

The Police Department Needs Clearer Guidance and More Proactive Governance for Better Use-of-Force Data Collection and Reporting

San Francisco Police Department

The Police Department's approach to collecting use-of-force data is effective but should issue additional guidance to prevent misreported use of force. Also, the department should analyze use-of-force data to monitor policy compliance, gain insight into the role bias plays, and identify training opportunities to inform force reduction efforts. Further, the department should ensure its public use-of-force data reporting aligns with best practices and department policy.

This audit fulfills the San Francisco Charter requirement that the Department of Police Accountability biennially audit or review the Police Department's use of force or handling of police misconduct.



City & County of San Francisco

October 5, 2020

Office of the Controller
City Services Auditor



Department of Police
Accountability



About the Audits Division

The City Services Auditor (CSA) was created in the Office of the Controller through an amendment to the Charter of the City and County of San Francisco (City) that voters approved in November 2003. Within CSA, the Audits Division ensures the City's financial integrity and promotes efficient, effective, and accountable government by conducting performance audits, investigating reports received through its whistleblower hotline, and providing actionable recommendations to city leaders to improve the overall performance of city government.

About the Department of Police Accountability

In 2016 San Francisco voters amended the San Francisco Charter (Section 4.136) to, in part, rename the Office of Citizen Complaints as the Department of Police Accountability (DPA), give DPA the authority to periodically audit the Police Department, and mandate that DPA audit the Police Department's use of force or handling of police misconduct every two years.

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Audit Authority

This audit was conducted under the authority of the San Francisco Charter, Section 3.105 and Appendix F, which requires that CSA conduct periodic, comprehensive financial and performance audits of city departments, services, and activities, and Charter Section 4.136, which requires the Department of Police Accountability to regularly audit or review police officer use of force.

Statement of Auditing Standards

This performance audit was conducted in accordance with generally accepted government auditing standards (GAGAS). These standards require planning and performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. The Audits Division believes that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives. The Audits Division is independent per the GAGAS requirements for internal auditors.



OFFICE OF THE CONTROLLER

CITY AND COUNTY OF SAN FRANCISCO

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October 5, 2020

Police Commission
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

William Scott, Chief of Police
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

Dear Commissioners and Chief Scott,

The Office of the Controller (Controller), City Services Auditor (CSA), Audits Division, and Department of Police Accountability (DPA) present their audit report of the collection and reporting of use-of-force data by the San Francisco Police Department (Police Department). The audit had as its objectives to determine whether the Police Department collects and reports use-of-force data adequately and effectively. This audit was performed to fulfill the San Francisco Charter requirement that the Department of Police Accountability biennially audit or review the Police Department's use of force or its handling of officer misconduct.

The audit concluded that the Police Department's approach to collecting use-of-force data is effective and results in reasonably accurate data collected for incidents with reported force. However, policy gray areas and process weaknesses led to underreporting and overreporting of use-of-force incidents. Further, the department does not analyze its use-of-force data, which has caused missed opportunities to improve departmentwide monitoring of policy compliance, to gain insight into the role bias plays in force, and to inform force reduction efforts.

The report includes 37 recommendations for the Police Department to improve and strengthen its use-of-force reporting and data collection process, analysis of collected use-of-force data, and public reporting of use-of-force data. The Police Department's response is attached as Appendix F. CSA and DPA will work with the Police Department to follow up every six months on the status of the open recommendations made in this report.

CSA and DPA appreciate the assistance and cooperation of all staff involved in this audit. For questions about the report, please contact us at mark.p.delarosa@sfgov.org or 415-554-7574 and paul.henderson@sfgov.org or 415-241-7711.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark de la Rosa".

Mark de la Rosa
Acting Director of Audits
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A handwritten signature in blue ink, appearing to read "Paul Henderson".

Paul Henderson
Executive Director
Department of Police Accountability

cc: Board of Supervisors
Budget Analyst
Citizens Audit Review Board
City Attorney
Civil Grand Jury
Mayor
Public Library

Executive Summary

WHY WE DID THIS AUDIT

Law enforcement officers must use **force** under some circumstances, but some necessary force can result in pain, injury, or death to a subject. In other circumstances, force may be unnecessary or excessive. The San Francisco Police Department must accurately collect **use-of-force data** to:

- **Build public trust.**
- **Identify trends** in compliance with its use-of-force policy.
- **Understand** factors that contribute to using force.
- **Gain insight** into officer bias in using force.
- **Meet reporting mandates.**

WHAT WE FOUND

Objective: The audit assessed the adequacy and effectiveness of the department's collection and reporting of use-of-force data in calendar year 2017.

- ♦ **Officers report uses of force reasonably accurately.**
- ♦ **The department does not analyze its data** to monitor departmentwide **compliance with policy**, to gain insights into the role **bias** plays in using force, or to **identify training needs**.
- ♦ **Public reports need improvement.**

HOW WE DID IT

Used statistical random samples to be **95% certain that what we found is true for all use-of-force incidents**. Received a court order allowing review of incidents with *juvenile subjects*, which are usually excluded from such evaluations.

Reviewed:

300 *use-of-force incidents* with a police report, supervisory evaluation, and station log.

269 incidents in which *subject resistance* but no force was reported.

1,369	291	28	428
supervisory evaluation forms	station log pages	supervisors interviewed	officer survey responses



Policy gray areas led to officers underreporting and overreporting force.



Process weaknesses led to undercounting and overcounting uses of force.



Inadequate data analysis led to missed opportunities to:

Report out department-wide policy compliance.

Understand factors increasing likelihood of force.

Gain insight on the role of officer bias in using force.



Weak public reports hinder transparency and adequacy of information available to decision-makers.

Policy Gray Areas

5.6% incidents unreported

0.3% incidents overreported

Policy gray areas led to officers underreporting and overreporting force. The department should issue supplemental guidance to clarify:



Physical control holds when there is an injury, but it is not a result of the force, or if it is unclear whether it included a strong enough impact to qualify as a strike (hit, kick, etc.).



Pointing a firearm when it is pointed at a subject near or in a vehicle with other people.

Process Weaknesses

1 incident overcounted

3.3% incidents undercounted

Missing and misfiled documentation

Process weaknesses led to undercounting and overcounting uses of force. The department should implement and improve control processes to ensure each use of force has all required documentation and an accurate record in the use-of-force database.

- An estimated 25-82 incidents entered in use-of-force logs were not in the database because they did not get to the end of the process:



- 1 of 1,365 database entries was a duplicate of another entry.
- 2 of 1,337 encounters captured on evaluation forms were combined with related incidents and not counted as separate instances.
- Missing evaluation forms (1%), log pages (6%), and log entries (2%).

Inadequate Analysis

Missed opportunities to:

- ✓ Monitor compliance
- ✓ Inform force reduction efforts
- ✓ Mitigate bias

Inadequate data analysis led to missed opportunities for transparency and data-driven decisions. The department should use data to monitor compliance with its use-of-force policy, better understand factors contributing to using force, and gain insight into officer bias. Such analysis might answer:

- Are uses of force evaluated quickly?** Of evaluations with dated approvals, it took an average of 36 days from incident to approval.
- Is force justified and proportional to resistance?** Police departments in other jurisdictions use data to support the level of force used and the justification for using force.

Weak Public Reports

Do not align with best practices

Weak public reports hinder transparency and adequacy of information available to decision-makers. The department should align its Early Intervention System (EIS) and Administrative Code Chapter 96A.3 (96A) reporting with best practices to meet the stakeholders' needs, and fully comply with its policy requirements for monthly and annual use-of-force data reporting.

	EIS	96A	
Context to interpret data	✗	⊖	
User needs satisfied	✗	✓	
Key points summarized	✗	⊖	
Visualization of data	✗	⊖	
Open data available	✗	✗	

✓ Complies
⊖ Partly Complies
✗ Does not Comply

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Glossary

96A report	Provides demographics and outcomes of stops, arrests, uses of force, and allegations of officer bias; issued quarterly; required by San Francisco Administrative Code, Chapter 96A
Application of force	A single officer using a single type of force on a single subject
Cal DOJ	California Department of Justice
City	City and County of San Francisco
Controller	Office of the Controller
CSA	City Services Auditor, Audits Division
DataSF	City's open data portal
DB	Department Bulletin – A departmentwide directive or legal update issued by the chief of police; can amend a Department General Order
DGO	Department General Order – Conveys the department's most authoritative and permanent policies and procedures; Police Commission establishes, adopts, and revises after a public hearing
DGO 5.01	The general order that specifies when and how officers can use force and how to report and document force
DOJ	U. S. Department of Justice
DPA	Department of Police Accountability
EIS	Early Intervention System – A system that tries to identify officers who could benefit from non-disciplinary intervention designed to improve the performance of the department and its officers through coaching, training, and professional development
EIS alert	Notification in the Early Intervention System flagging an officer for review based on reaching a certain number of indicators, including discharging a firearm, using force, and being the subject of citizen complaints within specific timeframes
EIS report	Provides statistical information summarizing the results of the early intervention process, including the number and nature of alerts and any active interventions; Department General Order 3.19 requires the department to issue the report quarterly
Evaluation form	Supervisory Use-of-Force Evaluation Form – Documents a supervisor's evaluation of an officer's use of reportable force; provides the data tracked in the department's use-of-force database; first implemented in January 2017

FBI	Federal Bureau of Investigation
Firearm	Pistol, rifle, or shotgun
Force	Amount of effort required by police to compel compliance by an unwilling subject
<i>Graham v. Connor</i>	U.S. Supreme Court case 490 U.S. 386 (1989) ; established that those evaluating whether a use of force was reasonable should consider only the information known to the officer who applied the force at the time of the incident
Incident	A law enforcement encounter; may include multiple officers, subjects, or applications of force
Indicator	Data point tracked in the early intervention process for triggering Early Intervention System alerts
Narrative	Portion of an incident report that includes an officer's description of the events, including the subject's resistance, if any, and the officer's response to the resistance
NYPD	New York City Police Department
Police Commission	The body that oversees and sets policy for the department and conducts disciplinary hearings on charges of police misconduct referred by the chief of police or Department of Police Accountability
Police Department	San Francisco Police Department
Reportable force	Uses of force that must be reported to a superior officer (During the audit period, this excluded physical control tactics that did not result in complaint of pain or injury, but the department made all physical control tactics reportable in 2020.)
Subject	Person subjected to a use of force by an officer
Supervisor	Sworn officer at or above the rank of sergeant
Unit order	A unit-specific directive that establishes policy and procedures for a unit to implement its responsibilities
URSUS	System for law enforcement agencies to submit data annually to the California Department of Justice on use-of-force incidents where a subject or officer incurred serious bodily injury or died; required by California Government Code, Section 12525.2; URSUS is not an acronym
Use-of-force database	The component of the department's Administrative Investigation Management system that contains information about reportable uses of force and generates alerts for EIS
Use-of-force log	Form at each station on which supervisors log basic information about reportable uses of force

Introduction

WHY WE DID THIS AUDIT

The overall objective of the audit was to assess the adequacy and effectiveness of the San Francisco Police Department's (Police Department) collection and reporting of use-of-force data. The audit also evaluated the department's procedures on evaluating uses of force but did not evaluate the reasonableness of uses of force. In 2016 San Francisco voters approved Proposition G, creating the Department of Police Accountability¹ (DPA) to replace the Office of Citizen Complaints and expanding its authority to include an audit function.

Use-of-force data is necessary to provide transparency on officer's use of force to the public, information to the Police Commission to assist in policy decisions, and assist in understanding the factors that contribute to officers using force. The following background information provides definitions and an overview of how the Police Department collects and uses its use-of-force data.

BACKGROUND

The Police Department² is responsible for preserving the public peace, preventing and detecting crime, and protecting the rights of persons and property by enforcing federal, state, and city laws. The Police Commission³ sets policy for the department and conducts disciplinary hearings on charges of police misconduct referred by the chief of police or DPA. DPA receives and investigates complaints of officer misconduct or of violations of Police Department policy and audits department operations, including audits on officer misconduct and use-of-force.

The Police Department is to maintain records of all incidents. However, if an incident involves certain types of crimes, those records may be sealed by court order. Also, incidents that involve juvenile subjects⁴ can only be released by order of the Juvenile Court.

Various divisions within the Police Department, Police Commission, DPA, and Juvenile Court play a role in use-of-force data collection and reporting, as shown in Exhibit 1.

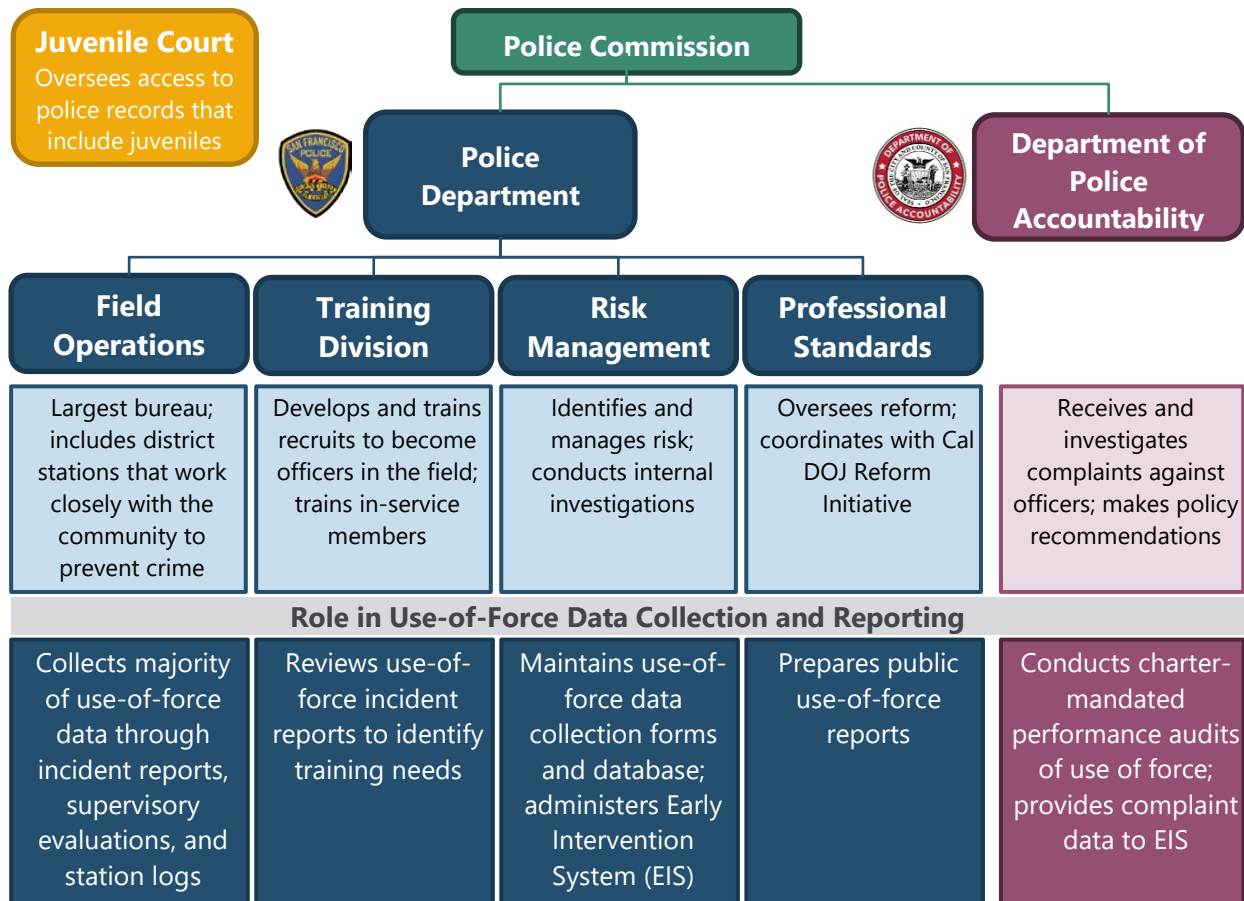
¹ The San Francisco Charter, [Section 4.136](#), establishes the department's responsibilities.

² The department had 2,971 authorized, full-time equivalent (FTE) positions during the audit period (in its fiscal year 2017-18 budget).

³ The commission has seven members, four of whom are appointed by the mayor and three of whom are appointed by the Board of Supervisors. The San Francisco Charter establishes the commission's responsibilities and those of the chief of police ([Section 4.127](#)).

⁴ For the purpose of this audit, a subject is a person on whom an officer used force.

Exhibit 1: Use-of-force data collection, management, and reporting involves multiple divisions of the Police Department and outside agencies.



Note: Cal DOJ is the California Department of Justice. This diagram only partially shows the organizational structure of the Police Department and DPA, those involved in use-of-force data collection and management.
 Source: Department General Order 5.01; Mayor's Proposed Budget Book for fiscal years 2018-19 and 2019-20

Use of Force

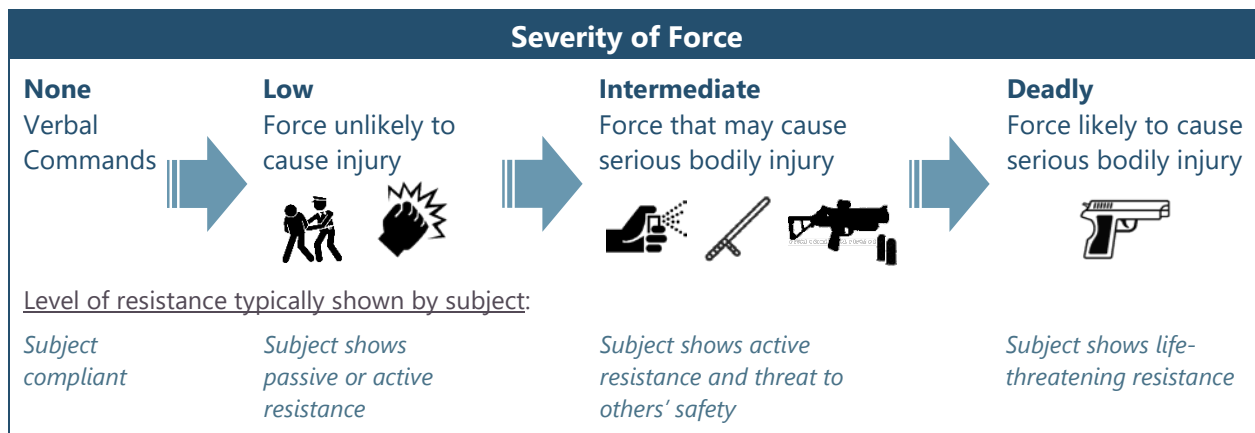
According to the National Institute of Justice, there is no universally agreed-upon definition of use of **force** and no universal set of rules that governs when and how much use of force officers should use. The International Association of Chiefs of Police defines use of force as the "amount of effort required by police to compel compliance by an unwilling subject." Using force is a necessary part of law enforcement under certain circumstances, but some necessary force can result in pain, injury, or death to a subject. In other circumstances, using force may be unnecessary or the type of force used may be excessive. The U.S. Supreme Court, in *Graham v. Connor*,⁵ established that those evaluating whether a use of force was reasonable should consider only the information known to the officer who applied the force at the time of the incident. Force has varying degrees of severity, as shown in Exhibit 2.

Force is the amount of effort required by police to compel compliance by an unwilling subject.
-International Association of Chiefs of Police

⁵ 490 U.S. 386 (1989).

Certain uses of force must be reported internally through the officer's chain of command and externally to the public as required by state and local law. These uses are referred to as **reportable force** to distinguish them from physical control tactics that have a low risk of injury and do not result in injury, complaint of pain, or death.⁶ Uses of certain types of force, such as a firearm, baton, or pepper spray, are always reportable. Uses of other types of force are only reportable if they cause the subject pain or injury. Any use of force that results in a subject's complaint of injury or pain that persists beyond a physical control hold, including serious bodily injury or death, is reportable. Accurately collecting data on use of force is critical for building public trust, targeting force reduction efforts, addressing officer bias, and meeting reporting mandates.

Exhibit 2: Severity of police use of force varies from no force to lethal force



Source: Department General Order 5.01

The Police Department issues policies, including those related to officers using and documenting force, through orders and bulletins.

Because they are sworn personnel, officers are expected to have a working knowledge of all written directives as applicable through their respective assignment and comply with their provisions.

- **Department General Orders (DGOs)** outline the department's most authoritative and permanent directives, established, revised, and adopted by the Police Commission after a public hearing. They establish the departmentwide policies for uniform enforcement of laws and outlines the procedures to be followed in the delivery of service to the community. They cannot be revised or lifted without commission approval.
- **Department Bulletins (DB)** contain directives and legal updates and are issued departmentwide and can be used to amend DGOs. The chief of police issues the bulletins.
- **Unit Orders** are unit-specific directives that establish policies and procedures for a specific unit to implement its responsibilities.

⁶ Per DB 20-010, reportable use of force now includes physical controls that are used in any attempt to overcome any physical resistance, regardless of injury or complaint of pain, and pointing of firearms in low ready position at or in the direction of a subject.









In December 2016 the Police Department issued its revised use-of-force policy, **DGO 5.01**, which instructs officers to rely minimally on force and use rapport-building communication, crisis intervention techniques, and de-escalation tactics before resorting to force. Using force is only permissible for specific purposes, which are to:

- Effect a lawful arrest, detention, or search
- Overcome resistance or prevent escape
- Prevent commission of a public offense
- Defend others or self
- Gain compliance with a lawful order
- Prevent a person from injuring themselves

When force becomes necessary, the policy requires officers to use force that is proportional to the circumstances and the subject’s actions. The types of authorized force are shown in Exhibit 3.

Exhibit 3: Department policy allows officers to use only authorized force types

The department prohibits some types of force, such as carotid restraints, choke holds, and shooting from or at a moving vehicle in most cases. Officers do not carry conductive energy devices.^a

	<p>Physical Control – Using empty hand tactics, such as wrist locks, control holds, and takedowns, for the physical control of a subject, including taking a subject to the ground</p>		<p>Firearms^b –</p> <ul style="list-style-type: none"> ♦ <i>Pointing</i> at or in the direction of a subject ♦ <i>Discharging</i>, including unintentional discharges
	<p>Personal Body Weapons – Tackling, punching, or kicking with no weapon</p>		<p>Canine Bite – Bites from a police dog</p>
	<p>Chemical Agents – Releasing an irritant, such as pepper spray</p>		<p>Extended Range Impact Weapons – Discharging a firearm that uses less lethal projectiles</p>
	<p>Impact Weapons – Hitting with a baton; may include using an object, such as a flashlight or police radio, as a weapon</p>		<p>Vehicle Intervention – Using a police car to deflect a subject’s vehicle; using spike strips to stop a vehicle</p>

Notes:

^a In November 2017 the Police Commission approved the use of conductive energy devices, such as Tasers, but the Board of Supervisors has not approved funding for the department to purchase such weapons.

^b Includes the Police Department’s pistols, rifles, and shotguns.

Source: Department General Order 5.01; Department’s Basic Course Arrest and Control Manual

DGO 5.01 not only describes when and how officers should apply force, but also:

- When officers should report force.
- How officers should document force in incident reports.
- How supervisors⁷ should evaluate force.

Physical control holds are only reportable if they result in injury, complaint of injury, or complaint of pain that persists beyond the use of a physical control hold. The other force options shown in Exhibit 3 must always be reported.

A single use-of-force *incident* may have multiple reportable *applications* of force.

A use-of-force *incident* refers to an incident with at least one reportable *application* of force. An application is a single type of force used by one officer on one subject.

