Police Force Analysis System℠
Fifth Summary Report

San Jose Police Department

Use of Force Data from January 1, 2015 to December 31, 2020

Bob Scales, J.D.
Police Strategies LLC
bob@policestrategies.com
www.policestrategies.com

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Background

In January 2018 we produced the first Summary Report using data from the San Jose Police Department's Police Force Analysis System℠. That report included data from January 1, 2015 to June 30, 2017. This is our Fifth Summary Report which includes use of force data through the end of 2020. Police Strategies will continue to update the system on a quarterly basis and produce annual Summary Reports.

Police Strategies LLC

Police Strategies LLC is a Washington State based company that was formed in February 2015. The company was built by law enforcement professionals, attorneys, and academics with the primary goal of helping police departments use their own incident reports to make data-driven decisions and develop evidence-based best practices. The company's three partners are all former employees of the Seattle Police Department and were directly involved with the Department of Justice's pattern or practice investigation of the department in 2011 as well as the federal consent decree that followed. They wanted to take the lessons learned from that experience and provide other police departments with the tools they need to monitor use of force incidents, identify high risk behavior, and evaluate the outcomes of any reforms that are implemented. The company has a partnership with the Center for the Study of Crime and Justice at Seattle University to assist in the analysis of the data.

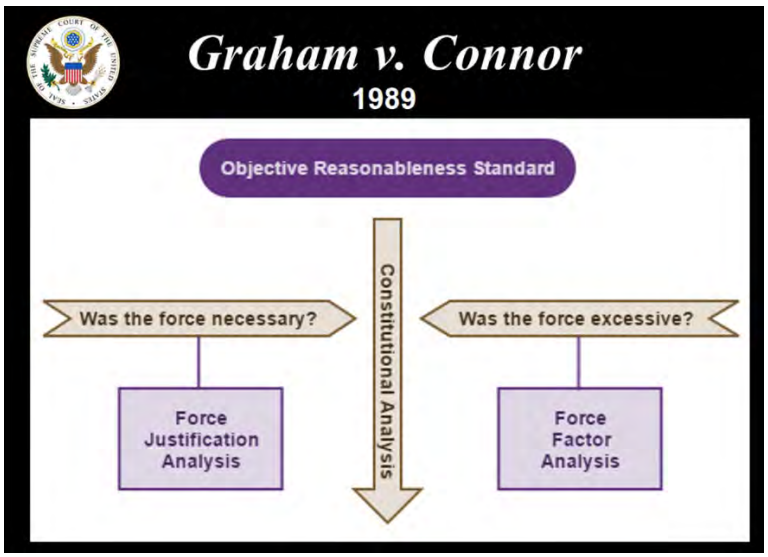
Police Force Analysis System℠

In the summer of 2015, Police Strategies LLC launched the Police Force Analysis System℠ (PFAS). PFAS combines peer-reviewed research with state-of-the-art analytical tools to produce a powerful data visualization system that can be used by law enforcement, policy makers, academics, and the public.[1] The core of PFAS builds upon the research work of Professor Geoff

[1] Capitola Police creates online database to track use of force stats, Santa Cruz Sentinel, August 2016.
SJPD puts use-of-force data online in pioneering move, San Jose Mercury, January 2018

Alpert and his Force Factor method. Force Factor analysis formed the basis of Professor Alpert's 2004 book "Understanding Police Use of Force – Officers, Subjects and Reciprocity"[2] and has been the subject of several scholarly articles.[3]

PFAS is a relational database that contains 150 fields of information extracted from law enforcement agencies' existing incident reports and officer narratives. The data is analyzed using legal algorithms that were developed from the evaluation criteria outlined in the United States Supreme Court case of *Graham v. Connor*, 490 U.S. 386 (1989). The Court adopted an objective reasonableness standard which evaluates each case based upon the information that the officer was aware of at the time the force was used and then comparing the officer's actions to what a reasonable officer would have done when faced with the same situation. PFAS uses Force Justification Analysis to determine the risk that a use of force incident would be found to be unnecessary and Force Factor Analysis to evaluate the risk that the force would be found to be excessive.



[2] Understanding Police Use of Force – Officers, Subjects, and Reciprocity, Cambridge Studies in Criminology, 2004.
[3] See, e.g., Reliability of the Force Factor Method in Police Use-of-Force Research, Police Quarterly, December 2015.

PFAS examines relevant temporal data from immediately before, during and after an application of force.

PFAS uses powerful data visualization software to display the information on dynamic dashboards. These dashboards can be used by police management to identify trends and patterns in use of force practices and detect high risk behavior of individual officers. The system can also be used to spot officers who consistently use force appropriately and effectively. Since the system can find both high risk and low risk incidents, PFAS can be used both as an Early Intervention System to correct problematic behavior as well as a training tool that highlights existing best practices.

PFAS contains several years of historical data for each agency and is designed to be updated on a regular basis. This allows the department to immediately identify trends and patterns as well as measure the impacts and outcomes of any changes that are made to policies, training, equipment, or practices. For example, if a department provides crisis intervention and de-escalation training to its officers, the system will be able to evaluate whether that training has had any impact on officer behavior.

PFAS currently has use of force data from 91 law enforcement agencies in eight states involving about 12,000 incidents and 5,000 officers who used force more than 20,000 times. PFAS is the largest database of its kind in the nation. Although the incident reports from each of these agencies uses a different format, all the data extracted and entered into the system has been

standardized which allows us to make interagency comparisons. The Police Force Analysis Network℠ allows agencies to compare their use of force practices with other agencies in the system.

The Police Force Analysis System℠ provides comprehensive information about police use of coercive authority and permits the study of the intersection of individual and contextual factors that explain situational, temporal, and spatial variation in the distribution of police coercive authority. PFAS supports meaningful community engagement about police coercion by providing comprehensive and relevant data to address and inform community concern regarding police-citizen interactions.

Data Collection from the San Jose Police Department

SJPD provided two types of reports for coding: (1) General Offense (GO) reports and (2) electronic Force Response Reports. These reports were received as Adobe Acrobat files and Excel spreadsheets. In addition, SJPD provided electronic data on some of the incident details (date, time, address, etc.) and subject details (age, race, gender).

In January 2021 Police Strategies LLC received SJPD use of force reports from the last three months of 2020. Data entry was completed in March 2021 and then the information was processed through the system's legal algorithms. Finally, the interactive dashboards were updated. All the data entered into the system was geocoded and SJPD was able to provide shape files for the department's divisions, districts, beats, and grids. This enabled us to prepare several customized dashboards that present the use of force data geographically.

The Department has contracted for ongoing updates of PFAS. The next Summary Report will be produced in early 2022.

Summary of San Jose PD's Police Force Analysis System℠

The San Jose Police Department's Police Force Analysis System℠ contains 6 years of use of force data from 2015 to 2020. The database includes detailed information on 4,026 subjects who had force used against them and the 1,136 officers who used force during the 6-year period. In 2020 there were 715 use of force incidents involving 514 officers who used force a total of 1,323 times. This report will examine the 6-year trends in uses of force and will summarize the use of force data from 2020.

1) Date, Time, and Location of Use of Force Incidents

There were 191 use of force incidents in May 2020 compared to 63 incidents in June which was the month with the second highest number of incidents. Most of the force incidents in May were related to protest events in the center of the City on E Santa Clara Street. February had the fewest number of force incidents at 39. During the week, Saturdays (173) and Fridays (157) had the most incidents again driven by the protests in May. Wednesdays (63) and Thursdays (64) had the fewest incidents. The peak hour for force incidents was between 9pm and 10pm which likely coincided with protests becoming more violent. When protest cases were excluded and comparisons were made to prior years, the number of force incidents occurring between 1am and 2am fell by nearly 50% in 2020 from 41 to 21 incidents. This is likely due to Covid-19 restrictions that closed or limited businesses and entertainment venues that were normally open in the evenings.

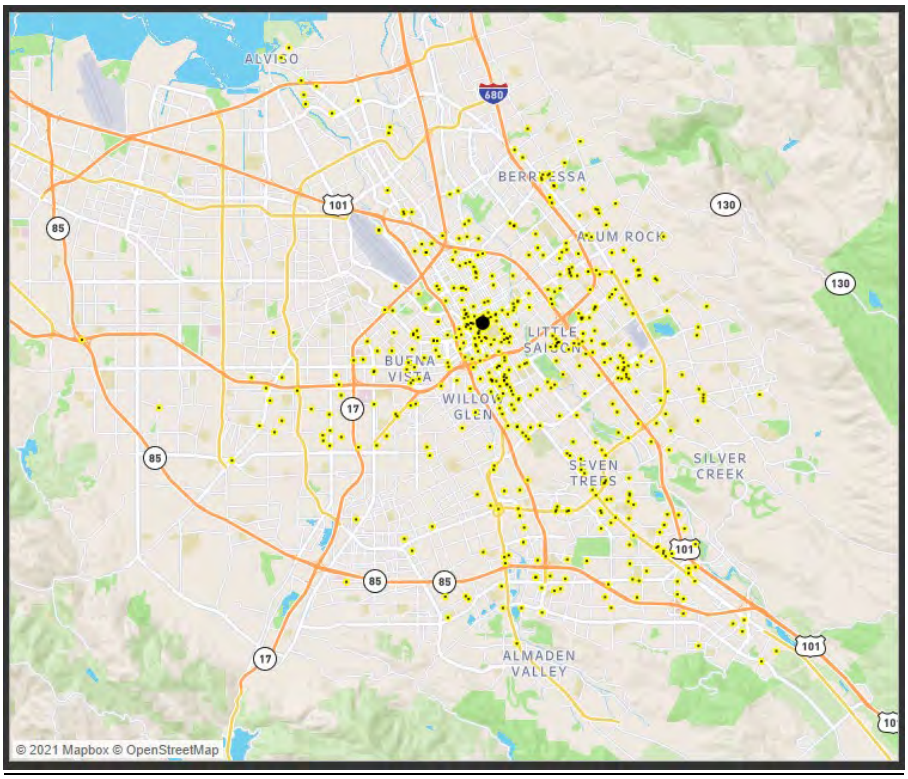
In 2020 44% of all force incidents occurred in the Central Division compared to an average of 25% in prior years. King District within the Central Division had 30% of the City's force incidents compared to an average of 6% in prior years. The protests in May and June 2020 were located in King District. Use of force incidents in Western, Foothill and Southern Divisions have all been declining steadily since 2017.

