



Pasadena Community  
Police Oversight  
Commission

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May 4, 2023



ASSESSMENT OF PASADENA POLICE DEPARTMENT  
CATEGORICAL USE OF FORCE INVESTIGATIONS  
(For Investigations Closed Between  
June 2021 and November 2022)

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May 1, 2023

# Methodology

- Reviewed twenty-three (23) distinct UOF Case Investigations, represented to be all use-of-force case investigations closed from June 1, 2021, through November 2022.
- These 23 cases represented thirty (30) separate applications of categorical uses of force.

# Definition of Categorical Use of Force

## **Defined as uses of force requiring an automatic review by the Use-of-Force Review Board and involving the use of:**

- 1) any type of punching, kicking, or striking,
- 2) the application of a Taser device (Conducted Energy Weapon or “CEW”) or “less-lethal” weaponry,
- 3) where a person was rendered unconscious,
- 4) the discharge of a firearm (other than while in training),
- 5) the use of a baton or other impact weapon where a person was struck,
- 6) the use of Oleoresin Capsicum (“OC” or “Pepper Spray”) or “Pepper Balls, or
- 7) where a police service dog has caused an injury to a person.

See, Pasadena Police Department policy 300.5.1).

# Context

## Annual Calls for service:

2018	2019	2021
118,854	120,623	114,025

- Arrests compared to Categorical Uses of force

	2021	2020	2019	2018	2017	2016
Arrests	4,103	4,25	7,730	5,896	6,408	6,796
Force Incidents	23	26	34	30	44	45
% of arrests with force	0.56%	0.61%	0.44%	0.5%	0.69%	0.66%

# Force Cases Reviewed

Strikes (Bodily Force)	<b>14 total</b>
Hand Strikes	12
Knee Strikes	1
Elbow Strikes	1
Conductive Energy Weapon	<b>10 total</b>
Probes	8
Drive Stun	2
Less Lethal (O.C. Spray)	<b>2 total</b>
Pepper Spray	1
Pepper Ball	1
Less Lethal Weaponry	<b>3 total</b>
40 mm Less Lethal Launcher	2
Flash Bang	1
Baton/Impact Weapon	0
Handgun	0
K-9 Contact	<b>1 total</b>
<b>TOTAL APPLICATIONS OF FORCE</b>	<b>30</b>

# Assessment Questions

## Initial Assessment Questions:

- Was the investigation of the incident thorough and unbiased?
- Were the conclusions reached by the Use-of-Force Review Board reasonable and evidence-based?
- Were the investigation and adjudication of the cases completed in a timeframe that was within the reasonable expectations of PPD officers and the community?

## Additional Assessment questions:

- Did all involved and witness officers appropriately activate and deactivate their Body Worn Cameras (BWC) as per policy and Department expectations (as described in PPD Policy No. 450.1)?
- Did the Department hold officers accountable for failing to activate their BWCs in accordance with policy and expectations?

# Assessment Findings

## Finding/Recommendation No. 1:

- There is no reason to believe that PPD officers engage in the use of excessive force on a systemic basis.
- **IPA to attend use-of-force training to ensure more robust assessments of training in future reports.**



# Assessment Findings

## Finding/Recommendation No. 2:

- Issues and Concerns Identified Regarding Use of Force Review Board Recommendations & Findings by Chief of Police.
- **IPA and Chief/Command Staff to continue to discuss issues of concern as they arise.**

# Assessment Findings

## Finding/Recommendation No. 3:

- The Department should create a Force Review Board (FRB) checklist to act as a guideline to ensure that issues relating to the quality of use-of-force investigations are addressed and considered by the FRB.
  - **IPA to work with Department to create a Force Review Board checklist to act as a guideline to ensure the issues identified by this report are addressed on a systemic basis.**

# Assessment Findings

## Finding/Recommendation No. 4:

- The Critical Performance Unit Sergeant should provide more robust information in the PowerPoint presentation that is made to the Use-of-Force Review Board.
  - **IPA to work with Professional Standards and Command Staff to ensure Use-of-Force Review Board is able to evaluate Body Worn Camera compliance, all tactics and uses-of-force employed over the course of an incident under review, and the quality of Use-of-Force investigations.**