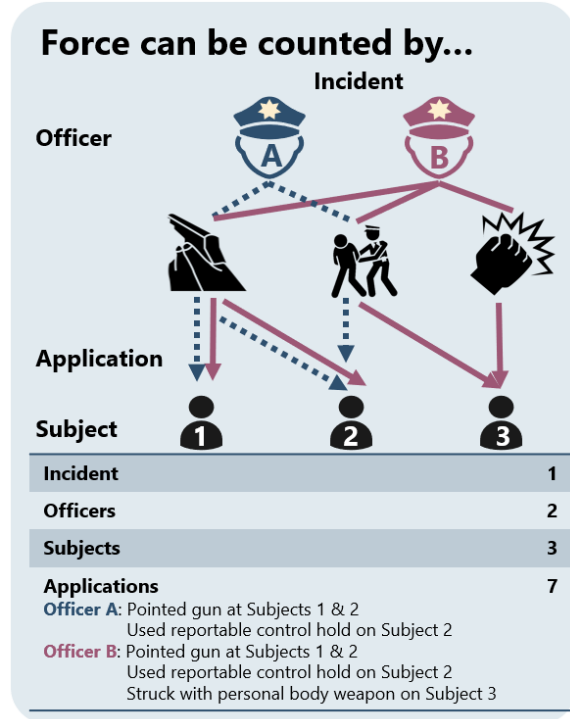


Exhibit 4 summarizes the department’s process for documenting reportable force.

Exhibit 4: Police Department policy requires officers and supervisors to collect use-of-force data on standard forms, which support internal analysis and external reporting of the data to the public



Notes: EIS = Early Intervention System; department issues quarterly reports on results of early intervention process
96A = quarterly Administrative Code 96A.3 Report

Source: Department policies and procedures

⁷ Sworn officer at or above the rank of sergeant.

Officers must notify a supervisory officer and document reportable uses of force in an incident report.

Officers are responsible for notifying their supervisor when they have a reportable use of force. The officer must also document the use of force in an incident report narrative. DGO 5.01 states that the narrative should be written in clear, precise, and plain language and should be as specific as possible. Subsequently issued DB 17-095 states that the narratives should explain the relevant articulable facts in plain language that everyone can readily understand. By policy, officers must include at a minimum the following information when documenting the use of force in the **incident report narrative**:

- The subject's action necessitating the use of force
- Efforts to de-escalate before the use of force
- Any warning given
- The type of force used
- Any injury sustained by the subject
- Any injury sustained by the officer or another person
- Information about medical assessment or evaluation of the subject, including whether the subject refused
- The supervisor's name, rank, star number, and the date and time notified

When notified of a reportable use of force, supervisors must go to the scene and conduct an evaluation.

In *Graham v. Connor*, the U.S. Supreme Court specified that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with "the 20/20 vision of hindsight," and without regard to the officers' underlying intent or motivation. To assess whether an application of force meets the standard for reasonableness and is within policy, the department requires supervisors to report to the scene, ensure the safety of the scene, and then conduct an evaluation. As part of that evaluation, supervisors must interview subjects, witnesses, and officers and review body-worn camera video. The supervisor must document their assessment on the **Supervisory Use-of-Force Evaluation**

Incident report

The incident report is the document of record used in court proceedings including criminal trials and civil actions. It includes information about the officers, subjects, witnesses, and victims involved, the evidence gathered, and a description of the incident from the perspective of all of the officers at the scene, if more than one officer was present.

Supervisory Use-of-Force Evaluation Form

The evaluation form records a supervisor's evaluation of whether an officer's use of force was within policy and records information about the officers who applied force, the subjects of force, and the force itself. This is the source document for the Administrative Investigation Management system (**use-of-force database**).

Use-of-Force Log

Each station logs each application of force on a simple form that records only the officer's name, basic information about the subject, the type of force used, and whether an injury resulted. Before the evaluation form was introduced in January 2017, only the log was used.

Form,⁸ which is then reviewed by superior officers at the station, usually including a lieutenant and a captain. Supervisors must also make an entry in the station's **Use-of-Force Log**. Further, DGO 5.01 requires supervisors to verify that the officer's incident report is accurate and complete.

Station captains send the completed evaluation forms to the Risk Management Office, which enters the data into the department's database for use in the process and external reporting to the public.

Administrative staff in the Risk Management Office enters the information from the evaluation forms into the use-of-force database,⁹ which serves multiple purposes, including generating:

- Datapoints for the early intervention process, which tries to identify officers who could benefit from non-disciplinary intervention to correct problematic behaviors.
- Some data used in the 96A quarterly report.¹⁰
- All data used in the Early Intervention System (EIS) quarterly report.
- Data submitted to the California Department of Justice (Cal DOJ) to fulfill the state's reporting mandate, instituted in 2015.
- Data submitted to the Federal Bureau of Investigation (FBI) for San Francisco's participation in national data collection efforts.

Use-of-force data is key to the early intervention process.

In addition to use of force, the early intervention process factors in additional information on internal affairs investigations, legal actions, vehicle collisions, and citizen complaints regarding officers. The EIS tracks these data points as indicators of potentially problematic behavior and, when an officer reaches a threshold of a specific number of indicators within a certain period, the process flags the officer with an alert to a superior officer. The adjacent callout box shows the respective indicator thresholds. The alert triggers a performance review of all indicators in the preceding 12 months by the officer's supervisor and the EIS unit to determine whether there is a pattern of at-risk behavior and whether non-disciplinary intervention is necessary. The early intervention process is non-disciplinary and is designed to improve the performance of the department and its officers through coaching, training, and professional development.

Early Intervention Indicator Thresholds

The EIS generates an alert if an officer has:

- 1 **shooting** or firearm discharge in the last month.
- 3+ **use-of-force incidents** in the last three months.
- 3+ **citizen complaints** to DPA in the last six months.
- 5+ indicators of any kind in the last six months.
- 6+ indicators of any kind within 12 months.

⁸ The form was implemented through a department bulletin on January 9, 2017.

⁹ The Risk Management Office controls the Early Intervention System Unit, which is the unit that enters data from the evaluation form into the use-of-force database.

¹⁰ A quarterly report that provides information on demographics and outcomes of stops, arrests, uses of force, and allegations of officer bias. Required by the San Francisco Administrative Code, Chapter 96A.

Use-of-force data is used in public reports.

The Police Department publicly reports on use-of-force statistics in three ways:

- **San Francisco Police Department Administrative Code Chapter 96A.3 Report (96A Report)** – A quarterly report that provides information on demographics and outcomes of stops, arrests, uses of force, and allegations of officer bias. Required by the San Francisco Administrative Code, Chapter 96A.
- **California Department of Justice URSUS¹¹ Report** – An annual data submission that contains details only on use-of-force incidents where a subject or officer incurred serious bodily injury or died. Required by the California Government Code, Section 12525.2.
- **Federal Bureau of Investigation’s National Use-of-Force Data Collection** – The Police Department participates in the FBI’s program with annual data submissions containing details on use-of-force incidents where the subject incurred serious bodily injury or died or an officer discharged a firearm.

The department also issues an Early Intervention System Quarterly Report (EIS Report) that provides statistical information on the number and nature of alerts and any active interventions. Incidents involving reportable use of force are just one of several indicators.

2016 U.S. Department of Justice Collaborative Reform Assessment

In 2016 the U.S. Department of Justice (DOJ) issued 272 recommendations to the Police Department, including recommendations associated with use of force and some specifically on use-of-force data collection. In February 2018 the Police Department engaged Cal DOJ to follow up on the department’s implementation of the recommendations after federal involvement ended. As part of its continued reform efforts, the Police Department engaged Hillard Heintze¹² to provide technical assistance in implementing the recommendations, including identifying compliance measures that can be used to track the department’s incremental progress toward achieving substantial compliance with the recommendations. The firm was also asked to assess whether each recommendation is ready for Cal DOJ’s review. Based on this work, Cal DOJ released progress update reports in May 2019 and March 2020.

Auditor-determined recommendations that are specifically relevant to the scope and objectives of the audit are shown in [Appendix B](#) along with the current implementation status as per the March 2020 progress report.

¹¹ URSUS is not an acronym. The system is named after the California state animal, *Ursus arctos californicus*, also known as the California Golden Bear.

¹² This firm was the original consultant retained by the DOJ for its 2016 review of the Police Department.

OBJECTIVE

The audit's overall objective was to assess the adequacy and effectiveness of the Police Department's collection and reporting of use-of-force data. The audit did not evaluate the reasonableness of uses of force but did evaluate the department's procedures on use-of-force reporting and investigation. Specifically, the audit sought to assess:

1. Whether the department's use-of-force data collection and reporting procedures are designed to accomplish their objectives.
2. Whether use-of-force data collection and reporting procedures are consistently applied.
3. The adequacy of department procedures guiding supervisors to objectively assess whether use of force was reasonable.
4. Whether the department's reporting on use of force provides easily understood data in accordance with reporting mandates.
5. Whether the department has implemented the DOJ recommendations on use-of-force data collection and reporting.

SCOPE AND METHODOLOGY

The audit considered data from and processes in use in calendar year 2017. To conduct the audit, the audit team gathered evidence using a variety of procedures and from a range of sources, as summarized below. For the audit's full methodology, see [Appendix A](#).

Assessed completeness of the department's use-of-force data:

- **To assess whether unreported force occurred, reviewed a sample of 269 of 888 incidents from 2017 with subject resistance but no reported use of force.** Because this was a statistically significant random sample, there is 95 percent confidence that reviewing all such incidents would have results within a 5 percent margin of error. See [Findings 1.1](#) and [1.2](#).
- **Verified that incidents discussed in the media, firearm use reviewed by the Firearms Discharge Review Board, and all incidents** with a supervisory use-of-force evaluation form were in the use-of-force database. See [Findings 1.1](#) and [1.4](#).
- Verified that all incidents in a statistically significant sample of 291 of 1,195 use-of-force log pages for the department's ten district stations were in the use-of-force database. See [Findings 1.1](#) and [1.4](#).

Selected a sample of 300 of 1,364 total incidents with reported uses of force from 2017 to assess the accuracy of the recorded data. Because this was a statistically significant random sample, there is 95 percent confidence that reviewing all such incidents would have the same results, within a 5 percent margin of error. See [Chapter 1](#) for results of this testing.

Requested and received a court order from the San Francisco Juvenile Court, enabling the audit team to include records that involved juveniles in its testing. This ensured that the testing samples are statistically significant and represent all incidents. The juveniles in the provided data were de-identified to protect their anonymity. Juvenile subjects were involved in 20 of the incidents in the resisting arrest sample and 28 of the incidents in the reported use-of-force sample.

Interviewed 19 sergeants and 9 lieutenants who supervise officers at all 10 district stations and two specialty divisions on their understanding of the use-of-force policy and procedures and experience of evaluating force. See [Appendix D](#).

Interviewed employees of the Department of Police Accountability and Police Department about use-of-force policy, data collection, and reporting.

Surveyed all active sworn officers of the Police Department. Of the 2,324 department members to whom the survey was sent, 428 (18 percent) responded. See [Appendix C](#).

Chapter 1

Although Its Approach to Collecting Use-of-Force Data Is Effective, the Department Needs to Improve Guidance and Processes to Achieve Better Accuracy and Completeness

SUMMARY

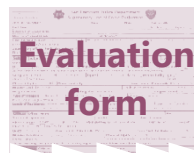
The Police Department reported 1,364 use-of-force incidents in 2017, but its flawed reporting process caused an estimated 99 use-of-force incidents to go unreported that year. Although it yields reasonably accurate data for the incidents reported, the process has weaknesses that cause data integrity problems, as explained below.



- The Police Department undercounted use-of-force incidents in 2017 because of policy gray areas and administrative errors that caused incidents to be reported by officers but not fully recorded in department systems. (See [Finding 1.1.](#))



- Department policy specifies the elements that must be in the incident report narrative description of an officer's use of reportable force, but for other incidents, policy does not require details that would make it clear that officers did not use reportable force. Of the 531 reports CSA reviewed, 39 (7 percent) need more detailed or clearer narratives, according to at least one department use-of-force instructor CSA consulted. (See [Finding 1.2.](#))



- The department collects certain key data points, such as the reason for force and subject's injuries, on its Supervisory Use-of-Force Evaluation form (evaluation form) that are relevant to monitoring policy compliance and analyzing factors contributing to officers' use of force, but data collection for this information is poorly designed, resulting in data that cannot be effectively used to fulfill those functions. (See [Finding 1.3.](#))



- Flaws in the management of documents left the department unable to produce database entries, evaluation forms, weeks of station use-of-force logs, or log entries for 1 to 6 percent of the records requested for the audit. (See [Finding 1.4.](#))
- Infrequent (1 to 3 percent of incidents) but avoidable data entry errors exist in some data fields that are needed for analysis and public reporting of use of force. (See [Finding 1.5.](#))



- The department's controls for verifying the accuracy of manually entered data do not effectively detect data entry errors. (See [Finding 1.6.](#))
- The department inconsistently redacts incident reports. It should use technology to improve its redaction process. (See [Finding 1.7.](#))
- The department should strengthen its controls over the use-of-force database to ensure the integrity of the system's data. (See [Finding 1.8.](#))

Addressing these issues would strengthen the use-of-force data's integrity and improve transparency.

Finding 1.1- The Police Department undercounted use-of-force incidents in 2017 because of policy gray areas and administrative errors that caused incidents to be reported by officers but not fully recorded in department systems.

CSA found four sources of errors in the total number of incidents reported, as shown in Exhibit 5: policy gray areas, data entry errors, data entry decisions, and unknown issues.

Exhibit 5: The Police Department overreported and under or partially reported use-of-force incidents in 2017 due to multiple causes, including officer and administrative errors.

Source	Incidents Overreported	Incidents Underreported or Partially Reported
<p>Policy Gray Areas <i>Underreported or overreported uses of force due to officers misinterpreting what must be reported</i></p> <p>1.5-4.2% error rate^b for total combined population of 2,252 subject resistance and reported force incidents</p>	<p>1 of 300 <i>sampled^a</i> reported incidents</p> <p>0.3% error rate^b</p> <p>Estimated: 5 incidents (0.7% margin of error) 1-13 incidents in 2017</p>	<p>15 of 269 <i>sampled^a</i> subject resistance incidents with no reported force</p> <p>5.6% error rate^b</p> <p>Estimated: 50 incidents (2.7% margin of error) 25-74 incidents in 2017</p>
<p>Data Entry Error <i>Duplicate record created for same event</i></p>	<p>1 of <i>all</i> 1,365 records in the use-of-force database</p> <p>0.1% error rate^b</p>	<p><i>not relevant</i></p>
<p>Data Entry Decision <i>Entering two use-of-force events as a combined record rather than separate records</i></p>	<p><i>not relevant</i></p>	<p>2 of <i>all</i> 1,316 unique evaluation forms provided</p> <p>0.2% error rate^b</p>
<p>Unknown <i>Incidents recorded on use-of-force logs, but no corresponding entry in the use-of-force database</i></p>	<p><i>not relevant</i></p>	<p>13 of 414 incidents on the 291 <i>sampled^a*</i> use-of-force log pages had no database entry</p> <p>3.1% error rate^b</p> <p>Estimated: 53 incidents (1.7% margin of error) 25-82 incidents in 2017</p>
<p>Estimated net impact: 99 incidents underreported (range of 38-156 incidents)</p>	<p>Total Estimated Overreported: 6 incidents (range of 2-14 incidents)</p>	<p>Total Estimated Underreported: 105 incidents (range of 52-158 incidents)</p>

Notes:

^a The use of statistical random **samples** allows CSA to estimate with 95 percent certainty that these error rates would be found throughout the entire respective group of documents.

^b No acceptable error rate has been established for use-of-force data.

Source: CSA analysis of department records

CSA also reviewed high-profile incidents in San Francisco with alleged force by a Police Department officer reported in the media and alleged force incidents of which citizen videos from private parties were posted to YouTube. To the extent the media coverage or video contained sufficient detail to indicate a reportable use of force, the audit found entries in the use-of-force database for all such incidents. CSA also verified that there are entries in the use-of-force database for all incidents of firearm use reviewed by the Police Department's Firearm Discharge Review Board.

The low error rates only moderately detract from the reliability of the department's external use-of-force reporting but pose a more serious risk if they cause the department to overlook the need to intervene when an officer behaves problematically.

A single over- or underreporting of use of force has a small impact on the external reporting of *total* uses of force to the public. However, when the department reports force broken down by different demographics or categories, these errors could result in misleading information. For example, during October through December 2017, the Police Department reported 633 uses of force, but only 13 of these were against subjects age 60 or older. Although a single underreported incident involving a subject in this age group would result in only a 0.2 percent error in the total of 633 uses of force, it would cause an 8 percent error in the reported number of uses of force against older subjects. More critically, because use of force is an indicator in the department's Early Intervention System, each erroneously reported incident can be a false trigger or a missed trigger of an EIS alert, which flags an officer who may demonstrate a pattern of concerning behavior and could benefit from intervention. Underreporting could cause an officer who should have been flagged to instead be overlooked and not receive needed guidance and support. Conversely, overreporting could generate false alerts that must be reviewed by supervisors, taking time away from their other duties.

Subfinding 1.1.1 – Officers underreported or overreported force in 16 incidents because of gray areas in policy that could be clarified with supplemental guidance.

To assess the accuracy and completeness of recorded data, the audit reviewed a statistical random sample of **269¹³ incidents involving subject resistance but with no reported use of force** and **300¹⁴ incidents with reported uses of force** in 2017. CSA reviewed the incidents to determine whether force was reported correctly based on the Police Department's use-of-force policy. To do this, CSA:

1. Reviewed and reconciled the information across the incident report, use-of-force log, supervisory use-of-force evaluation form, and the data in the Administrative Investigations Management database (use-of-force database).
2. Flagged potential misreported uses of force.

Rate of officer error in *under- and overreporting* use of force

under
3%

CSA estimates 25-74 unreported incidents and 1-13 overreported incidents in 2017 due to officer error out of 2,252 combined incidents of either reported force or subject resistance.

¹³ From a population of 888 incidents in 2017 that involved subject resistance but had no associated reported use of force. Of the sample, 26 incidents were out of jurisdiction or sealed by court order and not tested.

¹⁴ From a population of 1,364 incidents in 2017 with reported uses of force. Of the sample, 11 incidents were not tested as 3 were sealed by court order and 8 occurred prior to the rollout of the evaluation form.

3. Reviewed the flagged incidents with the department’s use-of-force instructors to determine whether force was reported and documented correctly.

The use-of-force instructors teach recruits, officers, and supervisors about the permissible circumstances for using force, what force options are authorized, how to administer the use of force, and how to report and document the use of force. CSA reviewed each flagged incident with two instructors and estimates that officers correctly reported force in 96 to 99 percent of incidents in 2017. No acceptable error rate has been established for use-of-force data. Exhibit 6 shows the results of this review.

Exhibit 6: The Police Department misreported force in an estimated 51-57 incidents—versus the 1,364 incidents that were reported—in 2017 due to officers inconsistently interpreting its use-of-force policy.

<p>CSA examined 532 incident reports from 2017, which describe subjects’ resistance and officers’ responses to it. Of these 532, CSA reviewed 62 reports that appear to possibly misreport force. For these 62 reports, CSA asked Police Department use-of-force instructors to assess whether force was reported correctly.</p>		
At Least One Use-of-Force Instructor Confirmed:		Examples
Underreporting		
<p>15 unreported incidents</p> <p>CSA estimates 25 to 74 of 888 subject resistance incidents were not reported.^a</p>	<p>15 unreported incidents (15 applications) & 7 incidents where some <i>but not all</i> applications were reported (15 unreported applications) include a combined total of 30 unreported applications across the 22 incidents</p>	<ul style="list-style-type: none"> Used a control hold or takedown with an impact strong enough to qualify it as a strike with a personal body weapon, such as “pushed subject’s body into the side of the cruiser” or “threw him to the ground.”^c Reported pointing a firearm at the driver of a car but not the passengers. Two officers used force against the subject but force was only reported for one of the officers.
Overreporting		
<p>1 overreported incident</p> <p>CSA estimates 1 to 13 of 1,364 reported force incidents are overreported.^b</p>	<p>1 overreported incident (1 application) & 10 incidents with correctly reported applications, but also <i>at least 1 overreported</i> application (19 overreported applications) include a combined total of 20 overreported applications across the 11 incidents</p>	<ul style="list-style-type: none"> Reported as force a control hold that did not result in injury or complaint of pain.^c An application of pointing a firearm was reported when the officer was involved in the arrest but did not point a firearm. An application of a physical control hold was reported when there was no subject complaint of pain or injury.

Notes: CSA’s results are based on statistical random samples that allow CSA to estimate with 95 percent certainty that these error rates would be found throughout the entire population of incidents.

^a Error rate of 5.6 percent with a 2.7 percent margin of error, providing a confidence interval of 2.8-8.3 percent.

^b Error rate of 0.3 percent with a 0.7 percent margin of error, providing a confidence interval of 0-1.0 percent.

^c Per DB 20-010, reportable use of force now includes physical controls that are used in any attempt to overcome any physical resistance, regardless of injury or complaint of pain, and pointing of firearms in low ready position at or in the direction of a subject.

The Police Department's use-of-force policy is thorough. It contains all elements the *Use of Force Project* found to correlate with lowered use of force.¹⁵

The *Use of Force Project* reviewed the use-of-force policies of 91 of the nation's 100 largest police departments and those departments' rates of police-involved killings and identified eight policy elements that correlate with fewer police killings. The Police Department's DGO 5.01 contains all eight elements:

- ✓ Requires de-escalation
- ✓ Has a use-of-force continuum
- ✓ Prohibits chokeholds
- ✓ Restricts shooting at moving vehicles
- ✓ Requires officers to give a verbal warning before using deadly force
- ✓ Requires officers to exhaust all other reasonable alternatives
- ✓ Requires officers to intervene if they witness another officer using force inappropriately
- ✓ Requires comprehensive reporting

After the audit period, the Police Department issued a new policy requiring officers to report the physical controls they used in an attempt to overcome any physical resistance, regardless of injury or complaint of pain, and pointing of firearms in low ready position at or in the direction of a subject.

Although the department's use-of-force policy is thorough, most sworn personnel surveyed and supervisors interviewed indicate they find the policy confusing.

CSA distributed a survey to all 2,324 of the department's sworn personnel to understand their thoughts on the department's use-of-force policy.¹⁶ Most respondents state that the policy is unclear and hinders decision-making when performing law enforcement duties.

Insights drawn from interviews with supervising officers corroborate survey results indicating that the department's use-of-force policy needs improvement. CSA interviewed 28 supervising officers to understand their thoughts on the use-of-force policy and their experiences in applying it in the field (See [Appendix D](#)). Of the 28 supervisors, 12 (43 percent) expressed that the use-of-force policy is vague, confusing, or contradictory. Supervisors

CSA received survey responses from 428 (18 percent) of 2,324 active sworn officers.

Over half disagree that the use-of-force **policy is clear**



61% Disagree

39% Agree

Almost three-quarters disagree that the department's policy provides **adequate guidance on when force is reportable.**



72% Disagree

28% Agree

Almost three-quarters disagree that the use-of-force policy **assists officer decision making.**



72% Disagree

28% Agree

Most agree that the use-of-force policy **hinders officer decision making.**

13% Disagree

87% Agree



¹⁵ Sinyangwe, Samuel, *Examining the Role of Use of Force Policies in Ending Police Violence*, September 2016. Published in full and with interactive data on www.useofforceproject.org.