Prior to 2020 Lincoln and Edward Districts typically had more force incidents than other Districts in the City. However, between 2019 and 2020 force incidents in Edward District fell from 89 to 37 and in Lincoln District incidents fell from 89 to 75. Central, Frank, Robert, and

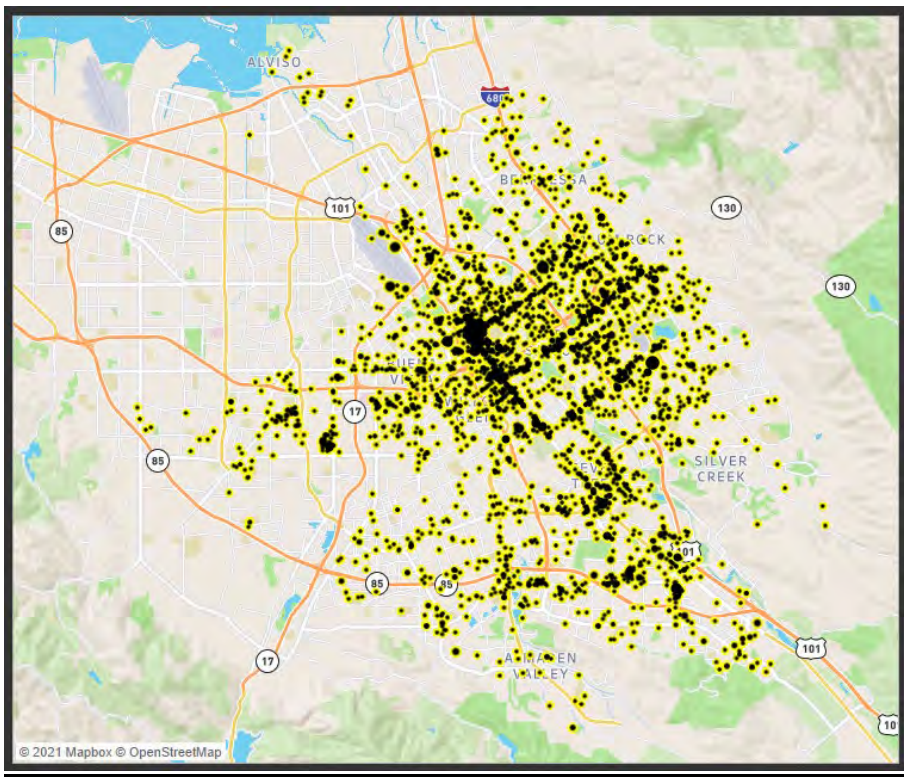
William were the only Districts to see an increase in force incidents between 2019 and 2020.

Use of Force Incidents – 2015 to 2020

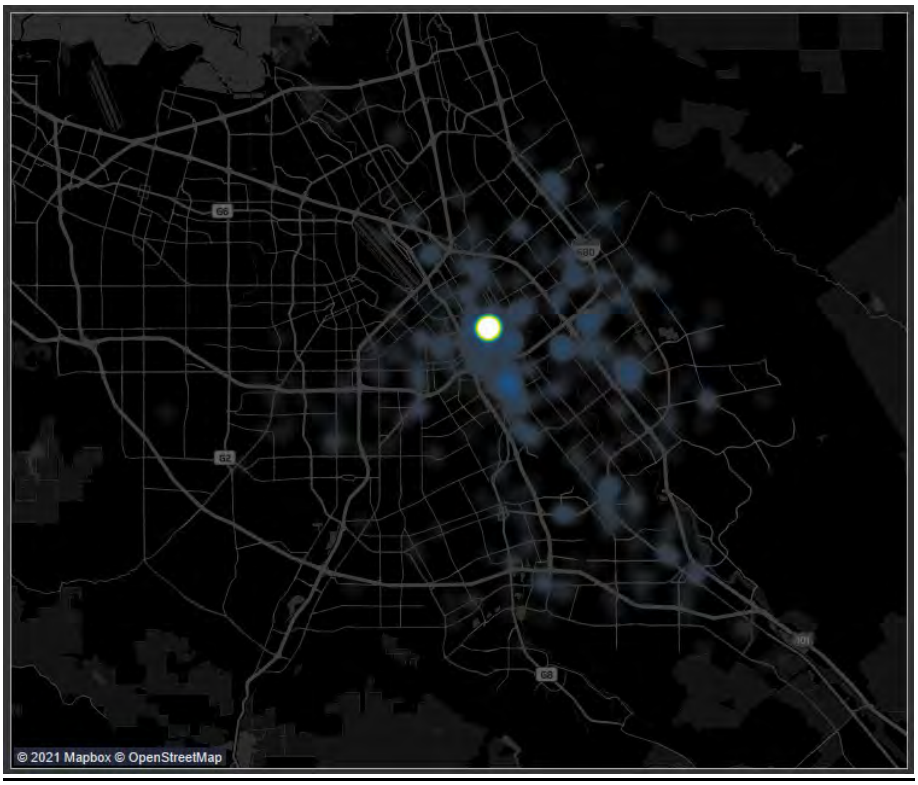
Use of Force Incident Locations – 2020



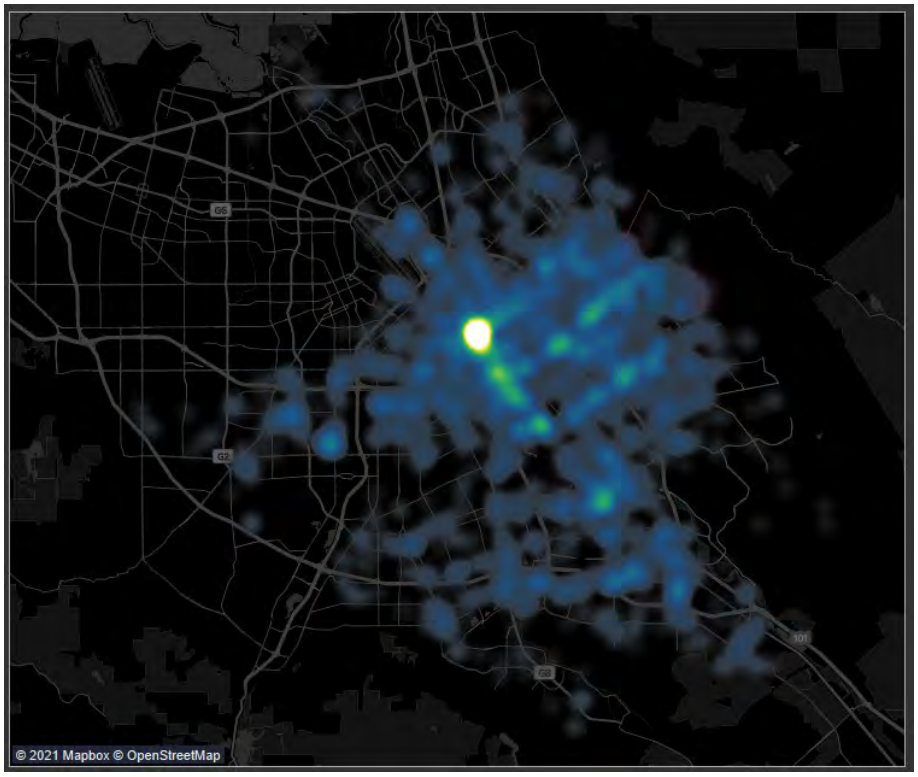
Use of Force Incident Locations – 2015 to 2019



Use of Force Heat Map - 2020



Use of Force Heat Map – 2015 to 2019



2) Reason for Contact

Between 2015 and 2019 the percentage of officers using force who were responding to a dispatched call rose from 54% to 64%. Officers using force who made an officer-initiated stop fell from 25% to 20% and officers who were assisting other officers fell from 21% to 16%. In 2020 these trends changed dramatically with 29% of officers using force responding to an assist the officer call, while officers on dispatched calls fell to 53% and officer-initiated stops fell to 18%. In 2020 there was a higher percentage of incidents where four or more officers were on scene (52% compared to 34% in 2019). Use of force incidents where only one officer was present fell from 11% in 2019 to 4% in 2020. Even though more officers were generally present on scene during force incidents in 2020 compared to 2019, a higher percentage of incidents involved only one officer using force (36% in 2019 and 49% in 2020).

The number of uses of force related to a violent crime with a weapon increased from 52 in 2019 to 126 in 2020 and drug, trespass and disorderly conduct related uses of force incidents increased from 128 in 2019 to 218 in 2020. Uses of force related to minor traffic offenses or welfare checks fell by nearly 50% between 2019 and 2020.

3) Force Frequency

In 2020 there were 715 use of force incidents involving 514 officers who used force a total of 1,323 times. There were two officer who used force 15 times each, six officers who used force 10 or 11 times each, twenty-four officers who used force 7 to 9 times, forty-five officers who used force 5 or 6 times, 103 officers who used force 3 or 4 times, 131 officers who used force twice and 203 officers who only used force once. The top 10% of officers made up 29% of all force used by the Department.

