



DATE: MAY 10, 2023

TO: HONORABLE CITY COUNCIL

FROM: CHIEF ANDREW BINDER

SUBJECT: USE OF FORCE REPORT SUPPLEMENT TO IPA REPORT DATED MARCH 2023

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. 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. 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 a "Supervisor's Report on Use of Force" be completed by the supervisor, and that report is routed for approval through the chain of command up to and including the Police Chief.

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.

For the first time in 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, 2022 through December 31, 2022.

Use of Force Cases

From July 1, 2022 through December 31, 2022, the Police Department responded to more than 19,000 calls for service and effected more than 600 arrests. During that time, there was one case where force requiring a "Supervisor's Report on Use of Force" was used. The IPA's review of that case appears in the current IPA report before you, and they concurred with the Department's findings that the use of force was justified by the circumstances and consistent with policy.

The race of the subject upon whom force was used was white.

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, 2022 through December 31, 2022, officers pointed a firearm at a person on two occasions. These two cases were each identified in early 2023 during follow-up investigation stemming from routine internal auditing procedures. That audit also identified another qualifying case from the first half of 2022. As noted in the IPA's report before you, our protocol in identifying and investigating these cases remains new and the inadvertent time lags in reporting are not expected to continue as a result of new procedures recently put into place (which contributed to identifying these three older cases). These three cases are being sent to the IPA for their review in the near future, and we expect them to be included in the next IPA report

The IPA's review of the three "pointed firearm" cases that appear in the current IPA report before you stem from incidents that occurred during the first half of 2022. The IPA concurred with the Department's findings that the pointing of the firearms were justified by the circumstances and consistent with policy.

The race of the subjects at whom a firearm was pointed in the three cases that appear in the current IPA report before you were Hispanic, white, and Pacific Islander (respectively).

July – December 2022 Use of Force Summary

Type of Force	Number of Cases	Status of IPA Review
Physical Strength	1	Reviewed in current report
Chemical Agent	0	
TASER	0	
Baton	0	
Less-Lethal Projectile	0	
Canine	0	
Firearm	0	
Firearm Pointed at Person	2	Being sent to IPA in the near future for inclusion in their next report