¹⁶ CSA received 428 responses, yielding an 18 percent response rate. See [Appendix C](#) for more about the survey.

provided examples of the types of officer-subject interactions in which it is more difficult to determine whether there is a reportable use of force. These types of interactions align with the areas of inconsistent reporting identified in Exhibit 6.

Pointing a firearm when an officer encounters multiple people in an incident may be misreported partly due to a contradiction in the use-of-force policy.

In *Graham v. Connor*, the U.S. Supreme Court specified that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with “the 20/20 vision of hindsight,” and without regard to the officers underlying intent or motivation. This is logical in that force is (and is perceived as) force, whether or not the officer intended to use it. However, the Police Department’s use-of-force policy states that pointing a firearm at a subject is only reportable if the officer *intended* to point the firearm at the person. Because the officer’s *intent* to use this form of force is the basis of the reporting requirement, this aspect of the policy contradicts the principle that intent should be irrelevant in determining whether an officer used force appropriately.

The requirement that there be intent to point a firearm can cause misreporting in multiple-person encounters. For example, when an officer intentionally points a firearm at a car’s driver but did not intend to point the firearm at the passengers of the car, the policy allows the officer to report only a single use of force (against the driver). One use-of-force instructor stated that, in such a case, the officer subjected the passengers to the same use of force but is not required to report it based solely on the officer’s perspective and self-assessment of intent. Clarifying how to apply the policy as it applies to pointing a firearm would improve consistency in how officers report force in such situations.

Subfinding 1.1.2 – Problems in the reporting process flow resulted in the department under or over counting 16 force incidents.

Some applications of force were entered into the stations’ use-of-force logs, but had no corresponding record in the use-of-force database. Other use-of-force incidents were under- overreported because of flaws in the data entry process. Although the department correctly identified these applications of force as reportable, inadequate controls over aspects of the reporting process workflow resulted in these errors. Such discrepancies decrease the accuracy of the total number of incidents included in public reports and hinder the accuracy of the EIS in flagging officers that may be exhibiting a pattern of problematic behavior.

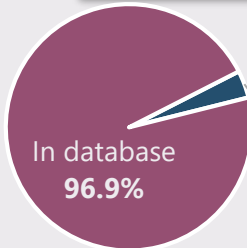
As part of the required process when an officer uses reportable force, the supervisor who reviewed the force must enter the incident into the station’s use-of-force log, shown in Exhibit 7, then the commanding officer signs the log and transmits it to the Risk Management Office.

Process errors led to:

- **25-82 partially reported** incidents – reported by officers and entered in logs, but not recorded in use-of-force database
- **1 duplicate**, over counted record
- **2 under counted** incidents - applications recorded, but not as distinct encounters

Exhibit 7: The use-of-force log collects basic information for reportable force, but the Police Department did not enter 3 percent of incidents listed on logs into the use-of-force database.

Each log page has space for three entries. One incident may have multiple log entries because the department requires each entry to include only one officer and one subject. Entries include subject name and demographics, officer’s name, type of force used, and injuries sustained by subject and officer.



Not in database
3.1%

25-82 incidents
logged at district stations in 2017 are
not in the use-of-force database*

* Based on an error rate of 3.1 percent in testing a statistical random samples that allow CSA to estimate with 95 percent certainty that these error rates would be found throughout all station log pages (margin of error of 1.7 percent resulting in a confidence interval of 1.45-4.8 percent). See [Appendix A](#) for the full methodology of this testing.

Source: CSA analysis of 2017 incidents in use-of-force logs and database, use-of-force log form revised Nov. 2017, and DB 17-006

For 2017, the Police Department provided 1,195 pages of logs from the 10 district stations and CSA reviewed a statistical sample of 291 pages to determine if all the incidents recorded on the logs were also entered into the use-of-force database. Of the 414 incidents listed on the sampled pages, 13 have no database entry, which is a 3.1 percent error rate. Based on these findings, CSA estimates 25 to 82 of incidents in 2017 that are recorded in logs are not entered in the database, as shown in Exhibit 7.

In addition to the log entries missing from the database, inadequate controls in the data entry process caused:

- One incident to be recorded twice. This occurred because no control exists to prevent duplicate entries.
- Two other use-of-force events not to be recorded because no clear policy exists on related, but separate events.

The process relies on the user responsible for data entry to search the database for existing records before creating a new record, and the database does not alert the user of duplicate information entered. This resulted in one incident in 2017 being entered twice, four days and again 100 days after the incident.

The unit order that guides staff on entering data into the system does not clarify when two related events should be entered as a single record or separate records. The Police Department uses the same incident report number when events occur related to the same case, even if they occur in different locations or weeks apart. For example, officers reported using force in an incident involving a death in May 2017 and again when arresting an individual related to the case that December. Both events have the same incident report number, but have different records in the use-of-force database. In another example, officers reported using force while executing search warrants related to the same incident on the same day, but at two different addresses, and two entries exist in the use-of-force database for this incident. However, in two other instances, the department entered two similarly related use-of-force events as single records in the database. Although the sources of these discrepancies vary, every incident that is not recorded in the use-of-force database has the same effect: it may hinder the accuracy of the EIS in flagging officers who may exhibit a pattern of problematic behavior.

RECOMMENDATIONS

The San Francisco Police Department should:

1. Develop supplemental guidance to clarify when control holds qualify as reportable force, including examples from real incidents and how to consider unrelated pain or injury in use-of-force evaluations.
2. Develop supplemental guidance to clarify when others present during an incident should be reported as subjects of pointing a firearm, such as when two or more persons are near each other, including when a vehicle has multiple occupants.
3. Incorporate supplemental guidance into academy training and in-service training.
4. Implement a control to review use-of-force logs and ensure the Risk Management Office has all corresponding supervisory use-of-force evaluation forms and enters each incident into the Administrative Investigation Management system.
5. Implement controls in the Administrative Investigation Management system to prevent duplicate entries.
6. Revise unit guidance on entering use-of-force events into the Administrative Investigation Management system to clarify when related events should be entered as separate use-of-force records.

Finding 1.2 – A few report narratives are not detailed enough to indicate whether force was used or reported correctly.

At least one Police Department use-of-force instructor determined that 39 (7.3 percent) of the 532 incident report narratives the audit reviewed are vague.¹⁷ That is, the narratives are missing information or should better articulate the movements of the officer and/or subject during the incident. The instructor(s) identified the narratives as vague when reviewing the incident reports to confirm over- or underreported force. (See [Finding 1.1](#).)

In 18 of the 39 incidents found to be vague, descriptions were so poorly articulated that at least one instructor could not determine whether a reportable use of force occurred based on the narrative alone. To make this determination about these incidents, the instructor would have had to review video of the incident, if it exists. Exhibit 8 includes examples from report narratives that the instructors found to be vague.

An officer's ability to use their direct knowledge of an event to clearly write their observations, findings, and actions not only reflects on the officer's own professionalism, but on the ability of the justice system to prosecute a criminal case

- California Commission on Peace Officer Standards and Training, Investigative Report Writing v3.2

Exhibit 8: Vague terms and insufficient detail hinder even an expert reviewer from determining whether force was used appropriately and reported correctly.

Insufficient detail	Inadequate Language in Incident Report Narrative
Report omits specific movements officer performed to bring subject under control	<p><i>"[officer] took [subject] to the ground."</i></p> <p><i>"we were able to overpower [subject] and handcuff him."</i></p> <p><i>"[officer] and I were able to overcome [subject]'s resistance."</i></p> <p><i>"I caught [subject], put him on the ground and placed [subject] under arrest."</i></p>
Report inadequately describes type and level of subject's resistance	<p><i>"After a brief struggle, [officer] and I detained [subject]"</i></p> <p><i>"a struggle ensued"</i></p>
Report omits elements needed to determine whether an action is reportable	<p><i>"Officer used body weight to take [subject] to the ground ... also had a complaint of pain to his knee."</i></p> <p><i>The narrative seems to indicate there was unreported force: a control hold and a complaint of pain. However, video shows the subject confirming that his pain was unrelated to the control hold, which means the force is not reportable.</i></p>

¹⁷ Of the 532 incident reports reviewed, CSA flagged 62 (12 percent) in which it was not immediately evident whether the actions described constitute a reportable use of force. Two of the department's use-of-force instructors reviewed the 62 reports, and for 39, at least one instructor stated the report should more clearly describe the officers' encounter with the subject(s). Of the 39 incidents found to be vague, 26 are from the *subject resistance with no reported force* sample and 13 are from the *reported force* sample.

Conflicting or vague terms	Incident Report Narrative Language
Language associated with a nonreportable control hold combined with language associated with reportable force makes the narrative confusing	<p><i>"[officer] grabbed [subject] and pushed him to the ground."</i></p> <p><i>Grabbing can be the first step in the proper process used to gain control and is not reportable force. However, pushing implies a personal body weapon strike that is reportable force.</i></p>
Report uses vague terms	<p><i>"[officer] tackled [subject] to the ground and placed handcuffs on [subject]."</i></p> <p><i>Tackling could be pulling a subject to the ground in a controlled takedown, which is not reportable force, or the collision of an officer's body with a subject, which is reportable force.</i></p>
Terms that may have a different meaning in the described context	<p><i>"I pushed [subject] into the rolling security gate of Walgreens..."</i></p> <p><i>Pushing implies a personal body weapon strike that is reportable force, but pushing into a barrier, such as a gate, could describe simply holding the subject against the surface to keep him from moving, which is not reportable force.</i></p>

Source: 39 incident reports with vague narratives as assessed by department's use-of-force instructors

According to an FBI Law Enforcement Bulletin,¹⁸ clear and concise police reports are vital because law enforcement reports are scrutinized more than most documents. Although incident reports may be supplemented by other information, such as body-worn camera video, reporting party and suspect statements, and physical evidence, they are the detailed documentation of the officers' direct knowledge of the event including their observations and actions and allows them to explain the reasons for their actions. Supervisors review incident reports when the EIS flags an officer for review, and vague narratives may obscure patterns of behavior that may need to be addressed through non-disciplinary intervention. Further, because incident reports are the department's official record in legal proceedings for criminal prosecutions and civil actions, poorly written reports risk exposing the department to unnecessary liability.

Far fewer report content and review requirements exist for incidents without reported force, which results in incident report narratives that make it hard to confirm that an incident did not involve reportable force.

Incident reports without reportable force do not need to have the required elements listed in DGO 5.01 or an explanation of why the force described does not meet the definition of reportable force, which weakens the Police Department's ability to determine whether (and show that) officers who used force did not use *reportable* force. The department requires officers to write factual and thorough incident reports.¹⁹ The department's use-of-force policy and a supplemental department bulletin²⁰ outline additional required elements in use-of-force incident reports, including the

¹⁸ FBI Law Enforcement Bulletin, *Writing Clear, Effective Police Reports: No English Degree Required*, May 10, 2017.

¹⁹ Department Bulletin 16-125, *Report Writing Responsibilities Supervisors, Officers & Police Service Aides*, August 2016, August 2018 (Re-issue)

²⁰ Department Bulletin 17-095, *Required Elements in Use-of-Force Incident Reports*, April 2017 (Original), June 2019 (Re-issue).

subject's action necessitating the use of force, the threat presented by the subject, and the officer's efforts to de-escalate the situation. Supervisors are responsible for ensuring that the incident reports are completed correctly.

When a reportable use of force occurs, the process requires the supervising officer, station lieutenant, and station captain to review the force, which includes reviewing the incident report to ensure that it contains all pertinent information. One use-of-force instructor stated that incident reports should describe what force was used, even if it is not reportable, in language that can be understood by a person without professional knowledge on the subject. This includes explaining how the force used does not meet the criteria for reportable force. Without a policy requiring this practice, the department risks having weak documentation that makes it difficult or impossible to demonstrate that an incident did not involve an action that should have been reported as a use of force.

RECOMMENDATION

7. The San Francisco Police Department should update its report-writing manual and policies to require that reports of incidents without reportable uses of force describe how resistant subjects were brought under control.

Finding 1.3 – Certain fields on the evaluation form are poorly designed, impeding the collection of meaningful data.

Certain key fields on the supervisory use-of-force evaluation form collect data relevant to monitoring policy compliance and conducting analysis on factors that contribute to officers using force, but are poorly designed, resulting in data that cannot be used effectively to fulfill those functions. The poorly designed fields include:

- Reason for use of force
- Subject complaint of pain
- Subject injured
- Video/body-worn camera available
- Time

The department implemented the initial evaluation form in January 2017²¹ and accompanied it with a *Step-by-Step Form Completion Guide* to aid supervisors. However, the department bulletin that introduced the form did not provide sufficient guidance for every field, including the subject injury and bodycam fields, causing ambiguity. The U.S. Government Accountability Office (GAO) points out that data elements that can be interpreted in a variety of ways can lead to inconsistent reporting.²² Ensuring that data collected is relevant and accurately records the subject being evaluated is a key principle of data collection.

²¹ Department Bulletin 17-006, *Supervisory Use of Force Evaluation Form*, January 2017.

²² GAO, *DATA ACT Data Standards Established, but More Complete and Timely Guidance Is Needed to Ensure Effective Implementation*, January 2016.

Reason for use of force. The instruction for completing the *Reason for Use of Force* field, which has six options, is “Check appropriate box,” indicating that no more than one box should be checked. However, there are circumstances where multiple options apply. Consistent with the instruction on the form, the use-of-force database can record only a single reason, but, based on the sample tested, supervisors checked multiple responses in 7 percent of 2017 incidents with reported force (95 to 105 incidents).

The purpose of force is to overcome resistance,²³ and subjects show resistance when they do not comply with an officer’s lawful order. Categorizing force as “overcome resistance,” “gain compliance,” or “effect a lawful arrest, search, or detention” provides no more information than stating that the officer used force. Yet, 97 percent of force that occurred in the fourth quarter of 2017 was categorized this way on the evaluation form.²⁴ Other reasons such as “in defense of others or in self-defense” which communicates a risk to human life, provide greater insight and can aid in analyzing whether the type of force used was proportional to the threat.

DGO 5.01 requires officers to use the minimal amount of force necessary, and factors for evaluating the use of force include items such as the severity of the crime at issue, threats to the safety of officers and others, and whether the use of force is proportional to the threat. Further, the National Institute of Justice states that context counts and the level of force an officer uses should vary based on the situation. Accordingly, the reported reason for the use of force provides critical information on the circumstances and informs the determination of whether the use is reasonable. Exhibit 9 addresses this example and identifies the impact of inconsistent data on the department’s internal analysis and external reporting efforts for this field.

Reported **reason for force** is **imprecise** and **does not align with the call type** for those incidents in October through December 2017

Reason for Force	Call Type
3% in defense of human life	26% in response to violent crimes
91% to effect lawful arrest or prevent escape	15% in response to other weapons related calls

Statistics based on **imprecise** data can be **misleading**.

Source: 96A Report for 4th Quarter 2017

²³ DGO 5.01 states that “the purpose of the policy is to guide an officer’s decisions on the use and application of force to ensure such applications are used only to effect arrest or lawful detentions or to bring a situation under legitimate control.” and the International Association of Chiefs of Police defines force as the amount of effort required to compel compliance by an unwilling subject.

²⁴ San Francisco Police Department, *Administrative Code 96A.3 2017 Quarter 4 Report*, January 2018.

Exhibit 9: Without conscientious completion of the *Reason for Use of Force* field, the Police Department loses the opportunity to better understand the context in which officers use force

Reason for Use of Force - The supervisory use-of-force evaluation form includes checkboxes indicating the six allowable reasons to use force specified in DGO 5.01. Although these options are based on the policy, they do not all provide data that is meaningful.

Some Categories for Reason for Use of Force are More Informative Than Others

3 reasons are nearly always applicable and are the ones most often indicated:

- Effect lawful arrest, detention, or search
- Overcome resistance or prevent escape
- Gain compliance with a lawful order

3 other reasons give more information about the **seriousness** and **urgency** of the situation:

- Defense of others or self
- Prevent commission of a crime
- Prevent a person from injuring self when person also poses imminent danger to another

4% (52-58) of 2017 incidents with reported force,* were categorized as *effect arrest/prevent escape or gain compliance* although a more informative reason applied.

Example from a sample use-of-force incident: Officers responded to a shots-fired call and on arrival saw two people lying motionless on the ground. The officers pointed their firearms at someone leaving the scene.

- Reported reason: To effect a lawful arrest, detention, or search
- ✓ More informative reason: In defense of others or in self-defense

Alternative reason: indicates there was an **immediate threat** to others providing context for understanding **whether using force was necessary and proportional**

* Based on a statistical random sample that allows CSA to estimate with 95 percent certainty that these error rates would be found throughout all 2017 force incidents.

Source: CSA analysis of use-of-force data and documents

By not accurately capturing the reason for force, the department loses the opportunity to provide greater transparency, monitor and assess the proportionality of the force used to the situational threat, and gain stronger insight into the context surrounding officers' use of force.

Subject Complaint of Pain and Subject Injured. For the *Subject Complaint of Pain* field, department policy instructs supervisors to check *yes* if the subject stated they had pain or was asked if they had pain and replied affirmatively. Similarly, for the field *Injured*, the policy instructs the officer to check *yes* if a subject is injured, no matter how slight the injury. These fields can help the department monitor officers' compliance with two policy requirements: that injured subjects must receive medical care, and that control holds that result in pain or injury must be reported as force.

The form's instructions do not state how to proceed if reported pain or injury is unrelated to the use of force, and the form has no field to indicate whether the pain or injury was related or unrelated to the force. Supervisors marked *yes* in one or both of the *Subject Complaint of Pain or Injured* fields for some incidents although the complaint of pain or injury was unrelated to the use of force. However, Risk Management Office staff entering incidents in the use-of-force database entered *no* for these fields, indicating an inconsistent understanding within the department as to what these fields are supposed to indicate. From the perspective of categorizing force as reportable, the Risk

Management Office is correct. Yet, from the officer's perspective, and in the absence of policy indicating otherwise checking *yes* is also correct.

Exhibit 10 below presents a scenario demonstrating the problem in how these fields capture data on use-of-force incidents.

Exhibit 10: The subject injury and complaint of pain fields collect incomplete information that can be misleading

SCENARIO

Officer-Subject Encounter: Officer responds to a call of a person with a knife yelling at people on the street. On arrival, the officer **points his firearm at the subject** and asks him to drop the knife and move to the wall. The subject does as asked, but then resists being put in handcuffs. The officer uses a **control hold** to bring the subject's arms behind his back and place handcuffs on him. He calls a sergeant to the scene to evaluate the use of force.

Supervisor's Evaluation of Force: The sergeant notes the subject has a **cut on his leg**. She asks the subject how the cut happened, and he states he **cut himself** with the knife earlier. She asks if he has any other pain and he **says he has no other pain**. She completes the evaluation form and checks *yes* in the *Injured* field and lists the pointing of a firearm as the only use of force.

Reportable force

Only reportable if subject complains of pain or is injured by the control hold

Checking YES for subject injury:

- ✓ Allows the department to monitor compliance with requirements to provide medical care for subjects in custody.
- ✗ Can make it appear that the control hold was a reportable use of force and the department is underreporting or trying to hide information.

Source: CSA

Video/bodycam available. The *Video/bodycam* field does not distinguish between body worn camera video, witness video, and video from surveillance cameras. CSA estimates that 99 to 109 of 2017 force incidents had different information about whether body-worn camera video was available among the use-of-force database, evaluation form, and incident report. *The lack of clarity about—and inconsistent data—this field inhibits the department's ability to monitor overall compliance with its body-worn camera policy.*

Time. The *Time* field is intended to record the time at which the evaluation form was completed, but the audit sample shows that the time of the incident is almost always entered in this field instead. The instructions state the *Date* field is for the date of the incident and the *Time* field is for the time the evaluation form is filled out, but because the two fields are next to each other, it appears they are related. According to a station supervisor, the department should clarify the purpose of the evaluation form's *Time* field. Department policy requires the supervisor to complete the evaluation by the end of their watch. *The Time field, if completed correctly, shows that the evaluation occurred promptly and in compliance with department policy.*

The department has updated the form twice, which resolved some of the data collection issues, as shown in Exhibit 11.

Exhibit 11: The Police Department has made incremental changes to improve use-of-force data collection.

Data	Forms Used in Audit Period	Current Form
	2017	Revised October 2018
Video	<i>January:</i> Video/BWC [Body-worn Camera] Available checkbox for each officer	<p>Changed to <i>BWC Available</i> indicator for officer and <i>Other Video Available</i> indicator for overall incident.</p> <ul style="list-style-type: none"> ✔ Enables monitoring of policy compliance.
Subject's resistance and type of force	<i>January:</i> Checkboxes for types of force with indication of the subject(s) upon which each type was used	<p>Added data fields for issuing verbal commands and warnings, as policy requires.</p> <ul style="list-style-type: none"> ✔ Enables monitoring of policy compliance. <p>Added field for <i>Levels of Resistance</i> with sequencing.</p> <ul style="list-style-type: none"> ✔ Indicates whether subject became more or less resistant during the incident. <p>Added sequencing to types of force.</p> <ul style="list-style-type: none"> ✔ Indicates whether officer escalated force. ⊖ Sequencing for resistance and officer are separate and do not show whether officer escalated force before subject escalated resistance.
Subject's pain or injury	<i>January:</i> Yes or No checkboxes	<p>Added <i>Unrelated</i> option to indicate there was a complaint of pain or injury, but it did not result from use of force.</p> <ul style="list-style-type: none"> ✔ Documents pain or injury determined to be unrelated to use of force. ✔ Reduces likelihood of incorrect data by allowing acknowledgement of injury or pain but documenting that supervisor concluded it was unrelated to force.
Oversight and review of supervisor's evaluation of force	<p><i>January:</i> Signature and date fields for supervisor completing evaluation, reviewing lieutenant, and approving captain</p> <p><i>March revision:</i> Added checkboxes to indicate whether signatories reviewed <i>Use-of-Force Log</i> and incident report.</p>	<p>Added checkboxes to document whether supervisor and lieutenant reviewed body-worn camera video.</p> <ul style="list-style-type: none"> ✔ Enables monitoring of policy compliance. ✔ Documents oversight. <p>Added checkbox to document whether supervisor reviewed other video.</p> <ul style="list-style-type: none"> ✔ Documents oversight.

Source: CSA analysis of January 2017, March 2017, and October 2018 versions of the Supervisory Use-of-Force Evaluation form

RECOMMENDATIONS

The San Francisco Police Department should:

8. Update forms and guidance to ensure it collects the data it intends to collect and minimizes the risk of misinterpretation.
9. Consider revising how the Supervisory Use-of-Force Evaluation form indicates the reason for using force. The goal should be to collect data that enables the department to better analyze factors contributing to using force. This goal could be achieved by either:
 - a. Creating separate data fields to indicate whether the subject posed a danger to others or was perceived to be in the process of or imminently expected to commit a crime;
 - b. Allowing supervisors to select multiple reasons and tracking all reasons in the use-of-force database; or
 - c. Providing clear guidance on when each reason should be indicated and holding supervisors accountable for adhering to this guidance.



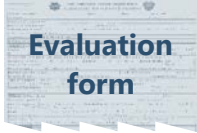

Finding 1.4 – The department cannot readily produce all related documents for an estimated 4 percent of use-of-force incidents because of weaknesses in its document management.