4) Force Justification

The Force Justification Score is based upon the four Graham Factors: (1) seriousness of the crime being investigated; (2) the level of threat to the officer or others; (3) the level of resistance; and (4) whether the subject fled from the officer. Low Justification Scores are indicative of incidents where subjects were not committing serious crimes, did not pose a

significant threat to the officer or others, did not present a high level of resistance, and did not flee.

In 2020, 9% of San Jose's use of force incidents had low Force Justification scores (<6). The average justification score was 10.0 on a scale of 0 to 20. For each of the four Graham factors, San Jose scored highest in the resistance level and the crime level categories and lowest in the threat level and flight level categories. This indicates that when San Jose officers use force, they are facing more serious crimes and higher levels of resistance, but subjects are less likely to present an immediate threat to the officers or others or flee from the officers.

Eighteen percent of force incidents received the highest justification score of 20 which is double the average for the prior 5 years. Most of these cases involved assaults on the officers before the officer made the decision to use force.

In 2020 there were 104 officers who were involved in at least one incident with a low Force Justification score. Most officers were only involved in one low Force Justification incident each. One officer was involved in 4 low Force Justification incidents, one officer was involved in 3 incidents, and nine officers were involved in 2 incidents each.

In 2020 Low Force Justification incidents were more likely to have the following characteristics than cases with higher Force Justification scores:

- There was no significant difference in Force Justification scores by race
- Subject was female (33%)
- Subject had mental health issues (38%)
- The most serious charge referred for prosecution was trespass (10%)
- Subject was held for a mental health evaluation (8%)

There was no significant difference in Average Force Justification Scores by the gender of the subject. Asian subjects had the highest average Force Justification score (14.2) while Native Americans had the lowest average score (8.7). There was no significant difference in the average Force Justification scores for Hispanic, White, and Black subjects. By subject

age, average Force Justification scores were lowest for juveniles (8.1). By body mass index, average Force Justification scores were lowest for subjects who were underweight (8.4).

In 2020 Officers were less likely to use ECWs and more likely to use impact weapons, canines, and OC during a low Force Justification incident. Officers were more likely to use their weight to hold a subject down, wrestle with a subject and use pain compliance tactics during a low Force Justification incident.

5) Force Factor

The Force Factor Score is based upon the proportionality of force to resistance and scores range from -6 to +6. A negative score means that the subject's resistance level was higher than the officers' force level. A medium Force Factor Score is between 0 and +2. This is the range where most officers can gain control of a subject by using force that is at least proportional to the level of resistance or slightly above. A Force Factor of +3 or above is considered a high score. This does not mean that the force was excessive, but these incidents do present a higher risk to the department.

In 2020 12% of force incidents had a high Force Factor score (+3 or above). There were 14 incidents that had a +4 Force Factor, and no incidents had a score of +5 or +6. There were 60 officers involved in the 84 high Force Factor incidents. Seven officers were involved in 3 or 4 incidents each and 11 officers were involved in two high Force Factor incidents each. Projectile weapons were involved in a 37% of the high Force Factor incidents while impact weapons were involved in 26% and OC in 20% of cases. ECW and canines each made up less than 15% of high Force Factor incidents.

In 2020 the most common Force Factor Score was +1 (34%) followed by 0 24%). These numbers indicate that most officers in the department behave very consistently when faced with a given level of resistance and they tend to use the minimal amount of force necessary to gain compliance. In 2020 the percentage of negative Force Factor cases increased from 7% in prior years to 14%. This indicates that more officers who were being assaulted but were able to control the subject without using weapons or aggressive physical tactics and

officers who were facing deadly force were able to control the subjects using less lethal force.

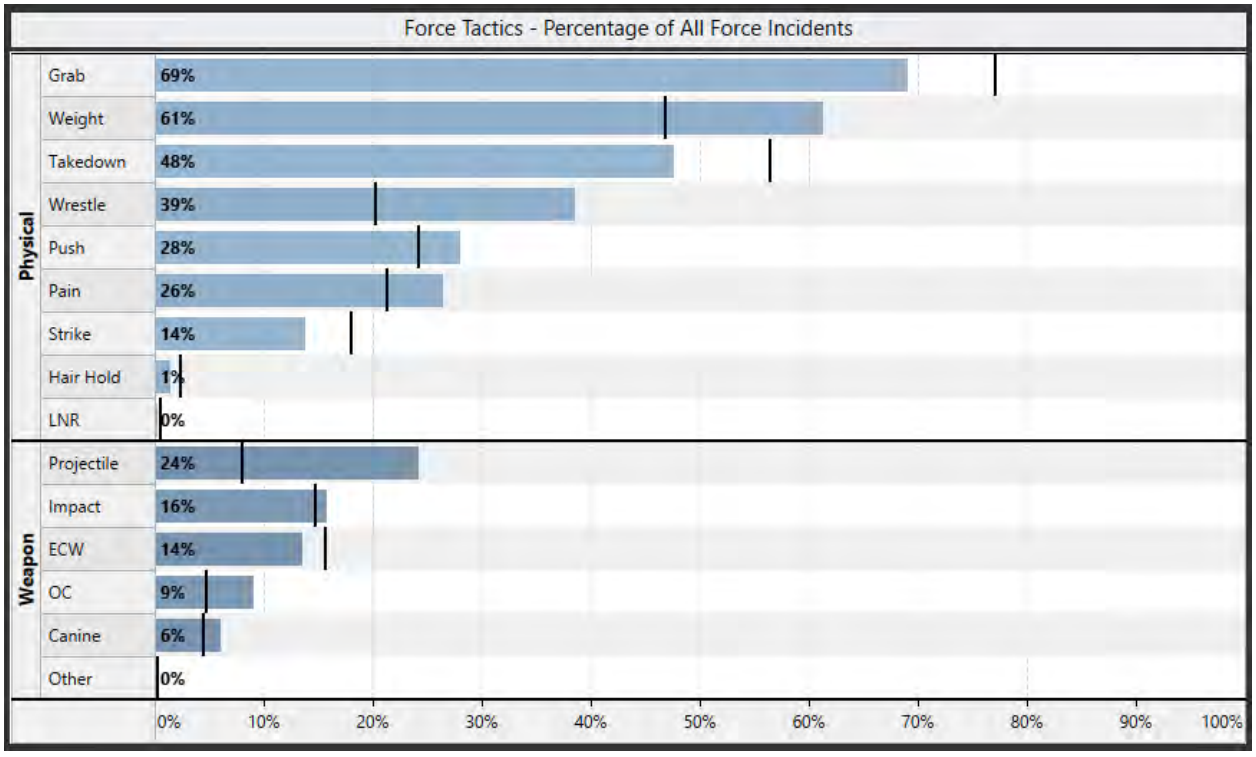
When high levels of force are used against lower levels of resistance the subjects are controlled much faster with lower injury rates for officers but higher injury rates and more severe injuries for subjects.

	Force Factor – 2015 to 2020		
	Low (-1 to -3)	Medium (0 to +2)	High (+3 to +4)
Subject brought under control within 1 or 2 Force Sequences	17%	22%	58%
Subject Injury Rate	55%	59%	73%
Subject Injury Severity	2.3	2.3	2.7
Officer Injury Rate	23%	15%	3%
Officer Injury Severity	2.4	2.1	2.2
Weapon Used by Officer	23%	33%	84%

6) Force Tactics

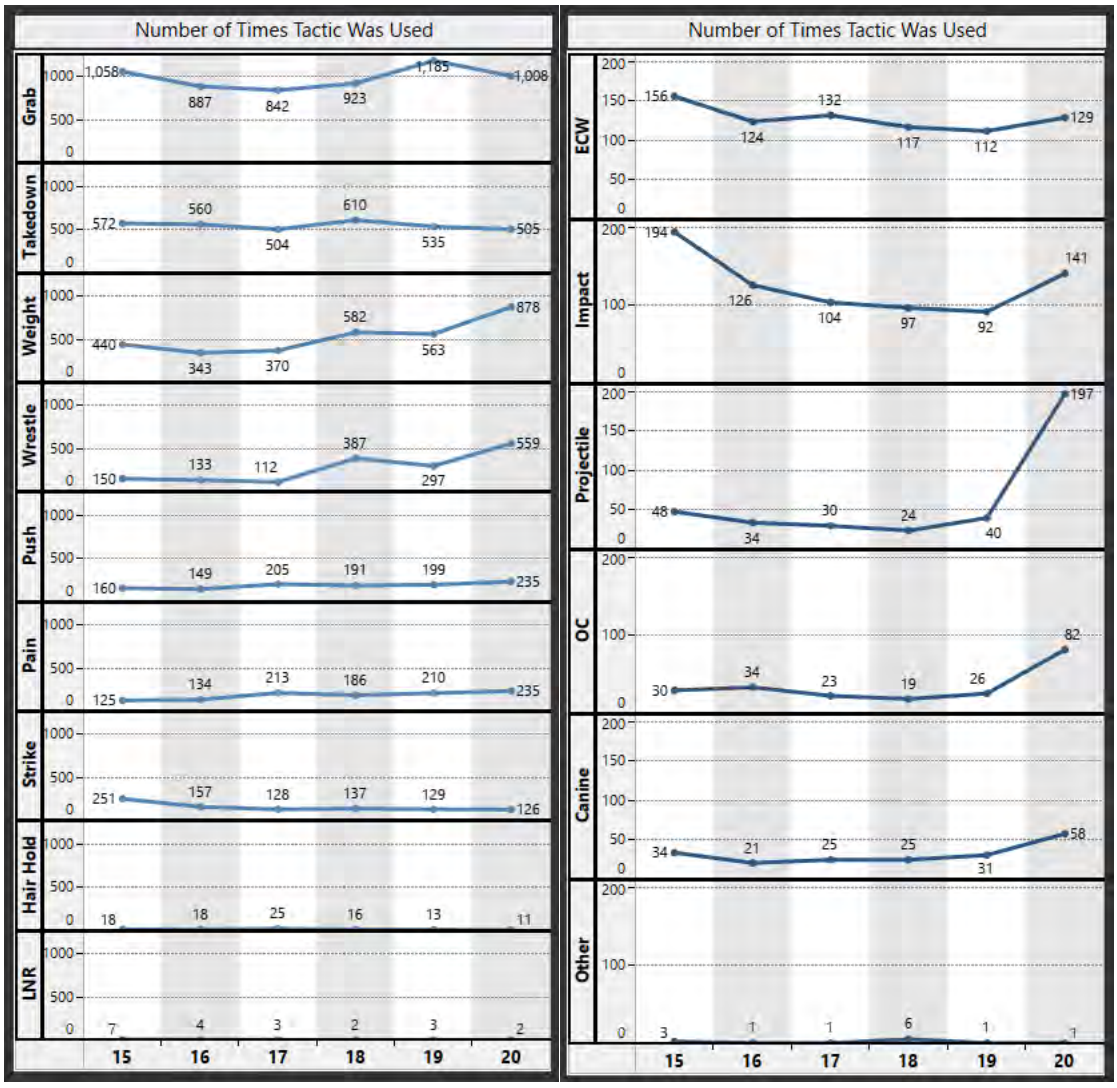
Of the 715 use of force incidents that occurred in 2020, 49% involved physical force only, 26% involved only the use of weapons by officers and 25% involved both physical force and the use of a weapon.

