



DATE: AUGUST 31, 2023

TO: HONORABLE CITY COUNCIL

FROM: CHIEF ANDREW BINDER

SUBJECT: USE OF FORCE REPORT SUPPLEMENT TO IPA REPORT DATED JUNE 1, 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. 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.

Continuing the practice established in the last 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 January 1, 2023 through June 30, 2023.

Use of Force Cases

From January 1, 2023 through June 30, 2023, the Police Department responded to more than 20,000 calls for service and effected more than 700 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 (as "Case 1"), 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 Hispanic.

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 January 1, 2023 through June 30, 2023, officers pointed a firearm at a person on six occasions.

The current IPA report includes a review of six total incidents during which officers pointed a firearm at a person. Three of those incidents occurred in 2022 but were discovered in early 2023 (as described in the last iteration of this memorandum). The other three incidents occurred between January 1, 2023 through June 30, 2023.

In their review of these six 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 "'Pointed Firearm' Incidents" section of the current IPA report, the race of the subjects at whom a firearm was pointed were white, Black, Black, Hispanic, and Hispanic (respectively). In the case described in the "Vehicle Pursuit – Pointed Firearm – Foot Pursuit – Use of Force" section, the race of the subject at whom a firearm was pointed was Black.

For the Next Use of Force Report

Due to continued refinement of our auditing procedures, the Department has identified two final cases from 2022 where firearms were pointed at people. Those cases will be sent to the IPA for their review in the near future, and the Department expects them to be included in the next IPA report. Also being sent to the IPA in the near future for inclusion in their next report are three additional incidents that occurred between January 1, 2023 through June 30, 2023. The administrative review of those three incidents had not been completed in time for inclusion into the current report.

January – June 2023 Use of Force Report 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	