Each use-of-force incident should be recorded on or in the following:

- A. Incident report
- B. Record in the use-of-force database
- C. Supervisory Use-of-Force Evaluation form (evaluation form)
- D. Use-of-force log (log)

The Police Department produced all 546 incident reports requested for the audit, but could not produce at least one of the other three records in several cases. Exhibit 12 summarizes the missing documentation.

Exhibit 12: The Police Department did not produce up to 6 percent of required use-of-force documentation

Missing Database Entries		Missing Documentation		
				
None (0%) of 1,337 distinct evaluation forms ^a are missing from the database.	13 (3.1%) of 414 incidents listed on sample ^b log pages are missing from the database.	An estimated 6-51 (0.4-3.7%) of 1,364 database entries are missing log entries. ^c 31 (5.9%) of 520 weeks of station use-of-force logs are missing.	9 (0.7%) of 1,346 incidents in the database are missing evaluation forms. ^d	None (0%) of 546 requested incident reports are missing.

Notes:

- ^a The department provided 1,337 evaluation forms, but some are duplicates or are one of several completed by different supervising officers for the same incident.
- ^b Based on a statistical sample that allows CSA to estimate with 95% certainty that conclusions based on this sample will be true of the incidents listed on all station log pages.
- ^c Based on a statistical sample that allows CSA to estimate with 95% certainty that the error rate of 2.1 percent found in this sample will be true of all database entries (with a margin of error of 1.6 percent).
- ^d Based on the 1,346 reviewed incidents in the database that occurred after the evaluation form was implemented.

Source: CSA analysis of departmental documents and data

The Police Department did not explain why it could not find any of the missing logs and evaluation forms for incidents where other documents indicate a reportable use of force occurred. Department policy²⁵ requires superior officers to send copies of the evaluation forms and logs to the department’s Risk Management Office, Training Division, and their bureau’s deputy chief, and to retain for future reference copies at the station or unit where the force occurred. Despite this policy, neither the Risk Management Office nor the stations could produce the missing documents.

Further, although department policy does not require stations or units to document when no reportable uses of force occurred in the reporting period, it is a good practice to do so. Of the 31 missing weekly station logs, CSA obtained 11 from the Department of Police Accountability, and each showed no reportable force had occurred. Of the remaining 20 for which logs are missing, 13 have no entries for the station in the use-of-force database. However, it is impossible to know whether reportable force occurred in these weeks or if the missing logs, like those discussed in [Finding 1.1.2](#), include incidents that are not recorded in the database. In any case, by not retaining these records, the department could inadvertently make it appear that it hides instances for reportable force.

²⁵ Department Bulletin 17-006, *Supervisory Use-of-Force Evaluation Form*, January 2017 (Original). Department Bulletin 18-171, *Updated Supervisory Use-of-Force Evaluation Form*, October 2018, superseded this bulletin, but did not eliminate this requirement.

Beyond missing documents, the department’s file storage process for evaluation forms and logs, as it existed in 2017, was flawed in ways that allowed several clerical errors to occur and hindered the department from quickly locating documents. The flaws and their impacts are shown in Exhibit 13.

Records management is essential to the investigative, arrest, and judicial processes. A failure to manage the records function can affect the successful prosecution of criminal violators, resulting in liability or a loss of public confidence. Proper document management forms a trail that allows reviewers to trace an incident through the various stages of documenting, evaluating, and reporting uses of force.

Exhibit 13: Filing errors in evaluation forms and file storage structure problems inhibit efficiently locating all logs and evaluation forms for an incident.

Flaw	Impact
<p>6 (<1%) of 1,369 evaluation forms had errors in the filename, which is the incident report number.</p>	<ul style="list-style-type: none"> ◆ Cannot locate evaluation of an incident. ◆ Hinders searching for an incident to locate misfiled forms.
<p>37 (3%) of 1,337* incidents had multiple evaluation forms, but the department does not clearly indicate the reason for each of the different files. The audit found:</p> <ul style="list-style-type: none"> ■ 26 incidents with multiple evaluations by different sergeants assessing force used by different officers. ■ 10 incidents with duplicate evaluations. ■ 1 incident with an incomplete version and a corrected version of the same evaluation. 	<ul style="list-style-type: none"> ◆ Duplicates can cause confusion. ◆ Poor labeling makes distinct evaluations appear to be duplicates, which risks deletion if they are mistaken for redundant files. ◆ Maintaining incomplete forms alongside complete forms risks that the department will provide the incomplete version in response to a records request.
<p>The organization and format of the file storage structure inhibits finding all documents related to an incident.</p> <ul style="list-style-type: none"> ■ Unsearchable. Logs are scanned, unsearchable PDF files containing all pages from a station for a month. Evaluation forms are distinct files, but are also unsearchable. ■ Misfiling. Evaluation forms and logs are organized by station by month. Thus, those seeking a form must look under the relevant month, then the relevant station. The audit found 28 (2%) of 1,369 evaluation forms were misfiled. Some incidents have multiple evaluations conducted by different supervisors, and misfiling forms in this file structure separated these forms into different folders. 	<ul style="list-style-type: none"> ◆ Searchable documents, unlike scanned images, allow the use of automated search functions to find words within the documents. Searchable logs and forms would facilitate locating documents for an incident even if files are mislabeled and would allow more efficient searches. The file storage system requires one to manually check all pages of a log file. ◆ An employee may not know an incident has multiple evaluations, so, may not look in multiple stations’ folders to locate them. Thus, the department is more likely to provide incomplete information in response to a records request.

*The Police Department provided 1,369 evaluation forms, but because some incidents had multiple evaluations, the forms cover only 1,337 incidents.

RECOMMENDATIONS

The San Francisco Police Department should:

10. Revise its workflow and document management processes so that it can more quickly and easily confirm that all necessary records (the incident report, Use-of-Force Log entry, Supervisory Use-of-Force Evaluation form, and use-of-force database entry) exist for each use-of-force incident.
11. Implement procedures that enable its staff to quickly and efficiently identify all records related to a use-of-force incident. Such procedures include digitizing documentation processes so the resulting records are searchable and attaching (digitally associating) the Supervisory Use-of-Force Evaluation forms and Use-of-Force log pages to/with the use-of-force database entry for the incident.
12. Require stations and applicable units to document when there is no use of force in a given period and retain that documentation.
13. To complete its own files, obtain missing documents from the Department of Police Accountability for which that department has copies due to prior record requests.
14. Not retain redundant or incomplete use-of-force documents.

Finding 1.5 – A manual data entry process produces infrequent, but avoidable errors in fields important to public reporting and monitoring policy compliance.

Manual processes at the Police Department cause a small but avoidable number of data entry errors. Because of these errors, the department creates less accurate of public reports and is less able to implement analysis that could identify policy or training needs and to monitor policy compliance. (See [Chapter 2](#).) The department's 2017 use-of-force data contains avoidable data entry *errors for 1 to 3 percent of incidents* in data fields important for:

- Public reports
- Monitoring policy compliance
- Identify potential officer bias

Exhibit 14 shows the data entry errors, by field, and the potential impact on reporting or analysis.

Exhibit 14: Although rare, data entry errors in Police Department use-of-force data are avoidable and adversely affect public reporting and analysis.

Field(s) and Data-Entry Errors	Impact on Reporting	Possible Analysis
Reason Description: (allowable) reason the officer used force	9 (3.1%)	<ul style="list-style-type: none"> In 96A Report
Language Spoken: Subject’s primary language	6 (2.0%)	<ul style="list-style-type: none"> None
Subject Sex and Subject Race	1-4 (0.3-1.4%)	<ul style="list-style-type: none"> Mandated for state and local reporting In 96A Report Required for FBI national data collection program
Altered Mental State: whether subject appeared to be under influence of drugs or alcohol or having a psychotic episode	4 (1.4%)	<ul style="list-style-type: none"> None
Bodycam Available: whether officer’s body-worn camera was active during the incident	4 (1.4%)	<ul style="list-style-type: none"> None
On View/Dispatch: whether officer initiated encounter or was dispatched to scene	3 (1.0%)	<ul style="list-style-type: none"> In 96A Report
Subject DOB/Age	3 (1.0%)	<ul style="list-style-type: none"> Identify records that may need to be excluded from reporting because of juvenile subjects In 96A Report
Complaint of Pain and Subject Injured: whether subject complained of pain or was injured due to use of force	2-3 (0.7-1.0%)	<ul style="list-style-type: none"> Impacts whether some force must be included in reported statistics

Note: Exhibit omits errors that occurred in other fields and are not relevant to public reporting or analysis or that occurred in only one or two incidents. The data entry error rate did not exceed 4 percent for any field. The Federal Bureau of Investigation tolerates a 4 percent error rate in assessing data validity (logical mechanical flaws). [Chapter 2](#) and [Appendix E](#) provide greater detail on analyses of use-of-force data.

Source: CSA analysis of department’s 2017 use-of-force data, incident reports, Supervisory Use-of-Force Evaluation forms, and use-of-force logs, San Francisco Administrative Code Chapter 96A, California Government Code Section 12525.2, and FBI National Use-of-Force Data Collection program

In this context, a **data entry error** occurs when a Police Department employee incorrectly enters information from the evaluation form in the use-of-force database. When this happens, some use-of-force data is inaccurate and does not match the evaluation form. Although some data entry errors are inevitable in a manual data entry process, the manual nature of the process is only one source of the errors the audit found. Such errors can be avoided if the department moves to a streamlined process. The use-of-force database must be accurate to enable effective public reporting, compliance tests, and analysis. Data entry errors lower the quality of these outputs. (See [Chapters 2 and 3](#).)

Another direct consequence of the department relying on manual data entry is a time lag between the incident and the data about it entering the EIS, which could delay needed intervention with an officer exhibiting a problematic pattern of behavior. For the 1,364 reported force incidents in 2017, it took an average of 14 days for staff to enter data into the system. In 119 (9 percent) of the incidents, it took more than 30 days. Because using force is an indicator in the EIS, any delay in data entry could result in the system failing to generate a timely alert about an officer who could benefit from additional guidance and support.

The department reports that it plans to implement a system that will allow supervisors to complete their evaluations through a web-based form. This will avoid errors caused by manually entering data from the form into the database. Nonetheless, eliminating the manual process will not entirely eliminate errors if the department does not also implement controls to validate the data against other information sources, such as the incident report. (See [Finding 1.6](#).)

RECOMMENDATIONS

The Police Department should:

- 15.** Establish an accuracy standard for use-of-force data and develop procedures for ensuring compliance with this standard in the existing manual data entry process.
- 16.** Introduce a real-time, digital system for use-of-force data collection. In doing so, the department should follow best practices for implementing new policy and systems, including initial training, assessing whether the implementation was a success, and continuous monitoring and follow-up to ensure initial success is sustained.

Finding 1.6 – The department’s process for detecting and correcting data entry errors is ineffective.

The Police Department lacks adequate controls to ensure the use-of-force data entered in its database reconciles with source documents.

Each month the department reviews ten randomly selected use-of-force incidents that were reported that month to determine whether the database entry matches the evaluation form and whether the evaluation form matches the information in the log and incident report. However, this review does not:

- Identify trends.
- Suggest policy or training changes to reduce future errors.
- Detect the prevalence of errors.
- Assess the accuracy of all data fields.

The monthly review is limited to the incidents reviewed and only corrects errors in the database detected in those incidents. Because the sample is only ten incidents, and not a statistical random sample, the department does not know how prevalent the errors it detects are among all incidents. Also, the department’s review does not document trends, such as how often errors occur in specific fields, which could lead to modifications in policies, procedures, or training to reduce future errors.

To comply with a DOJ recommendation, the department must “ensure consistency and accuracy in the data” entered through its manual process.

Cal DOJ, Collaborative Reform Initiative: Phase I – Initial Progress Report, May 2019.

Further, the monthly review excludes some data fields on the evaluation form that would be needed to analyze compliance with reporting mandates and officer bias. This is shown in Exhibit 15.

Exhibit 15: The Police Department’s data integrity review does not verify the data needed to monitor policy compliance and ensure reporting mandates are met.

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: _____ **Date:** _____ **Time:** _____ **Day of Wk:** _____

SFPD CAD#: _____ **Type of Incident:** --

On View **Dispatch** **Critical Incident/Special Event:** **USE OP. ORDER NAME**

Location of Occurrence: _____ **District of Occurrence:** _____

Use of Force Time Line (Use 24 Hour Format)

Supervisory Officer Rank, Name & Star No.: _____ Broadcast Time of Use of Force: _____
 RANK, LAST NAME, FIRST NAME, STAR NO. Supervisor On Scene Time: _____
 Officer Initial Contact Time: _____

Did Supervisor Respond to Scene: Y N If No, why? _____

Subject #1 **Subject Name:** _____ **DOB:** _____

Race (Choose only one): Asian Black White Hispanic Native American Unknown

Sex: M F **LEP:** Y N **Language:** _____ **Height:** _____ **Weight:** _____

Complaint of Pain: Y N **Injured:** Y N **Serious Bodily Injury*:** Y N **Death:** Y N

Photo Taken of Injury: Y N **Injuries Description:** _____

Photo Taken By: _____ **Medical Evaluation (By Doctor):** Y N

Medical Treatment: Y N **Treating Physician Name:** _____

Assessment (Paramedic/EMT): Y N **Reason for Use of Force (DGO 5.01):**

Hospital Name: _____

Subject Armed: Y N **Type of Weapon:**

Firearm To effect a lawful arrest, detention, or search
 Replica Firearm To overcome resistance or to prevent escape
 Knife/Other Edged Weapon To prevent the commission of a public offense
 Blunt Object In defense of others or in self-defense
 Other To gain compliance with a lawful order
 To prevent a person from injuring himself/herself, when the person also poses an imminent danger of death or serious bodily injury to another person or officer

Subject Homeless: Y N

Charge: (most serious only) _____

Disposition: --

At the time of incident, the subject appeared to be under the influence of alcohol and/or drugs? Y N

Officer #1 **Officer Name:** _____ **Unit ID:** _____

Star: _____ **Station/Assignment:** _____ **Video/BWC Available:** Y N

Years of Service: _____ **Rank:** _____ **Age:** _____ **Sex:** M F

Race (Choose only one): Asian Black White Hispanic Native American Unknown

Injured: Y N **Death:** Y N **Identification:** _____ **Plainclothes Identification:**

Medical Treatment: Y N Uniform Verbally
 Plain clothes Display of Star
Medical Evaluation (By Doctor): Y N Raid Jacket

Photo of Injury: Y N **Photo Taken By:** _____

Short description of Injury: _____

Type of Force Used (Specify subject number on which force was used):

Firearm OIS Chemical Agent
 Firearm Pointing Physical Control Hold/Take Down
 Strike by Obj. (personal body weapon)/Fist Spike Strips
 Impact Weapon Vehicle Intervention (Deflection)
 ERIW K-9 Bite
 Other:

*Serious bodily injury, as defined in 12525.2(d) of the California Government Code, means "a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ."

Add Additional Subjects Below **Add Additional Officers Below**

The Police Department’s review covers many key data fields (highlighted in yellow), but does not verify those that could help it:

Assess reasonableness of force

- Complaint of pain
- Whether subject was armed and, if so, what type of weapon
- Video/body-worn camera available

Monitor for officer bias

- Subject’s housing status (that is whether subject was homeless)
- Subject’s substance use (that is whether subject appeared to be under the influence of alcohol or drugs)

Better meet reporting mandates

- Type of incident (call type)
- District of occurrence
- Officer injuries
- Whether subject was armed

Source: CSA analysis of the EIS Unit’s monthly data review checklist and Supervisory Use-of-Force Evaluation form updated March 2017 (highlights added by CSA)

Best practices²⁶ state that information systems should include application controls to help achieve validity, completeness, and accuracy of inputted data.

The benefits of internally analyzing the data (Chapter 2) and the effectiveness of reporting the data to the public (Chapter 3) both require the data to be accurate. Without adequate data validation, the department may not be able to detect and correct errors in the data collection process or identify the underlying cause of any systemic errors.

²⁶ GAO, *Standards for Internal Control in the Federal Government*, 2014.

RECOMMENDATIONS

The San Francisco Police Department should:

17. Expand data accuracy testing to include all fields in the use-of-force database.
18. Ensure the sampling process it uses to test use-of-force data accuracy yields results that enable it to make data-driven recommendations for policy, procedure, or training changes.
19. As needed, change the way it ensures use-of-force data reliability to prevent, detect, and correct errors as the data collection and reporting processes evolve. This may include using more digital and automated processes.

Finding 1.7 – The department inconsistently redacts incident reports and use-of-force evaluation forms.

The Police Department inconsistently redacted use-of-force incident reports, risking exposure of sensitive or confidential information and damage to the public's trust of the department. The California Public Records Act lists information that local and state law enforcement agencies must release publicly, unless they cite specific exemptions.²⁷ Items that are exempt and should be redacted include:

- Identifying information for minors, human trafficking victims, and confidential informants.
- Information that would substantially interfere with an active criminal or administrative investigation.
- Information that may endanger the safety of a witness or another person.

In reviewing over 500 incident reports, the audit found:

- Instead of digitally redacting sensitive data, the department sometimes uses a black marker to do so, but the ink is not opaque, so the marked-over text can still be read.
- In some cases, redaction within a document is inconsistent. For example, in some documents reviewed for the audit, the subject's criminal history information is, as required, redacted from the subject information section, but it is not redacted in the incident report narrative section.
- Some reports had unprotected information, such as the subject's home address, redacted.

Inconsistent or incomplete redaction increases the risk that confidential information is inappropriately disclosed and can introduce doubt about whether the department properly redacts only confidential information or improperly conceals information from the public. Eliminating the practice of using markers to redact documents and ensuring that any employee who redacts documents has access to and knows how to use software for digital redactions would reduce the department's risk of exposing confidential information.

²⁷ California Government Code, Chapter 3.5, *Inspection of Public Records*. Accessed on April 3, 2020.

The department could also use technology to make the types of information redacted more consistent. Although some categories of redactions are subjective and therefore open to human error, other areas are clear. The department may be able to purchase a system that can automatically redact certain fields, such as those identifying criminal case file numbers and flag specific language in report narratives as potentially requiring redaction. Not only would such technology make the department's redaction more consistent, it could also reduce the staff time required to redact documents.

RECOMMENDATIONS

The San Francisco Police Department should:

20. Develop and implement policy and procedures to ensure staff consistently identifies and completely redacts information exempt from disclosure under the California Public Records Act.
21. Introduce technology that allows staff to digitally redact information, which will make redactions more consistent, reliable, and secure.
22. To enhance digital redaction and make the redaction process more consistent, consider obtaining and implementing technology that would automatically redact readily identifiable protected information in documents.

Finding 1.8 – The Police Department should strengthen its controls over the use-of-force database to ensure the integrity of the system's data.

The Police Department allows more employees than necessary to delete records from its use-of-force database, inadequately tracks changes made to the database structure, and has no controls to verify the validity of changes made to the data in the database.

System Access

System access, and what system users can do with it, should be limited to individuals with a valid business need. However, one department employee has access allowing him to edit or delete records although he only needs access to view and export data to create reports and process alerts generated for the EIS. This risk accidental or intentional deletion of data that could trigger an intervention for an officer with problematic behaviors.

System Change Management

The department does not follow best practices for changing the database structure. Especially because the database is the basis of public reports on the department's use of force, changes to the database configuration must be carefully considered and documented. One employee described the use-of-force database as "constantly evolving" because of changes to the supervisory use-of-force evaluation form. However, the department does not formally track the changes made to the use-of-force database fields. This could make it appear that data is missing for earlier periods only because

a field was added or could result in suboptimal data for fields with expanded options over time. Exhibit 16 shows that some changes added new fields that required new data to be tracked or otherwise altered data collection.

Exhibit 16: Changes to the Supervisory Use-of-Force Evaluation Form coincide with changes to the use-of-force database.

Form Version	Fields			Examples
	Changed	Added	Removed	
January 2017	The original supervisory use-of-force evaluation form.			
March 2017	-	8	-	Added: description of officer injuries, whether reviewing supervisors reviewed use-of-force log and incident report, and subject’s disposition
September 2018	9	24	8	<p>Added: whether dispatch advised officer(s) that subject was armed, whether subject is a San Francisco resident, and whether officer issued verbal commands before using force</p> <p>Changed: new option for medical treatment field (if subject or officer was admitted to hospital) and new option to indicate that an injury was unrelated to use of force</p> <p>Removed: broadcast time of use of force by officers who used force and time supervisor arrived on scene</p>
Total	9	32	8	

Source: CSA analysis of Supervisory Use-of-Force Evaluation forms

Data Change Management

The department lacks strong controls over changes made to the data in the use-of-force database. The system has an audit log feature that can be used to generate a report of all changes made to the data, including what field was changed, the old and new data for that field, and any deletions. However, department staff stated that the feature is seldom used. Reviewing the log periodically would allow the department to identify inappropriate deletions or edits to key fields, such as the subject’s injury or the type of force used. This kind of review is particularly important because the system’s security access rights enable multiple employees to delete records.

Strengthening the database’s application controls will help the department ensure the confidentiality, integrity, and availability of information, and help ensure the database is protected against unauthorized data modifications or losses.

RECOMMENDATIONS

The San Francisco Police Department should:

- 23.** Develop a program, including a set of procedures, to monitor user access and data modification in the use-of-force database.
- 24.** Develop policies and procedures designed to ensure changes to the use-of-force database are documented, appropriate, and authorized.

Chapter 2

The Department Must Analyze Its Data to Further Improve Its Governance and Accountability for Transparent and Unbiased Policing

SUMMARY

Although it collects a wide range of use-of-force data, the Police Department does not analyze it to identify compliance with its use-of-force policy or measure force-reduction efforts. Consequently, the department misses opportunities to improve transparency and make operational improvements. Increased data analysis would help the department ensure compliance with key policy components, including using force that is proportional to the subject's resistance, using de-escalation tactics, and supervisor oversight. Beyond monitoring compliance, the department misses opportunities to better understand the role bias may play in officers using force because it does not analyze its use-of-force data beyond the analysis in its 96A reports. More in-depth analysis of use-of-force data would allow the department to identify factors that might contribute to bias in using force, understand trends in compliance with policies that mitigate implicit bias, such as the requirement for using an interpreter for subjects with limited English, and identify specific, relevant bias-mitigation training.

Finding 2.1 – The department does not analyze its data to identify trends in compliance with its use-of-force policy or facilitate force-reduction efforts.

Although it collects a wide range of data from incident reports and supervisory use-of-force evaluation forms, the Police Department does not analyze the data to identify compliance with its use-of-force policy or measure force-reduction efforts.²⁸ Consequently, the department misses opportunities to improve transparency and operations. That is, it could better communicate the department's degree of compliance with use-of-force policy to the Police Commission and the public and make operational improvements based on insights from in-depth data analysis.

The Police Commission approves the major policies of the department, including its use-of-force policy. To demonstrate its compliance with that policy, the department must be able to collect and analyze data on how well officers comply with the policy. Although department policy and state and local legislation require data be collected and analyzed, none of these requirements specify what objectives the analysis should fulfill. The GAO²⁹ states that organizations should process such data into quality information that management can use to make informed decisions. Increased data analysis³⁰ would help the Police Department ensure compliance with key policy components, including:

²⁸ The department publishes counts of use-of-force and trends in the data in its quarterly 96A report. This data is also used as an indicator in the Early Intervention System (see [Chapter 3](#)).

²⁹ U. S. Government Accountability Office, *Standards for Internal Control in the Federal Government*, 2014, p. 60.

³⁰ [Appendix E](#) provides greater detail and examples of analyses for use-of-force data.