Compared to prior years, officers were less likely to use grabbing, takedowns, and strikes and more likely to use weight to hold subject down, push and pain compliance. In 2020 officers were more likely to get into protracted physical struggles with subjects (coded as "Wrestle"). Officers were much more likely to use projectile weapons and OC in 2020 than in prior years. Most of these weapons were used during protest related uses of force in 2020.



Over the last six years officers have used 19,613 individual physical force tactics and weapons during 4,026 incidents. The long-term trends for physical force show that the use of strikes has declined from 251 uses in 2015 to 126 by 2020. In 2015 officers wrestled with subjects 150 times and by 2020 this had increased nearly 3 time to 559. Similarly the use of weight to hold a subject down doubled from 2015 to 2020 for 440 uses to 878 uses. The use of pain compliance and joint manipulation nearly doubled between 2015 and 2020. The use of takedowns has remained fairly stable over the last 6 years.

Over the last 6 years the use of ECW has remained fairly stable but in 2020 the use of projectile weapons, impact weapon, OC, and increased significantly. This was primarily due to protest related uses of force. Canine use also increased in 2020.



7) Subjects

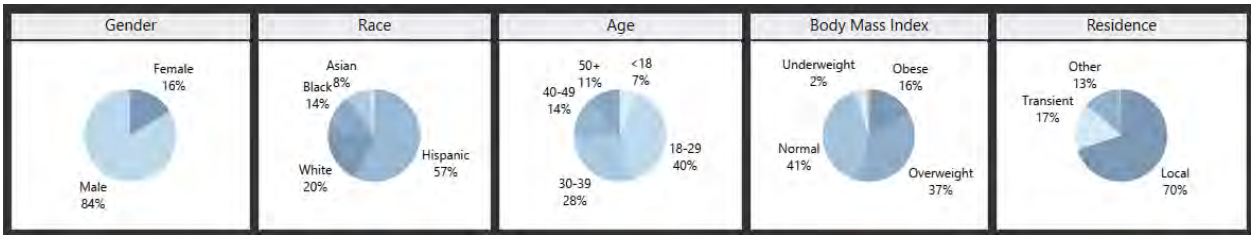
Between 2015 and 2019 there were four demographic groups (gender, race, and age) that made up about 40% of all use of force subjects. In 2020 the percentages of these four demographic groups were similar although White males between 18 and 29 declined from 5% of all force incidents to 3%

Most Common Characteristics of Use of Force Subjects 2015 - 2019				
Gender	**Race**	**Age**	**Number of Subjects**	**Percentage of Force Incidents**
Male	Hispanic	18-29	740	18%
Male	Hispanic	30-39	448	11%
Male	Hispanic	40-49	184	5%
Male	White	18-29	181	5%
All Other Demographic Groups			2,473	61%

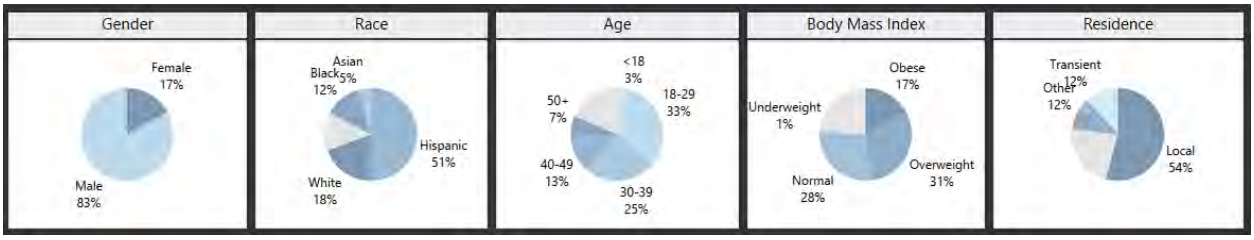
Most Common Characteristics of Use of Force Subjects 2020				
Gender	**Race**	**Age**	**Number of Subjects**	**Percentage of Force Incidents**
Male	Hispanic	18-29	124	17%
Male	Hispanic	30-39	83	12%
Male	Hispanic	40-49	45	6%
Male	White	18-29	21	3%
All Other Demographic Groups			442	62%

In 2020 the percentage of subjects who were over age 50 (7%) or juveniles (3%) were at the lowest levels in the last 6 years. Asian subjects were less likely to be involved in a force incident in 2020 (5%) than in 2019 (10%) or any prior year. In 2020 there was a significant percentage of individuals who had force used against them but were not taken into custody and so no demographic information was obtained. These individually were typically involved in protest related incidents.

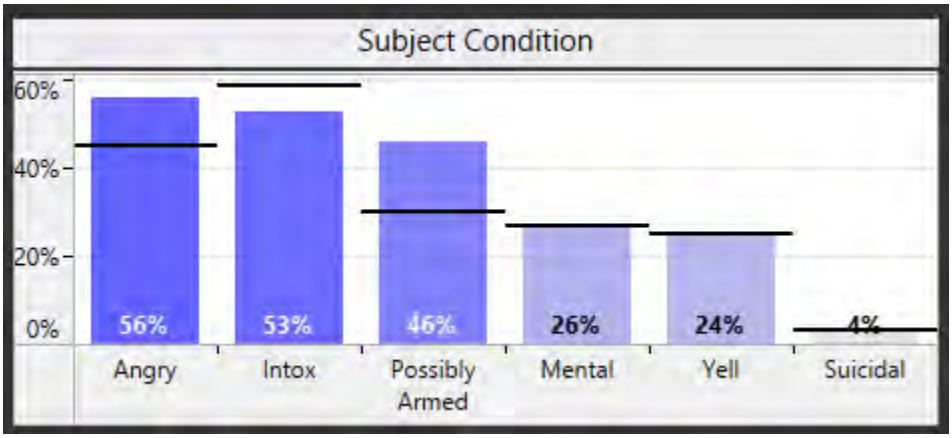
Use of Force Subject Characteristics - 2015 to 2019



Use of Force Subject Characteristics - 2020

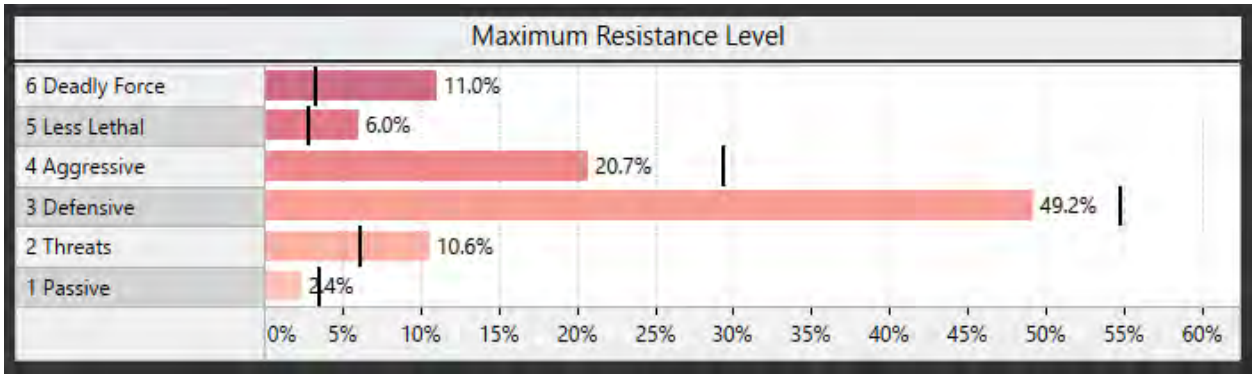


Compared to prior years, use of force subjects in 2020 were more likely to be angry (56%), more likely to be possibly armed (46%) and less likely to be under the influence of alcohol or drugs (53%).



