



DATE: APRIL 10, 2024

TO: HONORABLE CITY COUNCIL

FROM: CHIEF ANDREW BINDER

SUBJECT: USE OF FORCE REPORT SUPPLEMENT TO IPA REPORT

This memorandum responds to the City Council's November 2020 direction to provide use of force summary data (which encompasses all use of force incidents in which a "Supervisor's Report on Use of Force" has been completed by the Police Department) as an attachment to each Independent Police Auditor (IPA) report. Policy Manual §300 ("Use of Force") requires that all uses of force by Police Department members "be documented promptly, completely, and accurately in an appropriate report."¹ The policy also requires that, under certain circumstances, a "Supervisor's Report on Use of Force" also be completed by the supervisor, and that report is routed for approval through the chain of command up to and including the Police Chief. Most commonly, a "Supervisor's Report on Use of Force" is completed after an officer uses some form of force that results in a visible or apparent physical injury to a subject or the subject complains of pain or alleges they were injured.

Consistent with the IPA's expanded scope of administrative review established by the City Council in November 2020, the Department forwards the following types of use of force cases to the IPA for review and recommendations: all cases where a subject's injuries necessitate any treatment beyond minor medical treatment in the field, and all cases where an officer uses a baton, chemical agent, TASER, less-lethal projectile, canine, or firearm. The IPA's scope of administrative review was further expanded in July 2021 to include cases when a firearm is pointed at a subject.

Consistent the practice established in the May 2023 iteration of this memorandum, the Department is choosing to release the race of the recipient(s) of any force used.

This summary covers the period of July 1, 2023 through December 31, 2023.

Use of Force Cases

From July 1, 2023 through December 31, 2023, the Police Department responded to more than 19,600 calls for service and effected more than 600 arrests. During that time, there were three cases where force requiring a "Supervisor's Report on Use of Force" was used. The IPA's reviews of those cases will appear in a future report, as all three of them occurred in the final eight weeks of 2023 and the administrative review of the incidents had not been completed in time for inclusion into the current report.

The race of the subjects upon whom force was used was Hispanic (2) and Asian.

¹ The Palo Alto Police Department Policy Manual is updated quarterly and posted online at <https://www.cityofpaloalto.org/Departments/Police/Public-Information-Portal/Police-Policy-Manual>.

Firearm Pointed at Person Cases

From July 1, 2023 through December 31, 2023, officers pointed a firearm at a person on eleven occasions.

The current IPA report includes a review of nine incidents during which officers pointed a firearm at a person: two occurred in 2022, three occurred in the first half of 2023, and four occurred in the second half of 2023. In their review of these nine incidents, the IPA concurred in each case with the Department's findings that the pointing of the firearm was justified by the circumstances and consistent with policy. In the nine incidents described in the current IPA report, the race of the subjects at whom a firearm was pointed were white, Hispanic, white, Black (two people), white, Hispanic and unknown (two people), Black (seven people), Black, and Hispanic.

The seven remaining cases from the second half of 2023 continue to be in the administrative review process and will be sent to the IPA as soon as that process is completed.

July – December 2023 Use of Force Summary

Type of Force	Number of Cases	Status of IPA Review
Physical Strength	2	Will appear in future IPA report
Chemical Agent	0	
TASER	0	
Baton	0	
Less-Lethal Projectile	1	Will appear in future IPA report
Canine	0	
Firearm	0	