- **Proportionality** – Understand what factors and circumstances contribute to officers’ decisions to use force and their choice of force options.
- **De-escalation** – Understand what factors contribute to officers not taking preferred actions that policy requires “when feasible,” such as giving subjects verbal warnings, activating body-worn cameras, or avoiding force applied to vital areas of the body.
- **Supervisor evaluation** – Ensure supervisors evaluate the compliance of officers’ use of force with department policy, and ensure lieutenants and captains review those evaluations sufficiently and promptly.

For example, Exhibit 17 shows the extent to which the department can analyze its data to monitor supervisory evaluation. The multi-stage, multi-level review process DGO 5.01 requires for supervisory evaluation was designed to ensure officers use force correctly. Although the process enables the department to monitor compliance of supervisors and superior officers in each incident, some data exists only on the form and is not entered into the use-of-force database, so it cannot be easily analyzed for trends over time or across districts. Beyond incident-specific compliance, the department must further analyze use-of-force data to be able to communicate the degree of departmentwide compliance to the Police Commission and other stakeholders.

Exhibit 17: The Police Department collects data on how supervisors evaluate officers’ use of force, but does not analyze this data to monitor policy compliance.

Supervisor Oversight Process: Officers must notify a supervisor when a reportable use of force occurs, and supervisor must report to the scene and complete the Supervisory Use-of-Force Evaluation Form and Use-of-Force Log before the end of their watch. If serious bodily injury occurs, lieutenants must review body-worn camera video, if available. Commanding officers must submit the completed evaluation forms to Risk Management by end of watch to be entered into the use-of-force database.

Data Collected on Supervisory Evaluations of Use of Force		
During Incident	Supervisor Evaluation	Review of Supervisor’s Evaluation
<ul style="list-style-type: none"> ▪ Supervisor reported to scene ▪ Officer(s) activated body-worn camera ▪ Verbal commands given before force used ▪ Subject(s) experienced serious bodily injury 	<ul style="list-style-type: none"> ▪ Supervisor reviewed, as part of evaluating force: <ul style="list-style-type: none"> ◆ Body-worn camera video ◆ Other video ◆ Incident report ▪ Supervisor who performed evaluation signed and dated the form 	<ul style="list-style-type: none"> ▪ Lieutenant reviewed, as part of reviewing supervisor’s evaluation: <ul style="list-style-type: none"> ◆ Body-worn camera video ◆ Incident report ▪ Lieutenant who performed review signed form and dated signature ▪ Captain who approved form signed and dated signature
Policy Compliance Analysis for Thorough and Prompt Supervisory Evaluations		
Possible Analysis	CSA’s Findings	
<ul style="list-style-type: none"> ▪ Rate at which supervisors respond to scene ▪ Rate at which supervisors and superior officers review the required information before approving the evaluation form ▪ Rate at which supervisors and superior officers complete evaluations by the end of watch 	<ul style="list-style-type: none"> • 1% did not have the required two reviews (Lieutenant and Captain) • 22% of reviewer signatures were not dated • 24% of Captain approval signatures were not dated • Of the evaluation forms with dated Captain signatures, it took on average 36 days for the Captain to approve the evaluation. 	

Note: CSA’s findings based on review of 286 evaluations. [Appendix E](#) contains greater detail for this example and several other examples of use-of-force data analysis.

Sources: DGO 5.01 and DB 18-171; CSA analysis of department data.

The practices of other innovative police departments can be instructive. For example, the Spokane (Washington) Police Department (Spokane) goes beyond simply counting incidents by analyzing use-of-force data to gain greater insight into how its officers use force. Exhibit 18 shows Spokane’s analysis of justification of force, proportionality of force, and how proportionality relates to subject and officer injury. This analysis is a risk management tool for internal use and a transparency tool as it provides greater context to the public.

Exhibit 18: The Spokane Police Department analyzes its data to gain insights and identify trends in the complex relationships among subject resistance, justification for using force, and level of force used.

The police department of Spokane, Washington, uses **force justification analysis** to determine the risk that a use-of-force incident was necessary and a **force factor analysis** to determine the risk that the use-of-force was excessive.

Force justification combines four factors identified by the U. S. Supreme Court as contributing to justified use of force. A low rating indicates an incident with a (1) non-serious crime and a subject with low level of (2) resistance and (3) threat who (4) did not attempt to flee.

13% of Spokane’s incidents had low force justification scores over six years.

Force factor is a score based on the proportionality of force to resistance. (*15% of Spokane’s incidents had a high force factor.*) Scoring incidents in this way leads to insights into outcomes such as injuries resulting from incidents:

	Low <i>(Less force than resistance)</i>	Medium	High <i>(More force than resistance)</i>
Subject injuries	61%	80%	93%
Officer injuries	26%	17%	3%

Source: Police Strategies, *Police Force Analysis SystemSM – Spokane Police Department – Summary Report: Use of Force Data From 2013 to 2018*, August 2019, pp. 20-22

RECOMMENDATION

25. The San Francisco Police Department should establish a data analytics program for its use-of-force data that has clearly outlined objectives, identifies the data required to meet those objectives, ensures the department collects the data in a usable format, and produces analysis in a timely manner and in a format that is readily understandable by relevant stakeholders.

Finding 2.2 – Additional analysis of use-of-force data would help the department identify indicators of potential bias in using force.

The Police Department misses opportunities to better understand the role bias plays in officers using force because it does not analyze its use-of-force data beyond the analysis in its 96A reports. Increased analysis of use-of-force data could help the department increase transparency and build trust with the communities it serves.

The department requires that its officers carry out their duties, including duties that may require the use of force, in a manner that is fair and unbiased. Department policy cautions that the use-of-force against vulnerable populations—including children, elderly persons, pregnant women, people with physical and mental disabilities and people with limited English proficiency—can undermine public trust and should be used as a last resort, when all other reasonable means have been exhausted.

The department's 96A Reports present counts of subjects' demographic information, including race, ethnicity, age, and gender, and shows the trends in this information across quarters. The report also includes tallies of the types of force used by the subjects' race, ethnicity, gender, and age. The 96A reports have similar demographic data on the officers that used force against subjects, along with a comparison to the demographics of the department's personnel. However, these reports present this information with limited context, forcing readers to draw their own conclusions on the role bias may or may not play in how officers use force.³¹ Without interpretation of the data, reader's conclusions may not draw on all relevant information or may be based on a misunderstanding of the relationship between points of data. To avoid this to the greatest extent possible, the department could present and explain related information to show trends in geographic, demographic, economic, and criminal justice contexts.

More in-depth analysis of use-of-force data would allow the Police Department to:

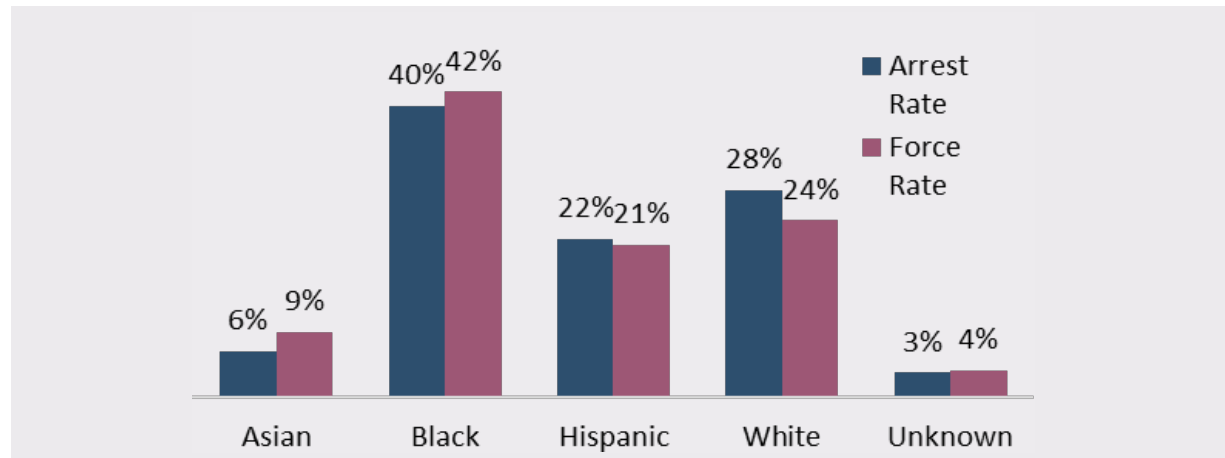
- Identify situational factors in explaining racial disparities in use-of-force.
- Understand trends in compliance with policies that mitigate implicit bias, such as the requirement for using a translator for subjects with limited English.
- Target specific, relevant bias-mitigation training as necessary based on above reviews.
- Understand the role an officer's race plays in using force.

The San Jose Police Department (San Jose) analyzes its use-of-force data for evidence of bias and publicly reports its findings.³² San Jose compares racial disparities between uses of force and arrests because it assumes that the population of arrestees is a more relevant comparison than the general population. Exhibit 19 applies this analysis to San Francisco's 2017 fourth quarter use-of-force and arrest data.

³¹ For example, the 96A Report for 3rd Quarter of 2017 states that officers pointing a firearm at Black males accounted for 43.7 percent of all force used in this period. No possible explanations were provided, and no context was given.

³² [Appendix E](#) provides further detail and additional examples

Exhibit 19: The Police Department tracks data that allows comparison of subjects of use of force with arrests, although it does not conduct the analysis.



Source: CSA analysis of 96A Report for 4th Quarter 2017

The Berkeley (California) Police Department partnered with the Center for Policing Equity³³ to perform multivariate regression analyses designed to assess how much of the observed racial disparity in use-of-force can be explained by neighborhood characteristics, including poverty, crime rates, and neighborhood racial demographics. This analysis concluded that, after controlling for local levels of crime, poverty, and neighborhood demographics, Black people in Berkeley experienced police use-of-force at a rate about 12 times greater than that experienced by their White counterparts, and that this difference is not attributable to random chance and is not explained by local levels of crime, poverty, or racial composition of residents.

The presidential Task Force on 21st Century Policing³⁴ acknowledges that bias exists in all people and how damaging it can be in law enforcement:

All human beings have biases or prejudices as a result of their experiences, and these biases influence how they might react when dealing with unfamiliar people or situations. An explicit bias is a conscious bias about certain populations based upon race, gender, socioeconomic status, sexual orientation, or other attributes. Common sense shows that explicit bias is incredibly damaging to police-community relations, and ... implicit bias—the biases people are not even aware they have—is harmful as well.

– Final Report of the President’s Task Force on 21st Century Policing, May 2015, p. 10.³⁵

³³ The Center for Policing Equity, a 501(c)3 that produces analyses identifying and reducing the causes of racial disparities in law enforcement.

³⁴ In December 2014 President Obama established the Task Force on 21st Century Policing, which sought to identify best practices and make recommendations to the president on how policing practices can promote effective crime reduction while building public trust.

³⁵ Office of Community Oriented Policing Services, President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing*, 2015.

In its 2016 collaborative reform assessment, the U.S. DOJ specified the need for the Police Department to develop and publish a comprehensive strategy to address bias, including improved data collection and analysis to facilitate greater knowledge and transparency around department policing practices. In its collaborative reform progress report of March 2020, the California DOJ stated that the department is committed to robust data collection around bias in a manner consistent with the Police Data Initiative.³⁶ Policy organizations and law-enforcement experts also emphasize the importance of understanding the role bias plays in use-of-force encounters and have employed various analyses that the Police Department could apply to its own data to gain better insight into the role bias plays in its officers' use of force. Adding more in-depth analysis of this data could provide the department greater insights that would help it to shape departmental policy and identify gaps in training to improve individual officers' performance in identifying and eliminating explicit and implicit bias.

DOJ recommended analysis to identify bias & disparate treatment

SFPD leadership should make a concerted effort to focus on data collection and to create systems and analysis protocols that will inform supervisors where incidents of potential bias or disparate treatment occur or where patterns in officer behavior exist that warrant further examination or monitoring.

Source: DOJ, *Collaborative Reform Initiative*, October 2016, Recommendation 35.3

RECOMMENDATION

- 26.** The San Francisco Police Department should analyze use-of-force data to evaluate whether racial, ethnic, or other demographic disparities exist in when and how force is used and apply these findings to inform departmental practices, policies, and training, when appropriate.

Finding 2.3 – Although the Training Division reviews use-of-force incidents, the Police Department does not systematically identify areas in which it can improve its use-of-force training.




The department requires its Training Division to review use-of-force incident reports and evaluation forms to identify training needs, but the division does not have a systematic approach to analyzing this information to improve its use-of-force training.

The GAO's *Guide for Assessing Strategic Training and Development Efforts in the Federal Government* introduces a framework to ensure an agency targets its training investments strategically and does not waste resources on efforts that are irrelevant, duplicative, or ineffective. This framework requires an agency to systematically plan for and evaluate the effectiveness of its training in improving results. Although a use-of-force instructor in the Training Division stated that he reviews use-of-force incidents and may contact supervising officers to provide feedback or recommend more trainings, this review is not documented and does not generate data that could help the department improve its training efforts.

³⁶ The Police Data Initiative is run by the Police Foundation, an independent, national, and nonpartisan not-for-profit organization that has partnered with more than 130 law enforcement agencies to release more than 200 datasets stemming from several recommendations of the Task Force on 21st Century Policing that focused on technology and transparency.

Exhibit 20 shows how the department aligns with best practices on systematically planning and evaluating its training efforts. These best practices recommend that organizations use both quantitative and qualitative data analysis to assess the results achieved through training and development efforts.

Exhibit 20: Adopting a systematic approach will help the Police Department target improvement efforts for its use-of-force training.

Best Practices for Evaluating Training Efforts	Police Department Practice
<p>Plan and Evaluate Effectiveness</p> <p>A data collection and analysis plan that sets priorities for evaluations and systematically covers the methods, timing, and responsibilities for data collection.</p>	<p> DGO 5.01 specifies the documents and data that the Training Division must review but does not specify when or how the data should be analyzed.</p>
<p>Use Performance Data</p> <p>Use both quantitative and qualitative measures to assess training results, and measurement tools, such as templates, that assist in systematically collecting valid and reliable performance data.</p>	<p> Training Division personnel review incident reports and use-of-force evaluation forms, but do not use measurement tools that could assist in systematically collecting performance data from these documents.</p>
<p>Incorporate Feedback</p> <p>Make responsive and timely efforts to collect and analyze individuals' perspectives and to use this feedback to improve or redesign training programs when necessary.</p>	<p> The Training Division reviews evaluation forms completed by officers at the end of courses, and receives informal feedback through their interactions with officers visiting the Training Division. The department can develop information to show that the agency reallocates or redirects its resources based on data derived from evaluating its training and development activities.</p>

Source: U.S. Government Accountability Office, *A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*; CSA analysis

The incident reports and use-of-force evaluation forms are vital data to help identify areas where the department could improve its use-of-force training. By not systematically analyzing this data, the department cannot support whether force activity is changing as a result of specifically intended modifications made to the use-of-force training program. Without a documented and systematic approach, the Police Department's process to identify training needs relies too much on the employee assigned to do the work, and a lack of continuity in the process is likely if the assigned employee leaves the Training Division.

RECOMMENDATION

- 27. The San Francisco Police Department should establish policies and procedures to formalize the Training Division's continuous process for reviewing use-of-force incident reports, evaluations forms, and quantitative data to identify opportunities to improve training. These procedures should require systematic documentation of the review's results.

Chapter 3

The Police Department Must Improve Its Public Reporting of Use of Force Data to Provide Clearer Information to the Public

SUMMARY











The Police Department complies with use-of-force reporting mandates by including all required elements in its quarterly reports, but does not analyze the data in its monthly use-of-force reports or provide an annual use-of-force report to the Police Commission.

The Police Department includes use of-force statistics in two public quarterly reports:

- **Early Intervention System Quarterly Report (EIS Report)** - Provides statistical information on events and officer actions that may indicate a pattern of behavior that could benefit from non-disciplinary intervention.
- **Administrative Code Chapter 96A.3 Report (96A Report)** - Provides information on demographics and outcomes of stops, arrests, uses of force, and allegations of officer bias.

Both quarterly reports should be clearer and provide more context. The 96A Report reflects some best practices for reporting data effectively, although the EIS Report does not reflect any. Improving these reports may better enable the department to inform stakeholders of use-of-force trends, build greater accountability and trust with its stakeholders, and reinforce its commitment to transparency. Exhibit 21 shows how the department aligns with best practices on effectively presenting data.

Exhibit 21: The Police Department can improve its EIS and 96A reports by aligning them with best practices.

Best Practices for Reporting Data		EIS Report	96A Report
Context	Reports should provide context to assist users in interpreting data and facilitate informed decision-making.		
User needs	Reports should include data that is summarized, stratified, and provided in appropriate detail to meet stakeholder needs.		
Key points	Reports should include a concise and organized executive summary to ensure users can easily follow relevant points.		
Visualization	Reports should represent data, especially complex data, through graphics that accurately show trends, relationships, and the most significant information.		
Open Data	Data that supports reports should be available to increase public trust.		
Accuracy and completeness	Stakeholders should be able to rely on the accuracy and completeness of the data underlying reports.	<i>See Chapter 1</i>	

 Aligns with best practice  Partly aligns  Does not align

Source: Best practices from publications on writing statistics for governments; compliance assessed by CSA

In December 2019 the Department of Police Accountability and CSA issued an interim key issue report, [Best Practices in Reporting Use-of-Force Data](#), that further discusses the alignment of the department’s EIS and 96A reports with best practices for reporting data.

In 2017 the Police Department posted reports to its website with monthly use-of-force statistics but did not analyze the data in the reports or provide an annual report to the Police Commission, as required by DGO 5.01.

Finding 3.1 - The 96A and EIS reports contain all mandated elements of use-of-force reporting.

Both the 96A and EIS reports include the elements required by law and departmental policy. Exhibit 22 shows the reports’ mandates, content, and audiences.

Exhibit 22: The department’s use-of-force report content complies with reporting mandates.

Report	Mandate	Content	Audience
EIS	DGO 3.19 Early Intervention System ^a	<ul style="list-style-type: none"> ▪ Total indicators by quarter, month, station, and unit <ul style="list-style-type: none"> ◆ <i>Incidents involving reportable use of force are one of several indicators.</i> ▪ Total alerts by quarter, month, station, and unit <ul style="list-style-type: none"> ◆ <i>The system generates an alert when an officer’s indicators reach defined thresholds, including three use-of-force incidents within three months.</i> ▪ Use-of-force statistics, including incident, officer, subject, and application counts 	<ul style="list-style-type: none"> ▪ Police Department management ▪ San Francisco Police Officers Association ▪ Department of Police Accountability ▪ Police Commission ▪ Public
96A^b	San Francisco Administrative Code Chapter 96A.3, Law Enforcement Reporting Requirements	<ul style="list-style-type: none"> ▪ Total uses of force ▪ Total uses of force that resulted in death ▪ Total uses of force broken down by race or ethnicity, age, and gender identity ▪ Data for each time a use of force occurred during the reporting period, not limited to use of force during a traffic stop or detention 	<ul style="list-style-type: none"> ▪ Mayor ▪ Board of Supervisors ▪ Police Commission ▪ Human Rights Commission ▪ Public

^a DGO 3.19 only requires “quarterly and annual statistical reports” and does not mandate specific content. EIS alerts help the Police Department to identify officers who may require non-disciplinary intervention to address or prevent performance-related problems.

^b The Police Department states it also provides the 96A report to internal personnel and collaborative academic research partners.

Context

Reports should provide context to assist users in interpreting data and facilitate informed decision-making.

Finding 3.2 - The Police Department does not provide context in the EIS Report and should improve the 96A Report to help users accurately interpret its contents.

The EIS Report does not provide context or interpretation. For example, the report explains the early intervention process, indicators, and alerts with a flowchart, as shown in Exhibit 23. Although the flowchart shows

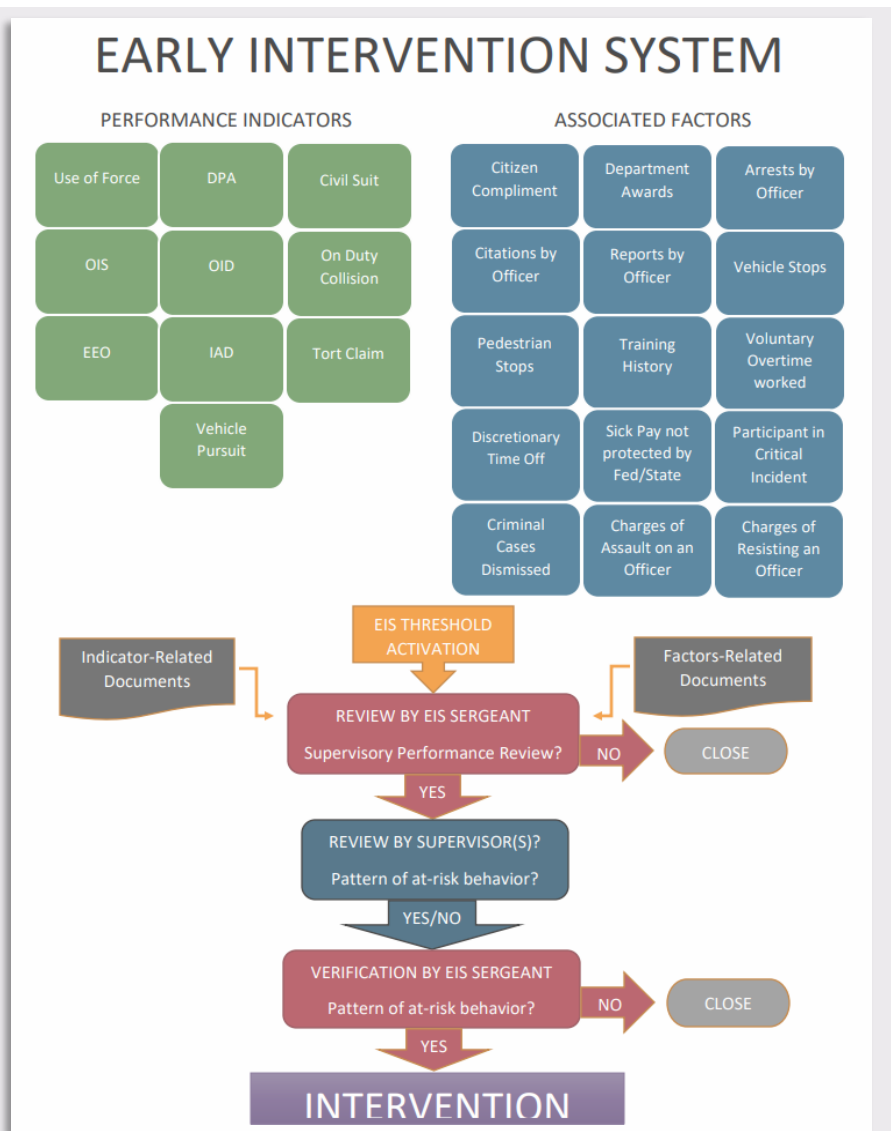
the general early intervention process, it does not provide sufficient context for a user to understand the significance of the EIS statistics. Thus, users may miss the importance of associated factors, underestimate the checks and balances built into the EIS intervention process, or question the proportion of interventions with officers about whom management receives alerts.

Exhibit 23: The EIS Report’s high-level process flow is insufficient to convey an understanding of the system.

To the right is the second page of the EIS Report – the only page providing background or context.