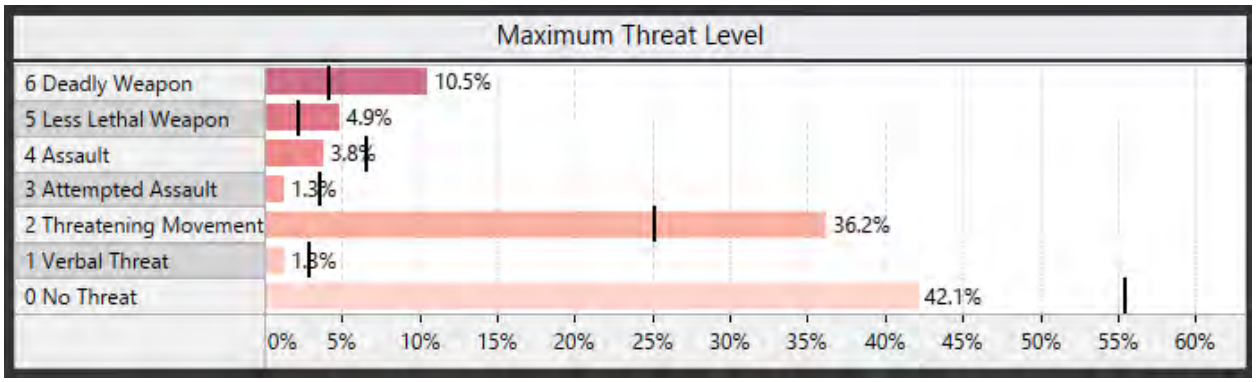
Compared to the previous 5 years, officers in 2020 were more likely to encounter deadly force resistance (11%), less lethal weapon resistance (6%) and threatening behavior resistance (11%). In 2020 officers were nearly three times more likely to encounter a subject who used a weapon against them than in prior years.

Subject Maximum Resistance Level - 2020



In 2020 15% of subjects threatened or used a weapon against officers before force was used and 36% of subjects made threatening movements towards the officers. These threatening behaviors are about double the rates of prior years. However, physical preemptive assaults against officers were lower in 2020 than prior years.

Subject Maximum Threat Level - 2020



8) Injuries

In 2020 there were 139 officers who were injured a total of 172 times. Thirty-four officers were injured twice during the year and 6 officers were injured 3 or 4 times each. Most of the injuries involved a bruise or scrape (55%), a minor cut (22%) or a complaint of pain only (16%). Six officers received chemical or bodily fluid contamination and four officers had a fracture. One officer received a gunshot wound. Forty-one percent of officers were injured on their hands or arms, 26% on their feet or legs and 13% on both their arms and legs. Fifteen officers received an injury to the head.

Thirteen percent of force applications by officers resulted in an injury to the officer who used force. Of the 172 officers who were injured in 2020, 17% were treated by EMTs and 12% were treated at a hospital.

In 2020 371 subjects who had force used against them were injured (52% of all incidents). Of the subjects who were injured, most of the injuries were minor: complain only (25%), ECW probe (6%), scrape (37%) or minor cut (21%). Twenty-two subjects were bitten by a canine. Four subjects suffered a fracture or broken tooth and two subjects lost consciousness.

Subjects were most likely to receive an injury during a canine application (93% injured) or the use of an ECW (81% injured), OC (52% injured) or an impact weapon (55% injured). Of all the physical force techniques used, physical strikes were most likely to result in an injury to the subject (74% injured).

Of the all the subjects who were injured, 20% were treated by EMTs only and 60% were treated at a hospital.

9) Impacts of COVID-19 Pandemic and Protests on Police Uses of Force

In prior use of force reports for San Jose PD, this section would normally examine long-term use of force trends. Due to the significant societal impacts of the COVID-19 pandemic, it appears that police use of force practices have also been affected. Therefore, this section will compare use of force practices prior to the pandemic with the practices from 2020.

The year 2020 was also unusual because there were five large protest events in San Jose between May 29 and June 5 where 179 subjects had force used against them. The characteristics of these use of force incidents were different from the typical incidents that occur annually. Therefore these incidents were separated out for comparison purposes.

The following table is a list of 76 variables from the Police Force Analysis System℠. The percentages for each variable are given for three different time periods: 2015 to 2019, 2020 Non-Protest Cases and 2020 Protest Cases Only. The differences were calculated between the 2020 incidents and incidents from prior years.

In 2020 non-protest related uses of force were down 19% from the annual average for the prior 5 years. However, when the protest related uses of force were added to the 2020 total, uses of force were up by 8%.

					Difference from Prior Years	
Variable Type	**Variable Description**	**2015 to 2019**	**2020 Non-Protest**	**2020 Protest Only**	**2020 Non-Protest**	**2020 Protest Only**
Number of Incidents	Average Annual Incidents	662	536	179	-19%	
Reason for Stop	Dispatched	64%	69%	17%	7%	-73%
Reason for Stop	Onview	27%	21%	30%	-24%	10%
Reason for Stop	Assist	8.3%	10%	53%	24%	533%
Original Call Type	Violent or Weapon Crime	34%	29%	95%	-15%	179%
Original Call Type	Property or Trespass	19%	18%	2.0%	-5%	-89%
Original Call Type	Disturbance or Suspicious	14%	25%	2.0%	79%	-86%
Original Call Type	Welfare Check	11%	8.0%	0%	-27%	-100%
Original Call Type	Traffic or Other	22%	21%	1.0%	-5%	-95%
Force Justification	High Justification Score	9.3%	7.8%	55%	-16%	488%
Force Justification	Low Justification Score	16%	10%	5.0%	-35%	-68%
Force Factor	High Force Factor Score	6.7%	6.9%	26%	3%	293%
Force Factor	Low Force Factor Score	6.3%	8.2%	35%	30%	459%
Force Sequences	1 or 2 Force Sequences	27%	6.0%	70%	-78%	159%
Force Sequences	5 or 6 Force Sequences	30%	58%	6.0%	93%	-80%
Injuries	Subject Injury Rate	59%	67%	6.0%	14%	-90%
Injuries	Officer Injury Rate	21%	24%	4.0%	14%	-81%
Subject Escaped	Subject Escaped	1.0%	0.6%	81%	-44%	8000%
Type of Force Used	Weapon Only	12%	10%	75%	-17%	525%
Type of Force Used	Physical Force Only	65%	63%	9.0%	-3%	-86%
Type of Force Used	Weapon and Physical Force	23%	28%	16%	22%	-30%
Speed of Force	Immediate	45%	37%	92%	-18%	104%
Speed of Force	Short Talk	29%	34%	3.0%	17%	-90%
Speed of Force	Long Talk	26%	29%	5.0%	12%	-81%
Officers Present	Only 1 Officer Present	12%	6.0%	0%	-50%	-100%
Officers Present	4 or More Officers Present	25%	36%	99%	44%	296%
Officers Using Force	Only 1 Officer Using Force	42%	34%	94%	-19%	124%
Force Tactic - Physical	Push	23%	32%	16%	39%	-30%
Force Tactic - Physical	Grab	79%	88%	12%	11%	-84%
Force Tactic - Physical	Weight	44%	79%	8.9%	80%	-80%
Force Tactic - Physical	Takedown	58%	61%	8.4%	5%	-86%
Force Tactic - Physical	Pain Compliance	20%	34%	3.9%	70%	-80%
Force Tactic - Physical	Wrestle	16%	50%	3.9%	213%	-76%
Force Tactic - Physical	Strike	19%	17%	3.4%	-11%	-82%
Force Tactic - Physical	Hair Hold	2.5%	1.5%	1.1%	-40%	-55%
Force Tactic - Physical	LNR	0.6%	0.4%	0%	-33%	-100%
Force Tactic - Weapon	Projectile	5.0%	13%	58%	160%	1051%
Force Tactic - Weapon	Impact	14%	15%	20%	7%	40%
Force Tactic - Weapon	OC	3.8%	6.9%	16%	82%	312%
Force Tactic - Weapon	ECW	16%	18%	0.6%	13%	-97%
Subject - Gender	Female	16%	19%	9.0%	19%	-44%
Subject - Race	Hispanic	57%	60%	54%	5%	-5%
Subject - Race	White	20%	19%	32%	-5%	60%
Subject - Race	Black	14%	15%	12%	7%	-14%

Subject - Race	Asian	9.0%	6.0%	2.0%	-33%	-78%
Subject - Age	<18	7.0%	4.0%	2.0%	-43%	-71%
Subject - Age	18-29	40%	37%	79%	-8%	98%
Subject - Age	30-39	28%	32%	17%	14%	-39%
Subject - Age	40-49	14%	18%	2.0%	29%	-86%
Subject - Age	50+	12%	9.0%	0%	-25%	-100%
Subject - Residence	Local	70%	70%	64%	0%	-9%
Subject - Residence	Other City	13%	14%	36%	8%	177%
Subject - Residence	Transient	17%	16%	0%	-6%	-100%
Subject - Condition	Angry	42%	45%	87%	7%	107%
Subject - Condition	Possibly Armed	26%	37%	73%	42%	181%
Subject - Condition	Yell	25%	23%	30%	-8%	20%
Subject - Condition	Intoxicated	60%	69%	5.0%	15%	-92%
Subject - Condition	Mental	27%	35%	0%	30%	-100%
Subject - Condition	Suicidal	3.0%	5.0%	0%	67%	-100%
Subject - Weapon	Weapon Recovered	14%	24%	55%	71%	293%
Crime Investigated	Violent & Weapon	34%	32%	56%	-6%	65%
Crime Investigated	Property & Warrant	21%	25%	2.0%	19%	-90%
Crime Investigated	Drug, Trespass & Disorderly	17%	26%	42%	53%	147%
Subject Flight	Flight or Attempted Flight	40%	15%	13%	-63%	-68%
Subject Threat	Deadly Force	2.8%	3.0%	33%	7%	1079%
Subject Threat	Less Lethal Weapon	1.7%	0.7%	17%	-59%	918%
Subject Threat	Assault	11%	5.2%	4.5%	-53%	-59%
Subject Threat	Threatening Movement	23%	37%	35%	61%	53%
Subject Threat	Verbal Threat	3.2%	1.7%	0%	-47%	-100%
Subject Threat	No Threat	58%	53%	10%	-9%	-83%
Subject Resistance	Deadly Force	1.7%	3.4%	34%	100%	1906%
Subject Resistance	Less Lethal Weapon	2.2%	2.1%	18%	-5%	714%
Subject Resistance	Aggressive	31%	26%	3.9%	-16%	-88%
Subject Resistance	Defensive	56%	60%	16%	8%	-72%
Subject Resistance	Threats Only	5.2%	5.6%	26%	8%	394%
Subject Resistance	Passive or None	3.8%	2.2%	2.8%	-42%	-26%

Impacts of COVID-19 on Use of Force Practices

Thirty-two of the 76 variables from non-protest use of force incidents from 2020 had a greater than 25% variance with use of force incidents from the prior 5 years. These are the variables that were most likely impacted by the pandemic.