# Assessment Findings

## Finding/Recommendation No. 5:

- The Department should update its Body Worn Camera policies and training to ensure consistency when BWCs are activated and deactivated.
  - **Current policy requires that officers “should” activate their BWC in “all enforcement and investigative contacts....”**
  - **IPA recommends that policy be changed to require that officers “shall when practical and safe” activate their BWC...**
  - **IPA to monitor Department’s updates to the Blueteam database to track officer compliance with BWC policy.**
  - **IPA to monitor BWC policy compliance and Department enforcement of BWC policy.**

# Body Worn Camera Compliance Rates

<b>Compliant</b>	<b>All involved officers activated BWC in accordance with policy.</b>	<b>5 (21.7%)</b>
<b>Not Compliant</b>	One or more Subject Officer failed to activate BWC prior to categorical use-of-force	7 (30.4%)
<b>Partially Compliant</b>	One or more Witness Officer or Responding Officer failed to activate BWC in accordance with policy.	4 (17.4%)
<b>Semi-Compliant</b>	Although BWC was activated in time to record the categorical use-of-force, the BWC was either activated after first contact with a witness or subject and/or was deactivated prematurely.	7 (30.4%)

## Department Response

- **The Department command staff has acknowledged BWC compliance as an issue that must be addressed and will look into updating the BWC policy to minimize BWC policy violations in the future. In addition, the Department reports that as of November 1, 2022, it has implemented a 1-minute buffer for its BWC system, (increased from the previous 30-second buffer that existed for the cases reviewed in this assessment).**

# Assessment Findings

## Finding/Recommendation No. 6:

- The Department should continue to monitor and attempt to reduce the risk of officers using closed-handed fist strikes to obtain compliance.
- **IPA to review future use-of-force cases to determine if PPD training effectively reduces the use of close-handed fist strikes as a force technique.**

# Assessment Findings

## Finding/Recommendation No. 7:

- The quality of use-of-force investigations can be improved. The Department should implement specific time deadlines for supervisors to complete use-of-force investigations.
- **IPA to review 2023 use-of-force investigations to identify whether there has been an improvement in the quality of use-of-force investigations conducted by Sergeants.**



# Assessment Findings

## Finding/Recommendation No. 8:

- The timeliness of the investigation and adjudication of use-of-force cases is excellent.
- **IPA to review 2023 use-of-force investigations to ensure investigations and reviews of categorical uses of force remain timely.**
- **IPA to monitor Department implementation of specific time deadlines for Blue Team entries and goals for completion of use-of-force investigations.**
- This assessment has not addressed the lack of timeliness in the administrative investigation and review of officer-involved shootings. That issue is being addressed independently of this assessment.

# Assessment Findings

## Finding/Recommendation No. 9:

- Critical Incident debriefings do not occur if there is any indication of an out-of-policy use of force.
- **IPA to review 2023 use-of-force investigations to ensure critical incident debriefings do not interfere with the integrity of misconduct investigations.**

# Assessment Findings

## Finding/Recommendation No. 10:

- Current PPD policy regarding the permissible use of the Taser as an intermediate weapon is inconsistent with federal Constitutional Law and PPD training.
- **The Department taser policy needs to be updated to delete language that makes it appear that an officer is permitted to use a Taser on a person solely because that person is physically resisting or solely where there is a *potential* risk of harm. Federal law only permits the Taser to be used where there is some immediacy of threat or risk to officers or others.**

## Overall Department Response

“The review culminated with 10 individual recommendations, which PPD Command staff, I, and various Department subject matter experts thoroughly reviewed. After thoughtful analysis, there is a Department agreement with all the recommendations, either in whole or in concept. We have determined that the recommendations have been reviewed and either implemented or will be implemented moving forward...”

# IPA Conclusions

- Although this assessment includes several recommendations to improve the Pasadena Police Department's ability to hold its officers accountable for severe uses of force, and although there are some areas where this assessment is critical of the current investigation and review processes, it is essential to understand the big picture:

# IPA Conclusions

On the whole, by all appearances, the Pasadena Police Department and its command staff appear to be dedicated to effective and Constitutional policing and appear to have a strong desire to live and work according to the Department's stated values: to "serve the community" while "striv[ing] for excellence," "seek[ing] innovation" and "rever[ing] integrity." The level of cooperation provided by the Department in support of this assessment cannot be overstated. I have no reason to believe that the Department will not reasonably and rationally consider the recommendations made herein and look forward to working with the Chief Harris and his command staff in implementation of these recommendations as appropriate.