It does not:

- ✗ Describe what the system is or its purpose.
- ✗ Define or differentiate performance indicators and associated factors.
- ✗ Define an EIS alert.
- ✗ List the thresholds that activate an EIS alert.
- ✗ Define each indicator and factor.
- ✗ Describe what the EIS sergeant and supervisor reviews entail.
- ✗ Discuss what intervention entails.



Source: EIS Report for 1st Quarter 2019

The EIS Report is also missing relevant background information, such as descriptions of units' operations. This increases the risk that users draw inaccurate conclusions about the officers in those units. For example, the table from the EIS Report in [Exhibit 23](#) shows the TACT unit as having the most uses of force.³⁷ The Tactical Company's primary work is to handle situations where using force, such as pointing a firearm at someone, is more frequently needed. This information is important for an EIS Report reader to know but is not included. Even during a Police Commission meeting, the department was asked to clarify the significance of indicators related to officer counts and incident counts.

In contrast, the New York City Police Department (NYPD) includes in-depth context to help a reader understand the data. For example, in the report's firearms discharge section, the NYPD provides an overview that states long-term trends, explains how it collects data on firearm discharges, and how it uses that information to improve its operations.³⁸ The NYPD report then goes into detail by showing firearm discharges sorted into six categories that distinguish between intentional and unintentional firing and indicate the nature of the conflict leading to the gun use. This allows the reader to see the context of the various situations an officer may face that might result in firing a gun.

Some data and graphics in the EIS Report include concepts that can be confusing without explanation. For instance, the data shows a large jump in use of force in 2016. However, this jump is because of a change in how the data was collected. Multiple court cases³⁹ caused pointing a firearm at a subject being added as an action officers must report as a use of force. This increased the total reported uses of force and the number of alerts generated based on using force. If pointing a gun had not become reportable, the department would not have seen a significant change in the frequency of reported uses of force.

The EIS Report includes a chart to show the trends in the data *with* and *without* the instances of pointing a gun. However, this purpose is not immediately clear without context. The chart does not explain the change to reporting requirements and has the imprecise title of "Effects of Pointing of Firearm on UOF," which the reader could misinterpret, thinking the chart relates to the impact of pointing a gun on how officers actually use force in the field rather than an impact on existing force is counted.

The department could provide context by including the updated use-of-force policy⁴⁰ language and its effective date and a more descriptive title for the chart, such as "Effect of Classifying the Pointing of a Firearm at a Subject as a Reportable Use of Force." In contrast, the use-of-force report of the City of Portland, Oregon,⁴¹ includes a note explaining that a policy change expanded the reportable use-of-force categories, which increased the reported number of uses of force.

³⁷ TACT is an abbreviation for Tactical Company, which includes the special weapons and tactics (SWAT) team. Team members respond to critical incidents involving life-threatening scenarios and are assigned to help patrol the City's high-crime areas.

³⁸ New York City Police Department, *Use of Force Report*, 2018, p. 11.

³⁹ Due to court decisions such as *Espinosa v. City & County of San Francisco*, 598 F.3d 528, 537-538 (9th Cir. 2010), pointing a firearm at a person, even without discharging the firearm, became a reportable use of force.

⁴⁰ On December 11, 2015, the Police Department made the pointing of a firearm at a person a reportable use-of-force incident.

⁴¹ Portland (Oregon) Police Office of the Inspector General, *PPB Force Analysis Summary Report [Quarter] 4 2019*, February 2020, p. 12.

Unlike the EIS Report, the 96A Report has an executive summary with context and interpretation including:

- Introduction to the ongoing conversation on police reform and the department’s reform efforts.
- Use-of-force reporting requirements.
- Department data collection procedures.
- Scheduled reporting periods.
- Context and analysis to support visualizations.

Although the executive summary provides context, the full 96A Report does not, and the executive summary is not included with the full report. In some cases, a graphic is in both documents, but is supported by analysis in only the executive summary. Exhibit 24 is a table from the 96A Report showing the numbers of uses of force by race or ethnicity and gender of the officer applying force and puts these numbers in context by also showing the breakdown of the department’s officers by race or ethnicity and gender.

Exhibit 24: A table in the 96A Report is supported by analysis to help users interpret its content but is only in the executive summary.

The **additional analysis** accompanying this table helps explain the relevance of the data shown.

USES OF FORCE BY RACE/ETHNICITY AND GENDER OF OFFICER, FIRST QUARTER 2018 VS. 2019

White males make up 54% of officers using force during Q1 of 2019. Asian male officers make up 15% of the use-of-force incidents. This parallels the Department’s Demographics.

Officer Race & Gender	Officers Using Force			Total Uses of Force			Department Demographic		
	Q1 2018	Q1 2019	% change	Q1 2018	Q1 2019	% change	Q1 2018	Q1 2019	% change
Asian Female *	6	4	-33%	9	4	-56%	48	48	0%
Asian Male *	79	44	-44%	154	75	-51%	464	475	2%
Black Female	5	3	-40%	12	5	-58%	45	46	2%
Black Male	29	22	-24%	44	33	-25%	178	177	-1%
Hispanic Female	9	5	-44%	16	5	-69%	74	71	-4%
Hispanic Male	59	39	-34%	114	65	-43%	305	325	7%
White Female	17	17	0%	31	38	23%	171	170	-1%
White Male	218	163	-25%	407	277	-32%	982	962	-2%
Other Female **	2	0	-100%	25	0	-100%	8	10	25%
Other Male **	7	5	-29%	3	12	300%	35	36	3%
Total	431	302	-30%	815	514	-37%	2310	2320	0%

* Asian includes Asian and Pacific Islander.

Note: Unknown indicates ethnicities outside DOJ definitions, Native American, and incident reports where data wasn’t provided.

In the executive summary, this table includes the text circled in red, which clearly states the conclusion that can be derived from this data. That is, the make-up of officers using force mirrors the demographics of the department. The same table in the full report omits this statement, leaving readers to perform the calculations themselves or guess at the intended conclusion. Explicitly stating the conclusion of the data presented reduces the risk that users may misinterpret the statistics to mean that officers of a specific race or ethnicity or a specific gender are more inclined to use force.

Other jurisdictions help provide context by clearly defining terms and related concepts. As shown in Exhibit 25, the Portland Police Bureau includes a glossary to define use-of-force categories and clarify the circumstances in which an officer's action is considered a reportable use of force. For example, the glossary clarifies that a control hold is reportable only if it results in an injury. Similar circumstances exist in San Francisco, but the San Francisco Police Department's reports do not include such explanations.

Exhibit 25: The City of Portland uses a glossary to improve readers' understanding of terms used.

Non-Category IV Force	
Control Holds With Injury	A control hold with injury event occurs when an officer applies physical control to a person and an injury results. The physical control may not have caused the injury, but an FDCR* will be completed and a force investigation will occur.
Takedown	A takedown occurs when an officer moves a subject from an upright position to the ground by applying some amount of force. It is not a takedown if the subject goes to the ground under their own power.

* FDCR - Force Data Collection Report
Source: Portland (Oregon) Police Bureau Force Analysis Summary Report

RECOMMENDATIONS

The San Francisco Police Department should:

28. Include sufficient background information to enable a member of the public or the Police Commission to clearly understand the Early Intervention System report and the purpose of the Early Intervention System.
29. Define all abbreviations and define terms specific to law enforcement to enable a member of the public to clearly understand the meaning of publicly issued information.
30. Explain changes that affect the contents of the reports, such as changes in legislation, department policy, or how data is collected or categorized within a publicly issued report.

User Needs

Reports should include data that is summarized, stratified, and provided in appropriate detail to meet stakeholder needs.

Finding 3.3 - The EIS Report does not meet user needs.

Although the department satisfies its own policy⁴² to provide quarterly and annual EIS Reports to internal management and the Police Commission, the EIS Report should be improved to meet the needs of internal and external stakeholders. The EIS Reports are made public on the Police Department's website and are discussed at meetings attended by members of the public. According to the department, the EIS Report is written with the assumption that users are familiar with departmental policies. However, discussions at Police Commission meetings suggest that key stakeholders, including the commissioners, public, community groups, and other city departments, would benefit from additional detail and context in the EIS Report. The department should not assume the report user is familiar with police operations.

The Police Department may receive feedback at Police Commission meetings through discussion and public comment, but it does not actively solicit feedback from stakeholders. By not doing so, the department misses the opportunity to consider and incorporate changes that may benefit stakeholder understanding and use. In comparison, the police bureau of the City of Portland, Oregon, solicits feedback from stakeholders by including a comment and web link at the end of its use-of-force report.

Portland Includes an Option to Provide Feedback on Its Report

"You can submit comments or suggestions about this report by navigating to this address."

– City of Portland, 1st Quarter 2019 PPB Force Analysis Summary Report

RECOMMENDATION

31. The San Francisco Police Department should solicit feedback from the Police Commission and accept feedback from other stakeholders to ensure its reports meet user needs.

Summary of Key Points

Reports should include a concise and organized executive summary to ensure users can easily follow relevant points.

Finding 3.4 - The Police Department summarizes key points in the 96A Report, but not in the EIS Report.

The Police Department presents key points in the 96A Report, including in an executive summary with statistics and analysis of visualizations found in the full report (See [Exhibit 24](#) for an example). Further, this information is supported by background on reporting requirements, data collection and reporting procedures, and data scope. However, the executive summary is not included in the full report. Thus, the department may miss the opportunity to present key points and guide users in understanding the purpose and significance of the 96A Report's content.

⁴² DGO 3.19, *Early Intervention System*.

Although the EIS Report includes a high-level process flow (See Exhibit 23) and begins each section with summary statistics, the report otherwise provides minimal guidance about its key points. During a March 2019 Police Commission meeting, a commissioner said that an executive summary in the EIS Report would help the public understand the report’s content.

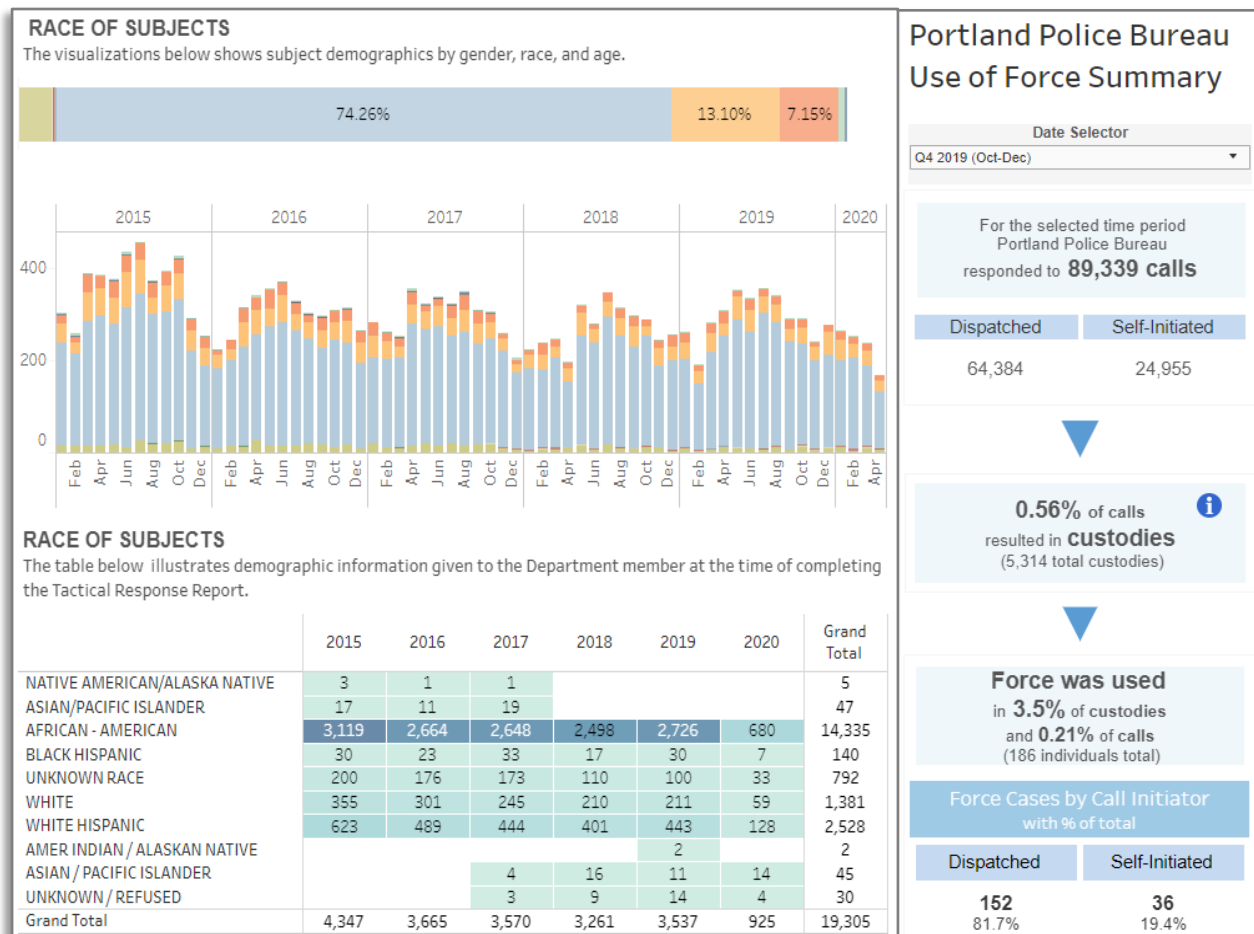
Police Commissioner Suggests Adding an Executive Summary to the EIS Report

"Ensuring there is that sort of language, some sort of executive summary at the beginning and or at the end so that members of [the] public can see the numbers like we see the numbers. To Commissioner Hirsch, the numbers jump out because there are so many of them. But if we can get some sort of a summary that summarizes our indicators are actually dropping, that would be really good, something to think about as we continue to [go] forward."

– Police Commissioner Brookter at commission meeting of March 20, 2019

Other jurisdictions have interactive data dashboards that both serve to summarize key information in the data and allow a user to focus their attention on specific areas of the data such as on subject race and gender. Exhibit 26 shows dashboard from Chicago Police Department and Portland Police Bureau.

Exhibit 26: Chicago and Portland publish interactive dashboards that summarize use-of-force data and allow users to focus on specific topics such as portion of force incidents that are self-initiated or trends in subjects’ race.



Source: Website’s of Chicago Police Department (left) and Portland Police Bureau (right)

RECOMMENDATIONS

The San Francisco Police Department should:

32. Include an executive summary that highlights key points in the Early Intervention System Quarterly Report.
33. Attach the executive summary for the Administrative Code 96A Report to the full report, even if it also offers the executive summary as an independent document.

Visualization

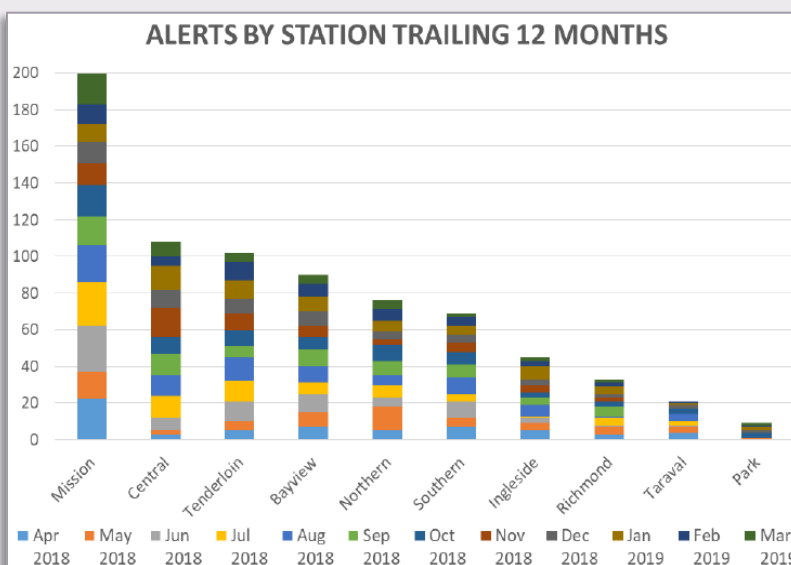
Reports should represent data, especially complex data, through graphics that accurately show trends, relationships, and the most significant information.

Finding 3.5 - Both reports include data visualization, but the Police Department needs to significantly improve these visuals to increase readability.

The 96A and EIS reports contain data visualizations but need improvement to better allow users to identify relationships, trends, and points of significance.

The EIS Reports include bar graphs on alerts and uses of force by district station using absolute counts without showing the relationships between the data and each station's workload. Exhibit 27 shows a graph from an EIS Report on which the Police Commission required clarification from the Police Department at a commission meeting.⁴³

Exhibit 27: The EIS Report's graph of EIS alert data does not demonstrate relationships or trends effectively because it does not account for stations' disparate workloads.



The graph to the left shows the number of EIS alerts per station.

However, because it does not consider the relationship between alerts and the stations' workload, the graph **can be misinterpreted to show that the stations with smaller workloads are "doing better"** than those with larger workloads.

Instead, alerts could have been shown **in relation to other factors that affect the number and types of interactions officers have**, such as officers assigned, arrests, incidents of violent crime, or district geographic size.

Source: EIS Report for 1st Quarter 2019; Video of Police Commission meeting of March 20, 2019

⁴³ Police Commission meeting of March 20, 2019.

During the meeting Police Commissioner Hirsch pointed out that a statistic showing that “Mission Station has by far the most [EIS] alerts for a station” jumps out at users. The Police Department representative clarified that “Mission Station is usually the one that’s always number one just because of their call volume, they have the most calls of any district station in the City. So, based on the number of calls they’re responding to, it kind of equates to the number of indicators that station receives.” If the department’s presentation of this data showed the relationship of the number of alerts to the number of calls, it could help users understand data in the right context. Otherwise, users may misinterpret the data and draw incorrect conclusions.

Best practices require defining terms and acronyms, which helps show relationships within data. Tables and graphs in the EIS Report are frequently missing labels and use undefined acronyms. Exhibit 28 shows an example of this from the EIS Report. This example represents how vulnerable to misinterpretation most of the data in the EIS Report is.

Exhibit 28: The EIS Report does not define abbreviations or relationships, making it difficult for users to interpret the data presented.

Indicators by Unit Trailing 12 Months (Apr 2018 - Mar 2019)									
	OIS	OID	UOF	DPA	IAD	EEO	Civil Suits	Tort Claims	On-Duty Collision
TACT			50	20	7			18	4
CED			32	24	4	1	1	1	5
AFOB			29	9	7	4		3	2
MEDI			21	13	4		1	3	1
SEPA	1		20	9	5	1		1	
NARC			9	18			3	4	
SVU			17	10	2			3	2
MTA			8	8	5	1	1	3	1
DOC			4	5	12	1		4	
BURG			9	6	2			2	
Muni			13		4				2
AIRP			10	2				2	2
GTF			7	6	1			1	
STAF			4	3	1	1	1	3	1
SID			10	1					2
ACAD			4	5	1			1	
PROF			5	1	1			2	2
FOB			2	3	3	1			1
HSU			3	3	1			1	
IAD			5	2					1
NIGH			8						

Stakeholders could easily misinterpret this data.

- No labels indicate whether columns or rows represent the indicators.
- Fully understanding this table requires familiarity with more than two dozen abbreviations for departmental units and indicators.
- The IAD abbreviation is used for two different things. (IAD in the row header refers to the Internal Affairs Division, a Police Department unit, whereas IAD in the column header refers to the indicator of an officer being the subject of an Internal Affairs Division investigation.)

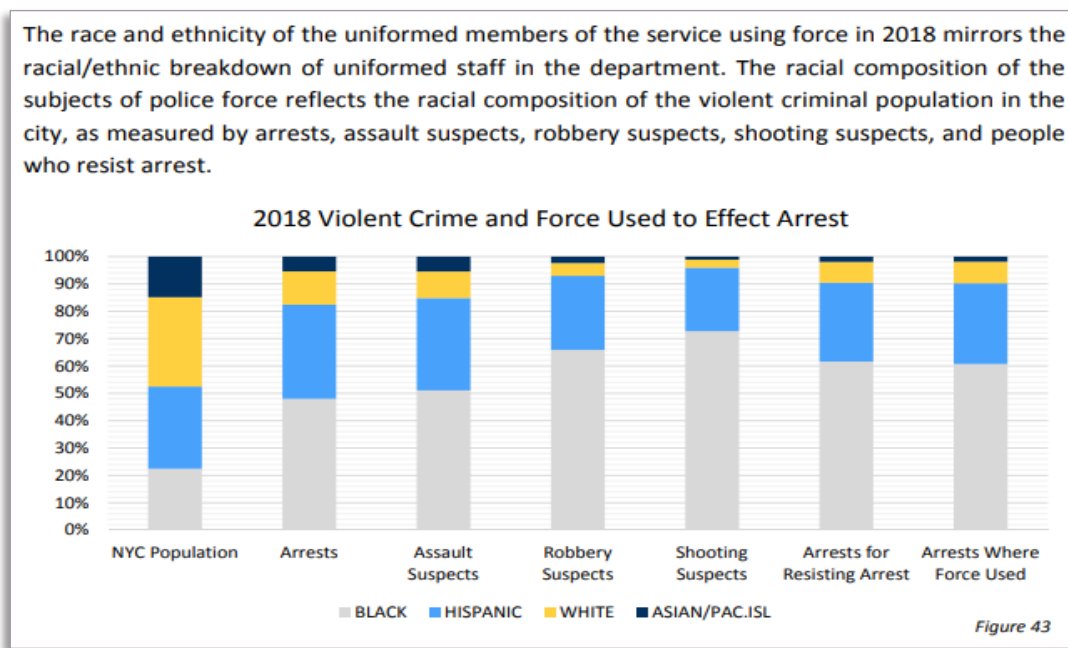
Source: EIS Report for 1st Quarter 2019 (partial image of larger table in report)

In contrast, the 96A Report uses few abbreviations and usually defines them, such as defining DPA as the Department of Police Accountability and OC as Pepper Spray.

Best practices also require communicating and explaining trends in data. However, trends are not always explained in these reports. For example, the 96A Report contains a chart showing, by district station, year-over-year changes in the number of uses of force. Several stations had drops in the number of use-of-force incidents, including two stations that had less than half the uses of force as the previous year. However, the report makes no effort to explain why that occurred.

New York City, for example, provides clear visualizations of its data with supporting narrative that interprets the data, as shown in Exhibit 29.

Exhibit 29: New York City’s use-of-force report includes this graphic comparing subjects’ race to arrest populations with narrative that interprets the data.



Source: NYPD’s 2018 *Use of Force Report*

Not highlighting key data or offering explanations of trends makes it more likely that report users will misinterpret the data or miss its meaning. For instance, a user could think there was a change in frequency of force use, uses of force were not reported accurately, or some uses of force were not reported. If policymakers misinterpret the data, it could lead them to enact misguided and counterproductive policy changes.

RECOMMENDATIONS

The San Francisco Police Department should:

34. Identify relevant relationships between data, such as frequency of using force and frequency of arrests, and convey them through visualizations to help report users understand the data’s meaning.
35. Explain trends demonstrated by data visualizations, such as significant changes over time or significant differences among districts.

Open Data

Data that supports reports should be available to increase public trust.

Finding 3.6 - The Police Department does not make the data that supports the EIS and 96A Reports available to users.

The department publishes several datasets on the City’s open data portal (DataSF), including calls for service and incident report information, but has elected not to publish datasets on officers’ use of force. According to the Police Foundation,⁴⁴ relevant, accessible open data free of sensitive information increases public trust and enables users to explore information with their own tools.