Variable Type	Variable Description	2015 to 2019	2020 Non-Protest	Difference from Prior Years
Original Call Type	Disturbance or Suspicious	14%	25%	79%
Original Call Type	Welfare Check	11%	8.0%	-27%
Force Justification	Low Justification Score	16%	10%	-35%
Force Factor	Low Force Factor Score	6.3%	8.2%	30%
Force Sequences	1 or 2 Force Sequences	27%	6.0%	-78%
Force Sequences	5 or 6 Force Sequences	30%	58%	93%
Subject Escaped	Subject Escaped	1.0%	0.6%	-44%
Officers Present	Only 1 Officer Present	12%	6.0%	-50%
Officers Present	4 or More Officers Present	25%	36%	44%
Force Tactic - Physical	Push	23%	32%	39%
Force Tactic - Physical	Weight	44%	79%	80%
Force Tactic - Physical	Pain Compliance	20%	34%	70%
Force Tactic - Physical	Wrestle	16%	50%	213%
Force Tactic - Physical	Hair Hold	2.5%	1.5%	-40%
Force Tactic - Physical	LNR	0.6%	0.4%	-33%
Force Tactic - Weapon	Projectile	5.0%	13%	160%
Force Tactic - Weapon	OC	3.8%	6.9%	82%
Subject - Race	Asian	9.0%	6.0%	-33%
Subject - Age	<18	7.0%	4.0%	-43%
Subject - Age	40-49	14%	18%	29%
Subject - Age	50+	12%	9.0%	-25%
Subject - Condition	Possibly Armed	26%	37%	42%
Subject - Condition	Mental	27%	35%	30%
Subject - Condition	Suicidal	3.0%	5.0%	67%
Subject - Weapon	Weapon Recovered	14%	24%	71%
Crime Investigated	Drug, Trespass & Disorderly	17%	26%	53%
Subject Flight	Flight or Attempted Flight	40%	15%	-63%
Subject Threat	Less Lethal Weapon	1.7%	0.7%	-59%
Subject Threat	Assault	11%	5.2%	-53%
Subject Threat	Threatening Movement	23%	37%	61%
Subject Threat	Verbal Threat	3.2%	1.7%	-47%
Subject Resistance	Deadly Force	1.7%	3.4%	100%
Subject Resistance	Passive or None	3.8%	2.2%	-42%

In 2020 the original call type for incidents that involved a use of force was more likely to be a general disturbance or suspicious circumstance and less likely to be a welfare check. There were 35% fewer incidents with a low Force Justification score. During the pandemic there were fewer people on the street and fewer businesses that were open so the incidents that officers encountered were generally more serious. There was a higher percentage of incidents with a low Force Factor score during the pandemic, indicating that subjects were

using a higher level of resistance compared to force. There was a significant change in the number of force sequences during the pandemic and it took much longer for officers to control subjects. More officers were present during force incidents in 2020 than prior years.

Some physical force tactics were used more frequently during the pandemic (wrestling, using weight to hold a subject down, pain compliance and pushing) while hair holds, and neck restraints were used less often during the pandemic. Projectile weapons were used nearly three times more during the pandemic. This may be due to officers wanting to keep their distance from subjects to avoid transmission of the virus. OC was also used more often during the pandemic.

Asian subjects were less likely to have force used against them during the pandemic as well as juveniles and those over 50. With the closure of schools, juveniles were more likely to stay and home while the elderly were less likely to go outside due to a higher risk of infection.

Subjects that had force used against them during the pandemic were more likely to be armed and were more likely to be suicidal or have mental health issues. It is possible that the pandemic may have created additional stress on use of force subjects.

Use of force incidents were more likely to involve investigations for trespass or disorderly conduct during the pandemic and subjects were much less likely to flee from officers.

Before force was used, subjects were less likely to assault officers physically or with a less lethal weapon during the pandemic, but they were more likely to make threatening movements.

During the pandemic subjects were twice as likely to use deadly force against officers than in prior years and they were less likely to only be passively resisting.

The following table presents the 17 variables that were more than 50% higher or lower than previous years. These are the variables that were probably most significantly impacted by the pandemic.

The variables involved suggest that during the pandemic officers were facing more dangerous and more resistive subjects who were more likely to be armed and less likely to flee from officers. Although more offices were generally on scene when force was used, officers were having a difficult time controlling the subjects and they resorted to projectile weapons and OC more often. While the overall number of force incidents was down significantly in 2020, a higher percentage of cases involved general disturbances and disorderly conduct.

				Difference from Prior Years
Variable Type	**Variable Description**	**2015 to 2019**	**2020 Non-Protest**	**2020 Non-Protest**
Force Tactic - Physical	Wrestle	16%	50%	213%
Force Tactic - Weapon	Projectile	5.0%	13%	160%
Subject Resistance	Deadly Force	1.7%	3.4%	100%
Force Sequences	5 or 6 Force Sequences	30%	58%	93%
Force Tactic - Weapon	OC	3.8%	6.9%	82%
Force Tactic - Physical	Weight	44%	79%	80%
Original Call Type	Disturbance or Suspicious	14%	25%	79%
Subject - Weapon	Weapon Recovered	14%	24%	71%
Force Tactic - Physical	Pain Compliance	20%	34%	70%
Subject - Condition	Suicidal	3.0%	5.0%	67%
Subject Threat	Threatening Movement	23%	37%	61%
Crime Investigated	Drug, Trespass & Disorderly	17%	26%	53%
Officers Present	Only 1 Officer Present	12%	6.0%	-50%
Subject Threat	Assault	11%	5.2%	-53%
Subject Threat	Less Lethal Weapon	1.7%	0.7%	-59%
Subject Flight	Flight or Attempted Flight	40%	15%	-63%
Force Sequences	1 or 2 Force Sequences	27%	6.0%	-78%

Use of Force During Protests in 2020

Seventy of the 76 variables from protest related use of force incidents in 2020 had a greater than 25% variance with use of force incidents from the prior 5 years. This is a clear indication that police uses of force during protests are qualitatively different than the typical use of force incidents that occur during routine law enforcement activities.

Variable Type	Variable Description	2015 to 2019	2020 Protest Only	Difference from Prior Years
Reason for Stop	Dispatched	64%	17%	-73%
Reason for Stop	Assist	8.3%	53%	533%
Original Call Type	Violent or Weapon Crime	34%	95%	179%
Original Call Type	Property or Trespass	19%	2.0%	-89%
Original Call Type	Disturbance or Suspicious	14%	2.0%	-86%
Original Call Type	Welfare Check	11%	0%	-100%
Original Call Type	Traffic or Other	22%	1.0%	-95%
Force Justification	High Justification Score	9.3%	55%	488%
Force Justification	Low Justification Score	16%	5.0%	-68%
Force Factor	High Force Factor Score	6.7%	26%	293%
Force Factor	Low Force Factor Score	6.3%	35%	459%
Force Sequences	1 or 2 Force Sequences	27%	70%	159%
Force Sequences	5 or 6 Force Sequences	30%	6.0%	-80%
Injuries	Subject Injury Rate	59%	6.0%	-90%
Injuries	Officer Injury Rate	21%	4.0%	-81%
Subject Escaped	Subject Escaped	1.0%	81%	8000%
Type of Force Used	Weapon Only	12%	75%	525%
Type of Force Used	Physical Force Only	65%	9.0%	-86%
Type of Force Used	Weapon and Physical Force	23%	16%	-30%
Speed of Force	Immediate	45%	92%	104%
Speed of Force	Short Talk	29%	3.0%	-90%
Speed of Force	Long Talk	26%	5.0%	-81%
Officers Present	Only 1 Officer Present	12%	0%	-100%
Officers Present	4 or More Officers Present	25%	99%	296%
Officers Using Force	Only 1 Officer Using Force	42%	94%	124%
Force Tactic - Physical	Push	23%	16%	-30%
Force Tactic - Physical	Grab	79%	12%	-84%
Force Tactic - Physical	Weight	44%	8.9%	-80%
Force Tactic - Physical	Takedown	58%	8.4%	-86%
Force Tactic - Physical	Pain Compliance	20%	3.9%	-80%

