dispatch are appropriate or if further resources are needed	Medium	Medium
6 - Officer Wellness and Safety	6.2.6	All training provided to Dispatch should be evaluated, particularly on officer safety, to identify gaps in learning and opportunities for improvement	Medium	Medium
6 - Officer Wellness and Safety	6.2.7	Create a direct line of communication between leadership and sergeants to address sergeants' concerns.	Low	Medium
6 - Officer Wellness and Safety	6.2.8	Re-engage with sergeants about list of sergeants' 2020 recommendations, explain what happened with initial recommendations, and engage in new process to glean feedback	Low	Low
6 - Officer Wellness and Safety	6.3.1	Gather systematic information on officers' perceptions of current shift and assignment process through an organizational survey and OAB meetings	Medium	Low
6 - Officer Wellness and Safety	6.4.1	Revise the Duty Manual to consider first aid kits as "required equipment."	Low	Low
6 - Officer Wellness and Safety	6.4.2	If necessary, consider securing grant funding to purchase first aid kits and bulletproof vests.	Low	Low
6 - Officer Wellness and Safety	6.6.1	Gather officer feedback regarding scope of training received versus desired and provide	Medium	Medium

		supplemental training, as necessary		
6 - Officer Wellness and Safety	6.6.2	Revise the Duty Manual to clarify departmental guidance on pursuits	Low	Low
6 - Officer Wellness and Safety	6.7.1	Create a process for a force audit, force review board, or force inspector to identify “near misses” and assign peer members to discuss event with involved officers	High	High
6 - Officer Wellness and Safety	6.7.2	Maintain efforts to implement broader EIS program	Medium	Medium
6 - Officer Wellness and Safety	6.7.3	Develop consistent and reliable measures for evaluating the operation of the EIS	Medium	Medium

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