Many jurisdictions publish their data through open data portals. Exhibit 30 shows examples of data fields some jurisdictions publish as open data.

Exhibit 30: Other police departments publish a range of data on use-of-force incidents.

All examples below include incident date, call type, and type of force used during the incident. They also all include the subject’s race and/or ethnicity, sex/gender, and mental state (mental illness, emotional disturbance, under the influence of drugs or alcohol) and whether the subject sustained injuries. Two of the examples (Austin and Bloomington) include information on the location of the incident.

City	Incident Information	Subject Information	Officer Information
Austin, Texas	<ul style="list-style-type: none"> Reason for force Self-initiated encounter or officer dispatched to scene 	<ul style="list-style-type: none"> Type of resistance 	<ul style="list-style-type: none"> Years of service Injuries
Bloomington, Indiana	<ul style="list-style-type: none"> Reason for force Vehicle or foot pursuit 	<ul style="list-style-type: none"> Age Weapon^a 	<ul style="list-style-type: none"> Drew less-lethal weapon Drew gun Injuries
New Orleans, Louisiana	<ul style="list-style-type: none"> Reason for force Effectiveness of force Light and weather conditions Distance between officer and subject 	<ul style="list-style-type: none"> Age, height, and build Arrest and charge * 	<ul style="list-style-type: none"> Race/ethnicity, gender, age, years of service Injuries
Portland, Oregon	<ul style="list-style-type: none"> Officer familiar with subject? Distance between officer and subject Sequence of force and resistance types Self-initiated encounter or officer dispatched to scene 	<ul style="list-style-type: none"> Age Homeless status Type of resistance Source of injuries Arrest and charge* Armed with a weapon 	<ul style="list-style-type: none"> Years of service

* Arrest and Charge – Whether subject was ultimately arrested and what crime he or she was charged with

Source: Websites of police departments shown

⁴⁴ The [Police Foundation](#) is an independent, national, and nonpartisan nonprofit organization dedicated to advancing policing through innovation and science.

RECOMMENDATION

36. The San Francisco Police Department should publish the data underlying its Early Intervention System Quarterly Report and its Administrative Code 96A Report through the City's open data portal.

Finding 3.7 – The Police Department did not fully comply with its policy requirements for use-of-force data reporting.

The Police Department posted reports to its website with monthly use-of-force statistics but did not analyze the data in the reports or provide an annual report to the Police Commission, as required by DGO 5.01.^{45,46} The policy specifies the statistics and analysis that the Police Department must include in these reports.

To help fulfill this requirement, the EIS Unit worked with the vendor that supports the use-of-force database to provide a report that contains the required statistics. Another departmental unit, the Media Relations Unit, posts the report to the department's website monthly.

The monthly reports were not created promptly.

The department created the 12 monthly use-of-force reports in 2017 an average 74 days after the month of the report had ended.⁴⁷ The timeliest was the June report, which is dated July 12, 2017. However, the July, August, and September reports are all dated January 4, 2018. Similarly, the October, November, and December reports are dated March 13, 2018. The department could not definitively explain the delays in these reports, but speculated that they may have been due to a Media Relations Unit employee having taken a leave of absence.

The monthly reports lack analysis.

The monthly use-of-force reports contain only raw data for selected fields extracted from the database and, as the department acknowledges, present no analysis of the data. Thus, report readers may not be able to readily interpret the data presented or easily understand any conclusions to be drawn from it.

No annual report was submitted to the Police Commission.

It appears that the department failed to submit the required annual written use-of-force report to the Police Commission in 2017. The department stated that the 96A reports are the only annual use-of-force reports published. However, there is no indication in the 96A reports that they are intended

⁴⁵ DGO 5.01 also requires that the Risk Management Office provide the Chief of Police with a report on the use-of-force on the 1st and 15th day of each month. CSA excluded this report from our audit scope because it does not have a public reporting requirement.

⁴⁶ Although not in the scope of the audit period, it appears that the Police Department stopped posting monthly use-of-force reports after 2018.

⁴⁷ The reports only contain the date on which they were generated; none indicates the date on which it was uploaded to the Police Department's website.

to fulfill the annual report requirement in DGO 5.01 or to substitute for an annual written report to the Police Commission.

The U.S. DOJ states that a good way to for law enforcement organizations to start conversations and foster open and transparent dialog with members of the community and other stakeholders is by regularly reporting statistics and posting annual reports on agency websites. Reporting use-of-force data annually gives the public the same information that was (or should have been) available to the organization when it made tactical and operational decisions. Also, such reporting may make it easier for community members and researchers to obtain the use-of-force information they seek from the agency and reduce the administrative burden on the agency to provide it.

RECOMMENDATION

- 37.** The San Francisco Police Department should ensure it fully complies with the reporting requirements in Department General Order 5.01.

Appendix A

Methodology

To conduct the audit, CSA gathered evidence using a variety of procedures and from a range of sources, as outlined below.

Assessed completeness of the department’s use-of-force data.

- Assessed whether incidents likely to result in using force had unreported force. To do so, CSA selected a statistical sample of 2017 incidents where subjects demonstrated resistance to officers,⁴⁸ but there was no reported use of force.

Population	888	Incidents sampled from had <i>subjects who demonstrated resistance</i> to officers, but there was <i>no reported use of force</i> .
Sample	269	CSA selected a statistically significant random sample with a confidence level of 95 percent and a 5 percent margin of error meaning <i>CSA estimate with 95 percent certainty that conclusions from testing this sample will be true for the entire population</i> .
Tested Sample	243	CSA reviewed 243 incident reports for officer actions that may meet the standard for reportable use of force. 25 of the sample incidents were outside of the Police Department’s jurisdiction and 1 was sealed by court order and not tested.

- CSA identified 62 incidents from both the sample above and a sample of reported force incidents that have potentially misreported force or vague police report narratives and reviewed those in conjunction with two academy use-of-force instructors. (See [Finding 1.1](#) regarding misreporting and [Finding 1.2](#) for vague narratives.)
- Verified that high-profile incidents with use of force discussed in the media, incidents with citizen videos video posted to YouTube indicating reportable use of force, and incidents of firearm use reviewed by the Police Department’s Firearms Discharge Review Board were included in the use-of-force database.

⁴⁸ Incident data from SF OpenData portal for all incidents containing the word “resist” in the description that occurred in 2017. This resulted in 1,365 records, 477 of which had a reported use of force.

- Assessed whether incidents entered into the ten district station’s use-of-force logs had corresponding entries in the use-of-force database. To do, CSA selected a statistical sample of log pages provided by the department.

Population	1,195 pages	The department provided use-of-force logs by week for each of the ten district stations. However, the department could not provide 31 weeks of logs. The Department of Police Accountability had on file 11 of those weeks, all of which had no entries. Of the remaining 20 missing weeks, 7 had entries of reported force in the use-of-force database.
	1,704 estimated incidents	Based on the number of incidents per sampled pages, CSA estimates a total of 1,704 incidents on the 1,195 pages provided.
Sample	291 pages	CSA selected a statistically significant random sample of 291 pages with a confidence level of 95 percent and a 5 percent margin of error meaning <i>CSA estimate with 95 percent certainty that conclusions from testing this sample will be true for the entire population.</i>
	414 incidents	The sample pages included entries for 414 incidents, an average of 1.43 incidents per page.

Assessed accuracy of the department’s use-of-force data.

- Assessed whether the department’s collection and documentation of reported use-of-force data was accurate. To do so, CSA selected a statistical sample of 2017 incidents with reported use of force.

Population	1,364	CSA sampled from 1,365 entries in the use-of-force database for 2017, excluding 1 duplicate entry. (See Finding 1.1.2)
Sample	300	CSA selected a statistically significant random sample with a confidence level of 95 percent and a 5 percent margin of error meaning <i>CSA estimate with 95 percent certainty that conclusions from testing this sample will be true for the entire population.</i>
Tested Sample	289	CSA reviewed 289 incident reports and related supervisory use-of-force evaluation forms, use-of-force logs, and use-of-force database records for accuracy. 11 of the sampled incidents were not tested: 8 occurred before revised supervisory use-of-force evaluation procedures were implemented on January 9, 2017, and 3 were sealed by court order and not tested.

- CSA also selected an additional 8 incidents of high-profile incidents occurring in 2017. and assessed the accuracy of their database entries.

- Conducted a walkthrough of the use-of-force database with sworn and non-sworn personnel to observe how the department enters use-of-force data into the use-of-force database.
- Conducted data integrity testing and reviewed the department's internal controls to ensure the accuracy of use-of-force data. See Findings 1.3, 1.4, 1.5, 1.6, and 1.8.

Evaluated the Police Department's compliance with relevant laws, court rulings, and department policies concerning use-of-force.

The review included, but was not limited to, the following:

State and Local Laws

- *California Government Code, Section 12525.2*, which requires law enforcement agencies to report to the state Department of Justice uses of force that result in serious bodily injury or death or involve the discharge of a firearm.
- *California Government Code, Sections 6250-6276.48, Inspection of Public Records*.
- *San Francisco Administration Code, Section 96A*, which requires quarterly reporting on arrests, encounters, and uses of force.

Court Rulings

- *Graham v. Connor*, 490 U.S. 386 (1989)

Department General Orders

- DGO 3.19: *Early Intervention System*, February 2007.
- DGO 5.01: *Use of Force*, December 2016.
- DGO 10.11: *Body Worn Cameras*, June 2016.

Department Bulletins and Unit Orders

- DB 14-014: *Reminder regarding Department General Order 5.02, Use of Firearms: Discharge of Firearm at Operator or Occupant of Moving Vehicles*, January 2014.
- DB 14-015: *Reminder Regarding General Order 5.02, Use of Firearms: Permissible Circumstances to Discharge Firearm*, January 2014.
- DB 14-111: *Documenting Use of Force*, April 2014.
- DB 15-051: *Use of Force Options: Reporting and Medical Assessment Requirements*, March 2015.
- DB 15-106: *Avoiding the "Lawful but Awful" Use of Force*, April 2015.
- DB 15-128: *Officer-Involved Shooting and Discharge Investigations*, May 2015.
- DB 15-237: *Amended Use-of-Force Log (SFPD 128)*, November 2015.
- DB 15-255: *Pointing of Firearms*, December 2015.
- DB 15-555: *Response to Mental Health Calls with Armed Suspects*, July 2015.
- DB 17-006: *Supervisory Use of Force Evaluation Form*, January 2017.
- DB 17-095: *Required Elements in Use-of-Force Incident Reports*, April 2017.
- DB 18-002: *Indicating Use of Force in an Incident Report*, January 2018.
- DB 18-154: *Report Writing Responsibilities Supervisors, Officers, & Police Service Aides*, August 2018.
- DB 18-171: *Updated Supervisory Use of Force Evaluation Form*, October 2018.
- Unit Order 17-001: *Use of Force Data Entry for EIS Unit*, April 2017.

Reviewed U.S. Department of Justice's 2016 recommendations to the Police Department.

- Assessed the department's implementation of [DOJ recommendations](#) found to be relevant to the audit's scope and objectives by reviewing progress reports and interviewing Police Department and contractor staff assigned to implementation. See [Appendix B](#) for results of this review.
 - *Collaborative Reform Initiative: An Assessment of the San Francisco Police Department*, October 2016.
 - *San Francisco Police Department Collaborative Reform Initiative: Phase I – Initial Progress Report*, May 2019.
 - *San Francisco Police Department Collaborative Reform Initiative: Phase II – 18 Month Progress Report*, March 2020.
- Interviewed contractor staff from the firm Hillard Heintze, an enterprise security risk management firm that was contracted by the Police Department to assist with the implementation of the DOJ recommendations.

Reviewed best practice literature on use-of-force and law-enforcement data collection.

The review included, but was not limited to, the following:

- Center for Policing Equity – A research and action think tank that produces analyses identifying and reducing causes of racial disparities in law enforcement.
 - ◆ *The Science of Justice: Race, Arrests, and Police Use of Force*, July 2016.
- Federal Bureau of Investigation – A national security organization that collects data on the use of force across the United States and disseminates information on a broad range of law enforcement-related topics.
 - ◆ Law Enforcement Bulletin, *Writing Clear, Effective Police Reports: No English Degree Required*, May 2017.
- International Association of Chiefs of Police – A global organization that provides research, programming, and training opportunities to current and emerging police leaders to address law enforcement issues.
 - ◆ *Best Practices Guide for Developing a Police Department Policy-Procedure Manual*
 - ◆ *National Consensus Policy and Discussion Paper on Use of Force*, October 2017.
- National Bureau of Economic Research – A private, non-profit organization conducting economic research, studying and disseminating research findings wide range of topics, including use of force.
 - ◆ *An Empirical Analysis of Racial Differences in Police Use of Force*, January 2018.
- National Police Foundation – A nonprofit organization that offers technical assistance, and management studies and assessments on policing.
 - ◆ *Law Enforcement Executive's Guide to Open Data: Supporting the Community in the Co-Production of Public Safety*, 2017.
- U.S. Department of Justice, Community Oriented Policing Services – A component of the U.S. Department of Justice that awards grants to hire community policing professionals, create innovative policing strategies, and provide training and technical assistance
 - ◆ *Strategic Communication Practices: A Toolkit for Police Executives*, September 2011.

- ◆ Office of Community Oriented Policing Services, President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, May 2015.
- ◆ *Training Fact Sheet*, March 2018.
- U.S. Government Accountability Office – A congressional, nonpartisan agency providing information to Congress and federal agencies on topics including data standards.
 - ◆ *Assessing Data Reliability*, December 2019.
 - ◆ *Data Analytics to Address Fraud and Improper Payments*, March 2017.
 - ◆ *DATA ACT Data Standards Established, but More Complete and Timely Guidance is Needed to Ensure Effective Implementation*, January 2016.
 - ◆ *Standards for Internal Control in the Federal Government*, September 2014.

Reviewed best practices for reporting data.

- U.K. Statistics Authority – An independent body that has a statutory objective of promoting and safeguarding the production and publication of official statistics that serve the public good.
 - ◆ *Code of Practice for Statistics: Ensuring official statistics serve the public*, February 2018.
 - ◆ *Statistical and analytical guidance on crime and policing standards*, May 2013.
 - ◆ *Writing About Statistics: Guidance for the Government Statistical Service on Preparing First Releases*, January 2012.
- United Nations Economic Commission for Europe – A regional commission of the United Nations that facilitates greater economic integration and cooperation among its member countries and promotes sustainable development and economic prosperity.
 - ◆ *Making Data Meaningful*, Part 1 and Part 2, 2009.
- U.S. Department of Justice Community Oriented Policing Services, *Strategic Communication Practices: A Toolkit for Police Executives*, September 2011.
- U.S. Department of Justice, *Information Quality*, October 2019.
- U.S. Government Accountability Office, *HUMAN CAPITAL A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, March 2004.
- U.S. Office of Management and Budget – An agency that helps the U.S. president meet objectives through budget development and execution, management, regulatory policy, legislative clearance and coordination, and executive orders and presidential memoranda. *Final Guidance on Implementing the Plain Writing Act of 2010*, April 2011.

Reviewed other jurisdictions' reports on use-of-force data collection and reporting.

- New York City Police Department, *Use of Force Report*, 2018.
- Police Strategies, *Police Force Analysis System, Second Summary Report, San Jose Police Department: Use of Force Data from January 1, 2015 to June 30, 2018*, January 2019
- Police Strategies, *Police Force Analysis System, Spokane Police Department, Summary Report, Use of Force Data from 2013 to 2018*, August 2019.
- Portland (Oregon) Office of the Inspector General, *PPB [Portland Police Bureau] Force Analysis Summary Report, Q [Quarter] 4 2019*, February 2020.
- OIR Group, *Use of Force Audit of the San Diego County Sheriff's Department*, June 2007.

Analyzed responses to an officer mindset survey.

Distributed an online survey to 2,324 active sworn personnel to understand their opinion on the use-of-force policy, including the application of the policy in use-of-force data collection and reporting. Received 428 completed responses (an 18 percent response rate) and analyzed the results. See [Appendix C](#) for full results of the survey.

Interviewed police supervisors.

Interviewed 28 sergeants and lieutenants who supervise patrol officers from all ten district stations, as well as the Major Crimes and Narcotics units. CSA selected supervisors based on their watch assignment and the number of use-of-force evaluations they had completed. Interview questions focused on their law enforcement background, experiences in applying the department's use-of-force policy to evaluate uses of force, challenges encountered, and where improvements could be made. CSA submitted interview notes to each supervisor for their confirmation and correction and then analyzed those interview notes with the qualitative analysis software ATLAS.ti to identify and quantify themes across all 28 interviews. See [Appendix D](#) for full results of the interviews.

Interviewed leadership, support, and administrative employees.

Interviewed civilians and sworn employees in both the Police Department and the Department of Police Accountability who have a role in use-of-force data collection and reporting. Interviewees included Police Department employees in the following units:

- Professional Standards Unit
- Crime Analysis Unit
- Business Analysis Team
- Early Intervention System (EIS) Unit
- Risk Management Office
- Legal Division
- Training Division

Appendix B

Status of U.S. Department of Justice Recommendations Concerning Use-of-Force Data Collection and Reporting

Background



In February 2016 the San Francisco Police Department partnered with the U.S. Department of Justice's (DOJ) Office of Community Oriented Policing Services to conduct an independent assessment through the [Collaborative Reform Initiative for Technical Assistance](#). In October 2016 the DOJ published a public report, [An Assessment of the San Francisco Police Department](#) with 94 findings and 272 recommendations to improve policies and practices in the areas of use of force, bias, community policing, accountability, and recruitment, hiring and personnel practices.


In September 2017 the DOJ announced its withdrawal from the collaborative reform process, thereby ending its oversight of the Police Department's implementation of the recommendations. In February 2018 the California Department of Justice (Cal DOJ), City and County of San Francisco, and Police Department executed a memorandum of understanding calling for the Cal DOJ to provide technical assistance, independently evaluate, and report on the status of the implementation of the DOJ's recommendations. The parties selected a consultant, Hillard Heintze, to assist in this process. The parties developed a set of *compliance measures* for each recommendation to help measure the Police Department's incremental progress toward implementing the recommendations. The department must meet all of the compliance measures for the Cal DOJ to consider a recommendation substantially complete. To date, the Cal DOJ, via Hillard Heintze, has issued two progress reports—the [Phase I Initial Progress Report](#) and the [Phase II 18 Month Progress Report](#).



Relevance to the Audit



CSA identified 21 DOJ recommendations significantly related to the Police Department's use-of-force data collection and reporting, as listed in the table below, the status of those recommendations through the period covered by the second interim progress report, issued March 4, 2020, and their relationship to CSA's audit findings.



Recommendations and compliance measures are taken verbatim from the [San Francisco Police Department Collaborative Reform Initiative Phase II – 18 Month Progress Report](#)

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>3.1 - The Police Commission, SFPD [San Francisco Police Department] leadership, and elected officials should work quickly and proactively to ensure that the department is ready to issue these use of force policies and procedures to all department employees immediately following the collective bargaining meet-and-confer process. The process should not be drawn out, because the goal should be immediate implementation once it has been completed.</p>	<ul style="list-style-type: none"> ▪ Work quickly and proactively on issuance of use of force policies and procedures. ▪ Issue use of force policies and procedures to all department employees immediately after meet-and-confer process. ▪ Immediate implementation of use of force policies and procedures following issuance. 	<p> The Cal DOJ advised that the SFPD is in substantial compliance with this recommendation on February 15, 2019.</p> <p><i>The revised use-of-force policy was issued in December 2016. The data collection and reporting elements of the department's revised use-of-force policy are criteria for Findings 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, and 3.7. Officers under- or overreported force in 16 incidents because of gray areas in policy that could be clarified with supplemental guidance (See Subfinding 1.1.1.)</i></p>
<p>4.1 - The SFPD needs to create an electronic use of force reporting system so that data can be captured in real time.</p>	<ul style="list-style-type: none"> ▪ Create an electronic use of force reporting system that is informed by contemporary policing best practices. ▪ Capture use of force data in real time, as practical. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA found that the department's manual data entry process produces infrequent, but avoidable errors in fields important to public reporting and monitoring compliance with the use-of-force policy. (See Finding 1.5.)</i></p>



Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>4.2 - In developing an electronic reporting system, the SFPD must review current practice regarding reporting use of force, including reporting on level of resistance by the individual, level and escalation of control tactics used by the officer, and sequencing of the individual's resistance and control by the officer.</p>	<ul style="list-style-type: none"> ■ Review and align current practice regarding reporting use of force in light of contemporary policing best practices. ■ Review and align current practice on reporting level of resistance by the individual in light of contemporary policing best practices. ■ Review and align current practice on reporting escalation of control tactics used by the officer, including level of force, in light of contemporary policing best practices. ■ Review and align current practice on reporting level of force used in response to resistance, in light of contemporary policing best practices. ■ Review and align current practice of reporting the sequencing of the individual's resistance and control by the officer in light of contemporary policing best practices. ■ Use the review to develop an appropriate use of force reporting system concurrent with Rec #4.1, that is informed by contemporary policing best practices. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA found that the department does not analyze its data to identify trends in compliance with its use-of-force policy or facilitate force reduction efforts. (See Finding 2.1).</i></p>

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>4.3 - In the interim, the SFPD should implement the use of force report that is under development within the Early Intervention System Unit and require that it be completed for every use of force incident. The assessment team identified this report to be a good start to a robust reporting system for use of force incidents in the SFPD. The SFPD should eliminate the Use of Force Log (SFPD 128 (Rev. 03/16)).</p>	<ul style="list-style-type: none"> ■ Implement EIS unit use of force report. ■ Require completion of use of force form for every use of force incident. ■ Eliminate the Use of Force Log [SFPD 128 (Rev. 03/16)] ■ Periodic audits until automated reporting system is fully operational. ■ Eliminate use of EIS report with the introduction of the electronic form. 	<p> Partially complete. Substantial compliance requires SFPD to eliminate the Use of Force Log [SFPD 128 (Rev. 03/16)].</p> <p><i>CSA found that although its approach to collecting use-of-force data is effective, the department needs to improve guidance and processes to achieve better accuracy and completeness.</i></p> <p><i>CSA also found that the log still serves as an important record as process weaknesses resulted in the department not entering 3.1% of incidents recorded on logs into the use-of-force database. (See Subfinding 1.1.2.)</i></p>
<p>4.4 - To facilitate the implementation of recommendation 4.3, a training bulletin describing the form, its purpose, and how to accurately complete it should accompany the form introduction. The bulletin should be implemented within 90 days of the issuance of this report</p>	<ul style="list-style-type: none"> ■ Issue a training bulletin describing the use of force reporting form and its purpose ■ Instructions for accurate form completion included when form is issued. ■ Training bulletin issued within 90 days of 10/12/16. (January 12, 2017). 	<p> The Cal DOJ advised on June 10, 2019 that the SFPD is substantially compliant for this recommendation at present but requires SFPD to identify and follow up with the non-compliance [sic] personnel and take appropriate mitigating action for continued non-compliance in order to remain in substantial compliance.</p> <p><i>CSA found that the department issued multiple department bulletins reminding officers of the documentation requirements for use-of-force incidents. CSA also found that supervisory officers inconsistently complete certain fields on the evaluation form, making the data less meaningful. (See Finding 1.3.)</i></p>