Force Tactic - Physical	Wrestle	16%	3.9%	-76%
Force Tactic - Physical	Strike	19%	3.4%	-82%
Force Tactic - Physical	Hair Hold	2.5%	1.1%	-55%
Force Tactic - Physical	LNR	0.6%	0%	-100%
Force Tactic - Weapon	Projectile	5.0%	58%	1051%
Force Tactic - Weapon	Impact	14%	20%	40%
Force Tactic - Weapon	OC	3.8%	16%	312%
Force Tactic - Weapon	ECW	16%	0.6%	-97%
Subject - Gender	Female	16%	9.0%	-44%
Subject - Race	White	20%	32%	60%
Subject - Race	Asian	9.0%	2.0%	-78%
Subject - Age	<18	7.0%	2.0%	-71%
Subject - Age	18-29	40%	79%	98%
Subject - Age	30-39	28%	17%	-39%
Subject - Age	40-49	14%	2.0%	-86%
Subject - Age	50+	12%	0%	-100%
Subject - Residence	Other City	13%	36%	177%
Subject - Residence	Transient	17%	0%	-100%
Subject - Condition	Angry	42%	87%	107%
Subject - Condition	Possibly Armed	26%	73%	181%
Subject - Condition	Intoxicated	60%	5.0%	-92%
Subject - Condition	Mental	27%	0%	-100%
Subject - Condition	Suicidal	3.0%	0%	-100%
Subject - Weapon	Weapon Recovered	14%	55%	293%
Crime Investigated	Violent & Weapon	34%	56%	65%
Crime Investigated	Property & Warrant	21%	2.0%	-90%
Crime Investigated	Drug, Trespass & Disorderly	17%	42%	147%
Subject Flight	Flight or Attempted Flight	40%	13%	-68%
Subject Threat	Deadly Force	2.8%	33%	1079%
Subject Threat	Less Lethal Weapon	1.7%	17%	918%
Subject Threat	Assault	11%	4.5%	-59%
Subject Threat	Threatening Movement	23%	35%	53%
Subject Threat	Verbal Threat	3.2%	0%	-100%
Subject Threat	No Threat	58%	10%	-83%
Subject Resistance	Deadly Force	1.7%	34%	1906%
Subject Resistance	Less Lethal Weapon	2.2%	18%	714%
Subject Resistance	Aggressive	31%	3.9%	-88%
Subject Resistance	Defensive	56%	16%	-72%
Subject Resistance	Threats Only	5.2%	26%	394%
Subject Resistance	Passive or None	3.8%	2.8%	-26%

The following table presents the 49 variables that were more than 80% higher or lower than previous years. These are the variables that were probably most significantly impacted by the nature of protest related uses of force.

Variable Type	Variable Description	2015 to 2019	2020 Protest Only	Difference from Prior Years
Subject Escaped	Subject Escaped	1.0%	81%	8000%
Subject Resistance	Deadly Force	1.7%	34%	1906%
Subject Threat	Deadly Force	2.8%	33%	1079%
Force Tactic - Weapon	Projectile	5.0%	58%	1051%
Subject Threat	Less Lethal Weapon	1.7%	17%	918%
Subject Resistance	Less Lethal Weapon	2.2%	18%	714%
Reason for Stop	Assist	8.3%	53%	533%
Type of Force Used	Weapon Only	12%	75%	525%
Force Justification	High Justification Score	9.3%	55%	488%
Force Factor	Low Force Factor Score	6.3%	35%	459%
Subject Resistance	Threats Only	5.2%	26%	394%
Force Tactic - Weapon	OC	3.8%	16%	312%
Officers Present	4 or More Officers Present	25%	99%	296%
Subject - Weapon	Weapon Recovered	14%	55%	293%
Force Factor	High Force Factor Score	6.7%	26%	293%
Subject - Condition	Possibly Armed	26%	73%	181%
Original Call Type	Violent or Weapon Crime	34%	95%	179%
Subject - Residence	Other City	13%	36%	177%
Force Sequences	1 or 2 Force Sequences	27%	70%	159%
Crime Investigated	Drug, Trespass & Disorderly	17%	42%	147%
Officers Using Force	Only 1 Officer Using Force	42%	94%	124%
Subject - Condition	Angry	42%	87%	107%
Speed of Force	Immediate	45%	92%	104%
Subject - Age	18-29	40%	79%	98%
Speed of Force	Long Talk	26%	5.0%	-81%
Injuries	Officer Injury Rate	21%	4.0%	-81%
Force Tactic - Physical	Strike	19%	3.4%	-82%
Subject Threat	No Threat	58%	10%	-83%
Force Tactic - Physical	Grab	79%	12%	-84%
Force Tactic - Physical	Takedown	58%	8.4%	-86%
Original Call Type	Disturbance or Suspicious	14%	2.0%	-86%
Subject - Age	40-49	14%	2.0%	-86%
Type of Force Used	Physical Force Only	65%	9.0%	-86%
Subject Resistance	Aggressive	31%	3.9%	-88%

Original Call Type	Property or Trespass	19%	2.0%	-89%
Speed of Force	Short Talk	29%	3.0%	-90%
Injuries	Subject Injury Rate	59%	6.0%	-90%
Crime Investigated	Property & Warrant	21%	2.0%	-90%
Subject - Condition	Intoxicated	60%	5.0%	-92%
Original Call Type	Traffic or Other	22%	1.0%	-95%
Force Tactic - Weapon	ECW	16%	0.6%	-97%
Original Call Type	Welfare Check	11%	0%	-100%
Officers Present	Only 1 Officer Present	12%	0%	-100%
Force Tactic - Physical	LNR	0.6%	0%	-100%
Subject - Age	50+	12%	0%	-100%
Subject - Residence	Transient	17%	0%	-100%
Subject - Condition	Mental	27%	0%	-100%
Subject - Condition	Suicidal	3.0%	0%	-100%
Subject Threat	Verbal Threat	3.2%	0%	-100%

Subjects involved in protest related use of force incidents were much more likely to escape from the police after force was used. The purpose of officers using force during a protest is usually to protect life or property or disperse a crowd rather than to take a subject into custody.

During protests, subjects that have force used against them are more than 10 times more likely to threaten officers with deadly force or other weapons and are also more than 10 times more likely to use deadly weapons or other less lethal weapons against officers than subjects in non-protest incidents. Similarly officers are more than 10 times more likely to use projectile weapons during protest related incidents than other types of use of force incidents.

More than half of protest related incidents have a high Force Justification score compared with only 9% of other types of force incidents. More than a third of protest related use of force incidents have a low Force Factor score which means that officers tend to respond with less lethal force when confronted with the threat or use of deadly weapons by subjects during protests. Protest related incidents also have a much higher percentage of high Force Factor scores. About a quarter of protest incidents involve officers responding to threatening behavior by the use of less-lethal weapons.

Three-quarters of all force used during protests involves the use of a weapon only and only 9% of incidents involve physical force only.

Most protest related use of force incidents are resolved within one or two force sequences because the subject is typically not taken into custody. A typical two-sequence scenario would be a lawful order and a failure to comply followed by the use of a less-lethal weapon.

Almost all uses of force during a protest are immediate since there is rarely any meaningful dialogue between the officer and subject before force is used.

Subjects at protests are more than twice as likely to be angry and are twice as likely to be between the ages of 18 and 29 than subjects involved in other use of force incidents.

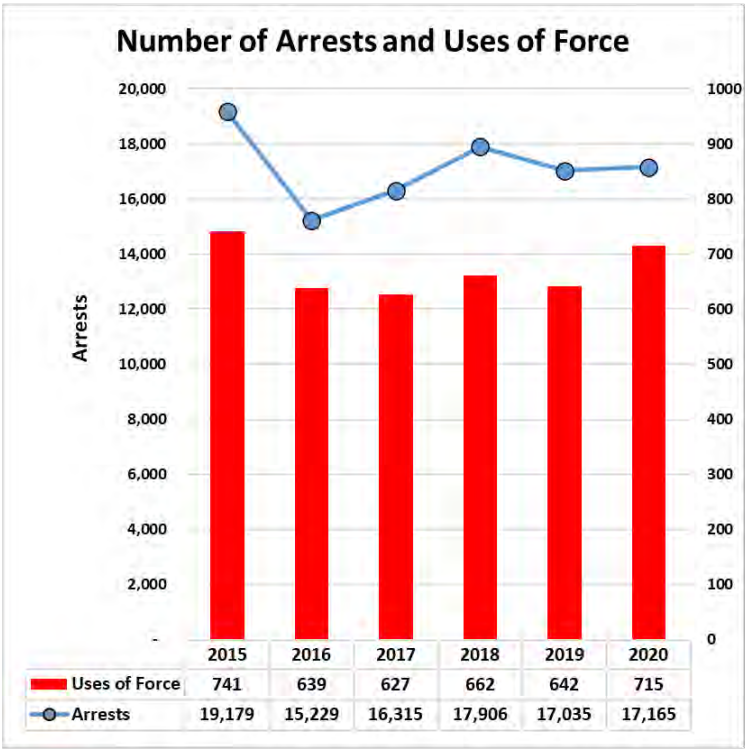
While the threat level for officers at protests is high the officer injury rate is low at only 4%. This low rate is likely due to the fact that officers are wearing special protective gear and they are typically not coming into physical contact with the subjects.

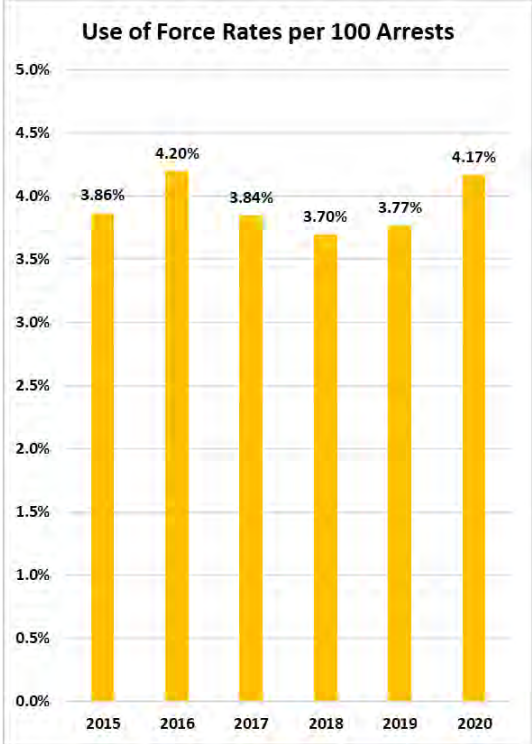
There were no subjects involved in protest related use of force incidents who were over 50 years old, who were transient, or who were suicidal or had any mental health issues.

10) Long-Term Use of Force Trends

a) Arrests and Uses of Force

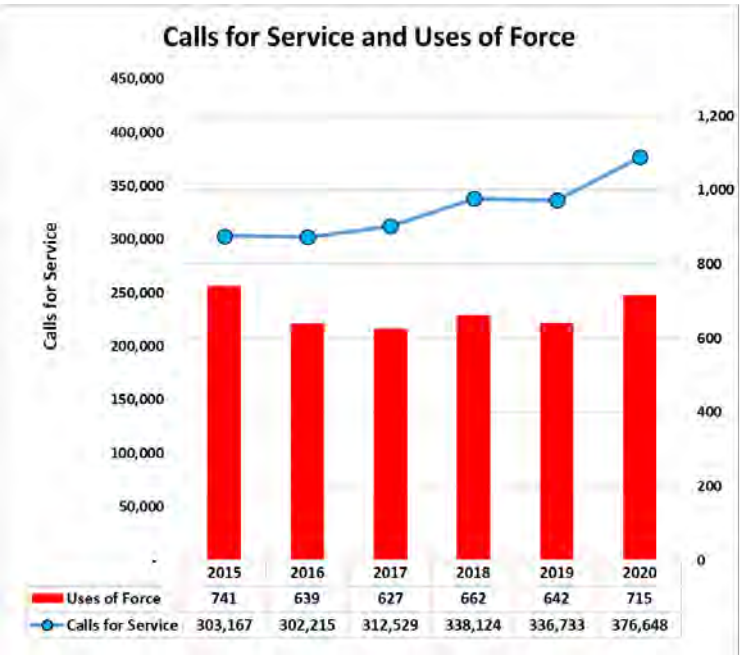
From 2015 to 2020 the number of annual arrests made by SJPD fell by 11% from 19,179 arrests to 17,165 arrests. During this same time period the number of uses of force fell by 4% from 741 in 2015 to 715 in 2020. From 2015 to 2020 the use of force rate per 100 arrests has been very stable ranging between 3.7% in 2018 to 4.2% in 2016.

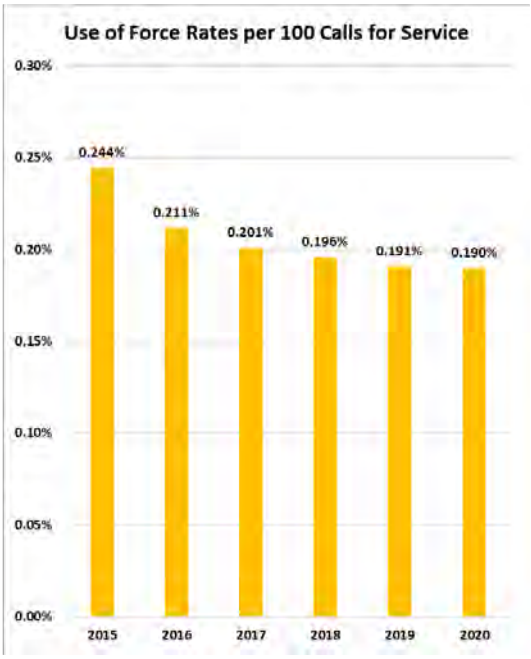




b) Calls for Service and Uses of Force

From 2015 to 2020 the number of annual calls for service to SJPD rose by 24% from 303,167 calls to 376,648 calls. During this same time period the number of uses of force fell by 4% from 741 in 2015 to 715 in 2020. Since 2015 the use of force rate (uses of force per 100 calls for service) has been declining from 0.24% in 2007 to 0.19% in 2019.





11) Disparity Analysis for Subject Demographics

While census data of the residential population is sometimes used as a benchmark for a disparity analysis, it does not provide an adequate measure to assess the possible impacts of bias by police officers. There are many factors that could affect the demographic disparities between uses of force and the population that have nothing to do with officer bias such as crime rates, compliance rates, possession of weapons, poverty rates, deployment strategies, etc.

A better benchmark for measuring demographic disparities in police uses of force is arrest data.[4] Almost every use of force incident is associated with an arrest. All things being equal, we would expect to see the same proportion of subject characteristics for those who are arrested as those who have force used against them. If there is any demographic disparity observed between the use of force data and the arrest data, this disparity could be caused by differential subject behavior (i.e. one subject group is more or less likely to resist arrest than other groups) or differential officer behavior (i.e. officers are more or less prone to use force against one subject group than other groups) or a combination of differential behavior from both subjects and officers.

Arrest data from the San Jose Police Department from 2018 to 2020 was examined and compared to the use of force data collected by the Police Force Analysis System℠. Arrest data was broken down by gender, race and age and the use of force data was organized into

[4] A recent report from the University of Texas at San Antonio and the University of Cincinnati used this methodology to examine racial disparities between uses of force and arrests using data from the from the Tulsa Police Department.
https://bloximages.newyork1.vip.townnews.com/tulsaworld.com/content/tncms/assets/v3/editorial/6/48/64860d34-4fe8-5c06-bc0f-92e7a85acab3/5e60500e75e7e.pdf.pdf

the same demographic categories as the arrest data.[5] We also gathered population demographic data from the US Census Bureau and other sources.

In 2018 the estimated total population of the City of San Jose was 1,045,000. During the four-year period from 2018 to 2020 the Department made 52,106 arrests and used force against 2,019 subjects. The annual arrest rate per thousand population was 16 and the use of force rate per 100 arrests was 3.9%. The following tables provide the gender, race, and age composition of the estimated population of San Jose in 2018 and the demographic composition of all arrestees and subjects who had force used against them between 2018 and 2020:

Population, Arrest and Use of Force Demographic Data from 2018-2020

Gender	Population	Arrests	Uses of Force
Male	50.3%	77.8%	82.7%
Female	49.7%	22.2%	17.3%

Race	Population	Arrests	Uses of Force
Other	42.0%	11.3%	13.2%
Hispanic	31.2%	55.6%	53.0%
White	23.6%	20.1%	20.6%
Black	3.2%	13.1%	13.2%

Age	Population	Arrests	Uses of Force
<18	26.4%	5.4%	6.3%
18-29	18.9%	32.0%	38.5%
30-39	17.7%	28.7%	30.1%
40-49	14.9%	18.5%	14.3%
50+	22.1%	15.4%	10.9%

[5] The arrest data provided by the Department was broken down into only four racial/ethnic groups (Hispanic, Black, White and Other). Based on the more detailed racial breakdown of use of force data, we would predict that the "Other" group is comprised most of Asian arrestees and would also include Native Americans, Pacific Islanders and other racial categories. The "Other" category also includes incidents where the subject's race is unknown.

A Disparity Index was calculated for both arrests and uses of force. The Arrest Disparity Index is the percentage of arrests of a demographic subgroup compared to that group's percentage in the overall population. The Use of Force Disparity Index is the percentage of uses of force of a demographic subgroup compared to that group's proportion of overall arrests. A disparity index of 1 means that there is no disparity between the two variables. A disparity index of less than 1 means that the group appears less frequently than would be expected while a disparity index greater than once means that the group appears more frequently than expected.

When we examine arrests by gender, we find that males are 55% more likely to be arrested than we would expect based on their percentage of the population while females are 55% less likely to be arrested. When arrests by race are examined, we find that Whites and Other races are underrepresented in the arrests while Hispanics and Blacks are overrepresented. We also find disparities by age. Adults between the ages of 18 and 39 are more than 60% more likely to be arrested than their population numbers would suggest while juvenile and adults over 50 less likely to be arrested. The arrest disparities observed for gender and age are supported by criminal behavior research – males are more likely to commit crimes than females and the peak age range for criminal behavior is between 18 and 24.

When we compare uses of force and arrests, we see much less disparity. Males are only 6% more likely to have force used against them than we would expect based on their arrest numbers, and females are 22% less likely. Arrestees under 30 are about 18% more likely to have force used against them than we would expect based upon their proportion of arrests. Arrestees over age 40 are the least likely to have force used against them. While there were large arrest disparities by race, the racial disparities by race are much smaller when uses of force are compared to arrests. The only racial group to be overrepresented were "Other" races which were 17% more likely to have force used against them than would be expected based on their proportion of arrests. This disparity is unusual and was likely a result of the protests that occurred in 2020.

Based on the available data, we cannot reach any definitive conclusions as to the cause of observed demographic disparities. However, the lack of any significant racial disparities between uses of force and arrests suggests that resistive behavior is similar across racial groups and officers do not treat subjects differently based solely on the subject's race.

Disparity Index

Population, Arrest and Use of Force Data from 2018-2020

Gender	Arrests / Population	Uses of Force / Arrests
Male	1.55	1.06
Female	0.45	0.78

Race		
Other	0.27	1.17
Hispanic	1.78	0.95
White	0.85	1.03
Black	4.08	1.01

Age		
<18	0.20	1.16
18-29	1.69	1.20
30-39	1.62	1.05
40-49	1.24	0.77
50+	0.70	0.71

Long range trends in demographic disparities were also examined. Prior to 2020 the largest disparities were seen for Black subjects in 2016 when they were 19% more likely to have force used against them than would be expected based on the number of arrests.

In 2020 there were virtually no disparities between uses of force and arrests for Black, White, and Hispanic subjects. However, other racial groups saw a 50% disparity between uses of force and arrests. This was likely due to the large number of protests that occurred in 2020. During the protests, officers used force to disperse the crowds rather than to make an arrest. The demographics of the protestors may not have matched the usual demographics of individuals who are arrested. Another factor contributing to the disparity is that the "Other" racial category includes subjects that had force used against them, but their race could not be identified. Officers that used force for crowd control were more likely to record the race of the subject as unknown.

Racial Disparity Index - Uses of Force / Arrests

Race	2015	2016	2017	2018	2019	2020
Other	0.86	1.04	0.81	0.96	0.95	1.50
Hispanic	1.11	1.02	0.98	0.98	0.98	0.91
White	0.82	0.82	1.07	1.06	1.11	0.92
Black	0.91	1.19	1.13	1.03	0.98	1.03