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>4.5 - The SFPD should continue the manual entry of use of force data until the electronic use of force report is operational. To ensure consistency and accuracy in the data, this entry should be conducted in a single unit rather than in multiple units.</p>	<ul style="list-style-type: none"> ■ Continue manual entry of use of force data until electronic use of force report is operational. ■ Use of force data entered by a single unit. ■ Ensure consistency and accuracy in the data. 	<p> The Cal DOJ advised on February 15, 2019 that the SFPD is substantially compliant for this recommendation, assuming SFPD engagement in ongoing review and remedial action regarding deficiencies.</p> <p><i>CSA found that the department's manual data entry process produces infrequent, but avoidable errors in fields important to public reporting and monitoring policy compliance. (See Finding 1.5.)</i></p>
<p>4.6 - The SFPD should audit use of force data on a quarterly basis and hold supervisors accountable for ongoing deficiencies.</p>	<ul style="list-style-type: none"> ■ Audit use of force data on a quarterly basis. ■ Hold supervisors accountable for ongoing deficiencies with data accuracy and reporting of data ■ Evidence of remedial action if deficiencies are found. 	<p> The Cal DOJ advised that the SFPD is substantially compliant for this recommendation on September 12, 2019 and suggests that SFPD amend the missing/incomplete memo to include a space for the commanding officer to explain the type of remedial training undertaken by the commanding officer. With this addition to the memo, it will not only ensure consistency but will allow SFPD to better keep track of what type of remedial training is provided to a supervisor.</p> <p><i>CSA found that the department's process for detecting and correcting errors in the use-of-force data is ineffective. (See Finding 1.6)</i></p>

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>4.7 - The SFPD should assign the Training and Education Division to synthesize the issues emerging from the use of force reports and create announcements for roll call on emerging trends. The announcements can include scenarios from incidents that were troubling or complicated in some way and encourage officers to discuss with one another in advance how they would communicate and approach such situations.</p>	<ul style="list-style-type: none"> ▪ SFPD Training and Education Division report and analysis (synthesis) of the issues emerging from the quarterly use of force report ▪ Evidence of roll-call/line-up announcements on emerging use of force trends resulting from analysis ▪ Evidence that the announcements are educational and scenario-based in a way that encourages officer to engage in discussion regarding the use of force ▪ Continual review/improvement loop to advance knowledge and information 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA found that the department does not systematically identify areas in which it can improve its use-of-force training (See Finding 2.3.)</i></p>
<p>5.1 - The SFPD needs to develop and train to a consistent reporting policy for use of force.</p>	<ul style="list-style-type: none"> ▪ Develop a policy that provides consistent use of force reporting. ▪ Ensure training is consistent with the use of force reporting policy. ▪ Audit to ensure consistent reporting of use of force incidents. ▪ Evidence of remedial measures (training, discipline etc.) if deficiencies are found. 	<p> The Cal DOJ advised on April 23, 2019 that the SFPD is substantially compliant for this recommendation, assuming SFPD engagement in ongoing review and remedial action regarding deficiencies.</p> <p><i>CSA found that use-of-force policy gray areas exist and could be clarified with supplemental guidance (see Finding 1.1). Although the Training Division reviews use-of-force incidents, the department does not systematically identify areas in which it can improve its use-of-force training. (See Finding 2.3.)</i></p>

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>5.2 - The SFPD needs to hold supervisors and officers accountable for failure to properly document use of force incidents.</p>	<ul style="list-style-type: none"> ■ Process established for ensuring supervisors and officers properly document use of force incidents. ■ Accountability for not properly documenting use of force incidents. ■ Evidence of remedial action if deficiencies are found. 	<p> Partially complete. Substantial compliance requires evidence of remedial action if deficiencies are found.</p> <p><i>CSA found that a few report narratives are not detailed enough to indicate whether force was used or reported correctly. (See Finding 1.2.)</i></p> <p><i>Also, supervisory use-of-force evaluation forms are not reviewed timely as final approval by a Captain occurred an average of 36 days after the incident rather than by the end of watch, as policy requires. (See Exhibit 17.)</i></p>
<p>8.1 - The SFPD should immediately require supervisors to respond to events in which officers use force instruments or cause injury regardless of whether there is a complaint of injury by the individual. This will allow the department greater oversight of its use of force.</p>	<ul style="list-style-type: none"> ■ Immediately require supervisors to respond to events involving officers using instruments of force. ■ Immediately require supervisors to respond to incidents involving injury. ■ Evidence of continual audit/improvement loop. ■ Evidence of supportive and remedial actions if deficiencies are found. 	<p> The Cal DOJ advised on April 23, 2019 that the SFPD is substantially compliant for this recommendation, assuming SFPD engagement in ongoing review and remedial action regarding deficiencies.</p> <p><i>CSA found that the department does not analyze its data to identify trends in compliance with its use-of-force policy (See Finding 2.1.). The department collects data on whether supervisors respond to the scene but does not enter it into the database for analysis. CSA found that, supervisors did not report to the scene in 8 percent of incidents and report the reasons being primarily because of late notification by the officer or delayed complaint of pain by the subject. (See Appendix E, Supervisor Evaluation section.)</i></p>

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>8.2 - Supervisors should be held accountable for ensuring accurate and complete entry for all use of force data reporting.</p>	<ul style="list-style-type: none"> ■ Policy holding supervisors accountable for accurate and complete entry of use of force reporting data. ■ Evidence of ongoing audit/continual improvement loop. ■ Evidence of supportive and remedial actions if deficiencies are found. 	<p> The Cal DOJ advised on February 15, 2019 that the SFPD is substantially compliant for this recommendation, assuming SFPD engagement in ongoing review and remedial action regarding deficiencies.</p> <p><i>CSA found that supervisory officers inconsistently complete certain fields on the evaluation form, making the data less meaningful. (See Finding 1.3.) Also, the department could not produce an evaluation form for, and did not enter into the database 3.1 percent of incidents recorded on station logs. These incidents were appropriately considered reportable force as they were logged, but the entire reporting process from incident to data entry was not completed. (See Subfinding 1.1.2.)</i></p>
<p>8.3 - Supervisors should be required to document their actions regarding the investigation of the use of force incident within the incident report. As recommended in this section (recommendation 3.2), a stand-alone use of force report should be developed and, when completed, should contain a section for supervisory actions relative to the incident and signature.</p>	<ul style="list-style-type: none"> ■ Supervisors trained on use of force documentation. ■ Electronic report contains section to memorialize supervisory action and appropriate digital acknowledgement. ■ Ongoing audit/continual improvement loop. ■ Evidence of supportive and remedial actions if deficiencies are found. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA found that the department does not analyze its data to identify trends in compliance with its use-of-force policy (see Finding 2.1). Also, the department could not produce an evaluation form for 3.1 percent of incidents recorded on station logs. (See Subfinding 1.1.2.)</i></p>

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>18.2 - The SFPD should create an on-scene checklist for use of force incidents.</p>	<ul style="list-style-type: none"> ■ Develop on-scene checklist created for use of force incidents. ■ Require use of checklist through policy. ■ Provide training regarding use. ■ Audit/review to ensure use of form. ■ Evidence of supportive and remedial action if deficiencies are found. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA asked station supervisors about their procedures for responding to a use-of-force incident and they mentioned interviewing witnesses, taking a statement from the subject, and checking for available video. CSA found that this was consistent with the responsibilities stated in the use-of-force policy.</i></p>
<p>20.2 - The SFPD needs to audit arrest data and use of force data monthly to ensure proper recording of use of force incidents related to arrest incidents. An audit of these data should occur immediately upon publication of this report and monthly thereafter.</p>	<ul style="list-style-type: none"> ■ Audit concluded in 2016. ■ Establish policy requiring monthly audit of arrest and use of force data. ■ Audit the data at regular monthly intervals. ■ Evidence of supportive and remedial action if deficiencies are found. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA found that the department's process for detecting and correcting errors in the use-of-force data is ineffective. (See Finding 1.6.)</i></p>
<p>20.4 - The SFPD should identify a research partner to further refine its use of force data collection and to explore the data findings of this report to identify appropriate data for measurement and to determine causal factors.</p>	<ul style="list-style-type: none"> ■ Identify research partner to refine use of force data collection. ■ Identify appropriate data for measurement. ■ Ensure collection of data factors identified. ■ Engage in research to determine causal factors of use of force. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>Not tested by CSA. However, CSA identified various analyses, and the data required to perform them (See Appendix E).</i></p>

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>21.1 - The SFPD should continue to collect and analyze use of force data to identify patterns and trends over time consistent with recommendations in finding 20.</p>	<ul style="list-style-type: none"> ■ Work with research partner to develop a plan to establish the initial collection standards and then engaging in collection and analysis of use of force data. ■ Focus on identifying patterns. ■ Address issues identified. ■ Audit to ensure data collection compliance. ■ Evidence of supportive and remedial action if deficiencies are found. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA found that the department does not analyze its data to identify trends in compliance with its use-of-force policy, and that additional analysis would help the department identify indicators of potential bias in using force. (See Findings 2.1 and 2.2 and Appendix E.)</i></p>
<p>35.3 - SFPD leadership should make a concerted effort to focus on data collection and to create systems and analysis protocols that will inform supervisors where incidents of potential bias or disparate treatment occur or where patterns in officer behavior exist that warrant further examination or monitoring.</p>	<ul style="list-style-type: none"> ■ Evidence supporting leadership focus on data collection. ■ Creation of systems and analysis protocols that inform supervisors where potential bias or disparate treatment occur. ■ Systems and analysis protocols [exist] that identify officer behavior patterns that require review. ■ Establish audit/review/improvement loop. ■ Evidence [exists] of supportive and remedial actions if deficiencies are found. 	<p> Not Yet Submitted to Hillard Heintze.</p> <p><i>CSA found that the department does not analyze its data to identify trends in compliance with its use-of-force policy, and that additional analysis of use-of-force data would help the department identify indicators of potential bias in using force. (See Findings 2.1 and 2.2 and Appendix E.)</i></p>
<p>67.2 - Supervisors should be provided with quarterly reports that integrate individual actions, as is currently reported by the Early Intervention Systems Unit, with aggregated information that provides complaint and misconduct data trends for the watch, district, and city.</p>	<ul style="list-style-type: none"> ■ Provide reports to supervisors with both EIS and active complaint and misconduct information for subordinates. ■ Provide information to supervisors quarterly. ■ Discuss trends and actions at quarterly CompStat meetings, concurrent with Rec 67.1. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA found that the department publishes two quarterly reports, the EIS report and the 96A report, but they need improvement to help users accurately interpret their content and draw relevant conclusions. (See Chapter 3.)</i></p>

Recommendation	Compliance Measure(s)	Cal DOJ Status as of March 4, 2020 (with CSA Audit Findings)
<p>68.1 - As part of its technological capacity improvement strategy, the SFPD should develop a plan to advance its capacity to digest information it currently possesses in a consistent, easily accessible format such as a template containing key data points including officer performance indicators and crime indicators that could provide management with real-time information to inform their practice.</p>	<ul style="list-style-type: none"> ■ Engage supervisors to understand the data needs for operations. ■ Develop report templates with key data collection factors. ■ Train supervisors to the issues around data collection and importance of the good data to organizational performance. ■ Develop information sharing plan for supervisors so that the connection to data and operations is reinforced. ■ Continuous improvement loop. 	<p> Not yet submitted to Hillard Heintze.</p> <p><i>CSA found that the department does not analyze its data to identify trends in compliance with its use-of-force policy or facilitate force reduction efforts. Further, some data collected in use-of-force records is not entered in the database hindering potential analyses. (See Appendix E)</i></p>
<p>68.2 - Supervisors and officers who fail to properly collect and enter information must be held accountable through discipline. Absent proper collection of data, little to no analysis can occur.</p>	<ul style="list-style-type: none"> ■ Establish policy and procedure regarding proper collection and entry of data – including non-compliance. ■ Establish and deliver training or training tools to support proper data collection and entry. ■ Establish a policy and procedure regarding supervisory review of data collected and reported. ■ Review/audit process established to review information collected at the officer and supervisor levels. ■ Evidence of supportive and remedial action if deficiencies are found. ■ Ongoing audit and/or review loop to address trends and other issue. 	<p> In progress</p> <p><i>CSA found that general and unit orders and department bulletins establish policy for proper data collection, including supervisory review and recording data in the use-of-force database. However, the Police Department needs to improve guidance and processes to achieve better accuracy and completeness. (See Findings 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6).</i></p> <p><i>CSA found that the department does not analyze its data to identify trends in compliance with its use-of-force policy, which requires supervisory reviews. (See Finding 2.1.).</i></p>

Appendix C

Officer Mindset Survey Results

In January 2019 CSA distributed an online survey to all 2,324⁴⁹ of the Police Department's sworn personnel to understand their views and experiences with the department's use-of-force policy (DGO 5.01). CSA received 428 completed responses (an 18 percent response rate).

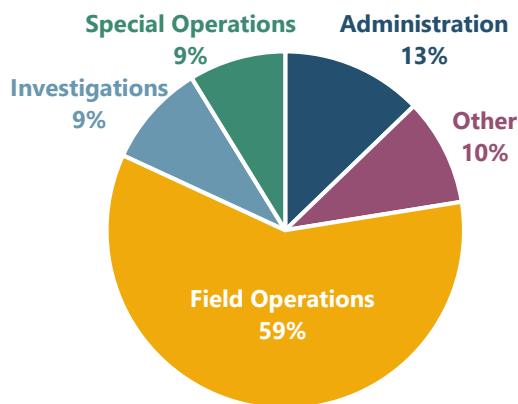
CSA modeled its survey questions on those in national surveys of law enforcement agencies, one funded by the National Institute of Justice⁵⁰ and one distributed by the Pew Research Center.⁵¹

CSA allowed survey respondents to skip questions. *No response* answers are omitted from the visuals and the total number of respondents (n) shown for each question below.

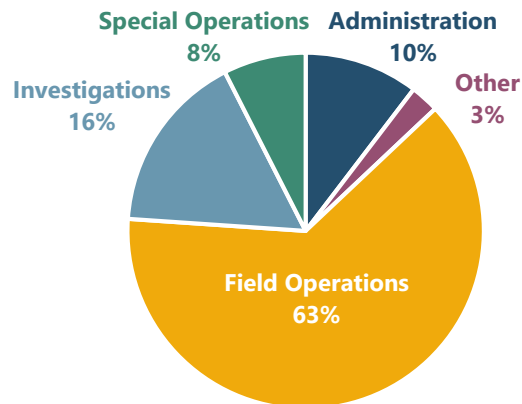
Survey Respondents

The distribution of bureau assignments of survey respondents is similar to the bureau assignments of the department's entire 2,324 sworn members.⁴⁹

Bureau Assignments of All 2,324 Employees



Survey Respondents by Bureau (n=347)



Note: *Other* includes Airport Bureau, Chief of Staff, and Chief's Office, and Strategic Operations Bureau. 81 survey respondents did not respond with their bureau assignment.

⁴⁹ Bureau assignments based on information provided by the Police Department's Staffing and Deployment Unit.

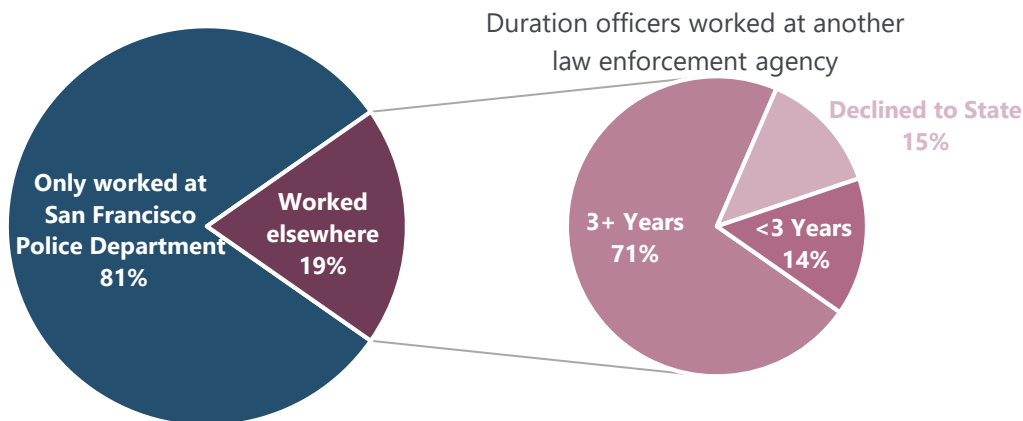
⁵⁰ National Institute of Justice, *Final Technical Report Draft: Assessing Police Use of Force Policy and Outcomes*, 2012. The institute's mission is to improve the knowledge and understanding of crime and justice through science.

⁵¹ Pew Research Center, *Behind the Badge: Amid protests and calls for reform, how police view their jobs, key issues and recent fatal encounters between blacks and police*, 2017. The center is a nonpartisan research group with a mission to generate a foundation of facts that enriches public dialogue and supports sound decision-making.

⁵¹ Where possible, results from the Pew National Survey are from the May-August 2016 national survey of law enforcement officers. Otherwise, results are a compilation of results from 2013, 2014, and 2015 Pew surveys. Charts are marked to indicate as this.

Most respondents have **all their law enforcement experience with the department** (n=379).

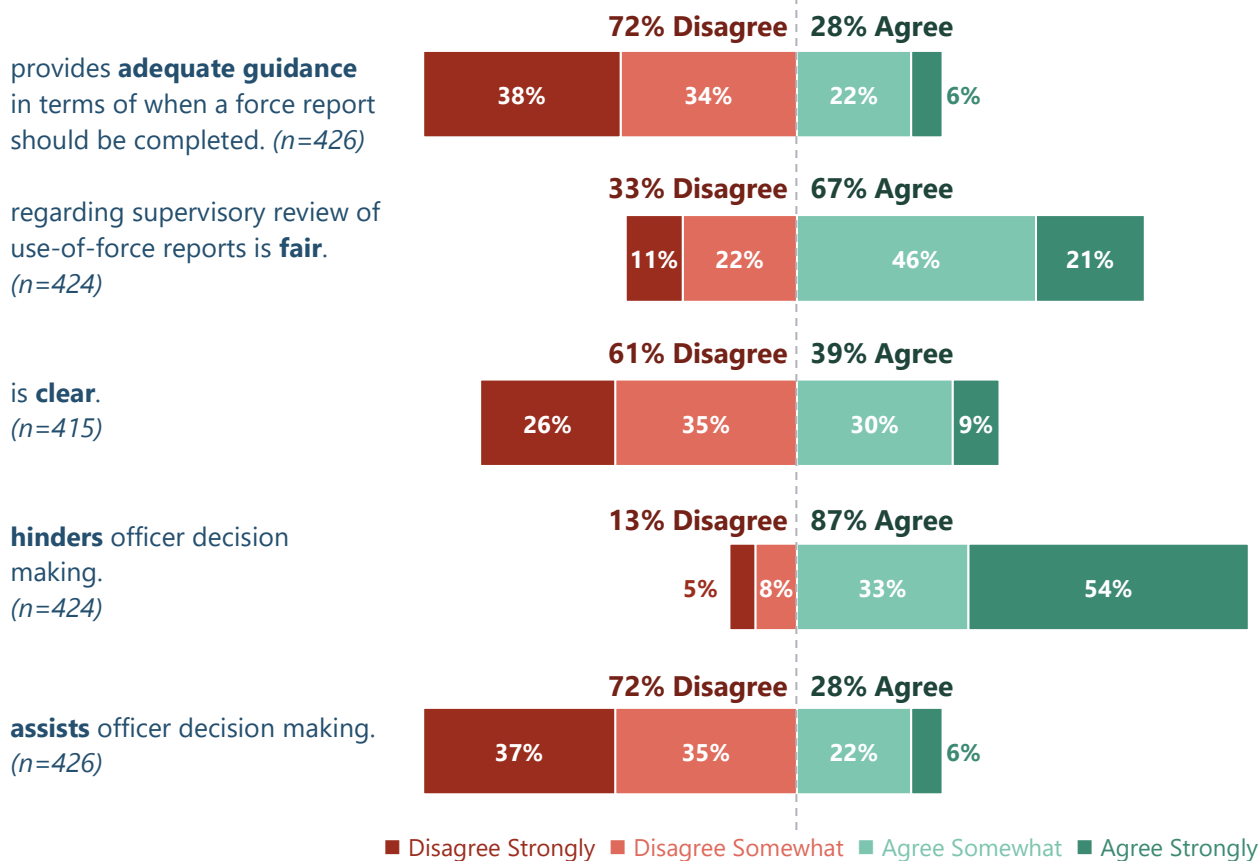
Of the 19 percent with prior experience, most have more than three years of experience in another agency (n=73).



Policy Clarity, Perception, and Fairness

Respondents were asked how much they agree or disagree with a set of statements regarding the department's use-of-force policy.

The Police Department's use-of-force policy:

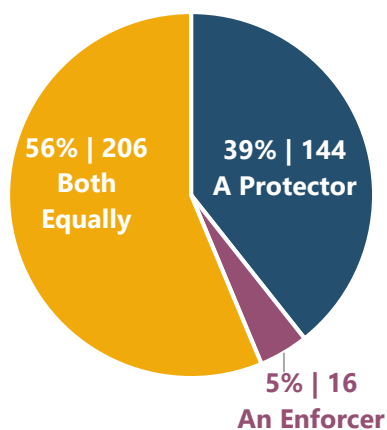


Role in Community

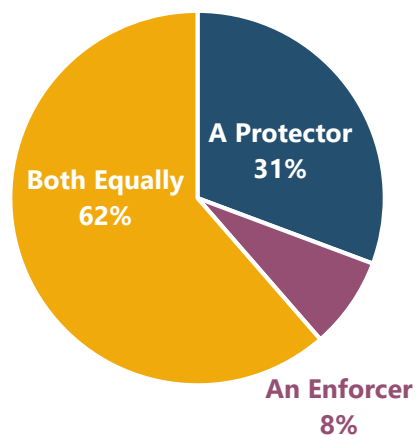
The Pew Research Center survey includes Questions 6 through 15. The percentages in the Pew survey do not always add up to 100 percent due to rounding. The results are based on the 2016 survey of law enforcement officers or the combined results of the 2013, 2014, and 2015 surveys of officers when the 2016 results were not available. The department's responses are displayed next to the Pew survey for comparison.

Even if you think both are important parts of your work, do you see yourself MORE as “a protector,” “an enforcer,” or both equally?

San Francisco Police Department (n=366)



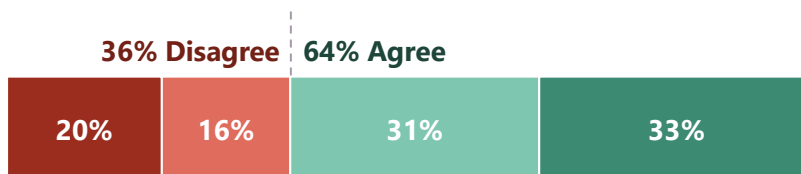
Pew National Survey



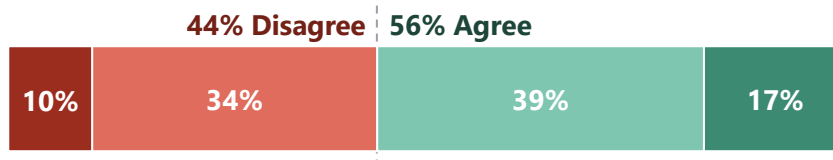
Most respondents think of themselves as both a protector and an enforcer equally. A third of the remaining respondents think of themselves as protectors rather than enforcers. These results are similar to those of the Pew National Survey.

In certain areas of the city it is more useful for an officer to be aggressive than to be courteous.

San Francisco Police Department (n=384)



Pew National Survey*

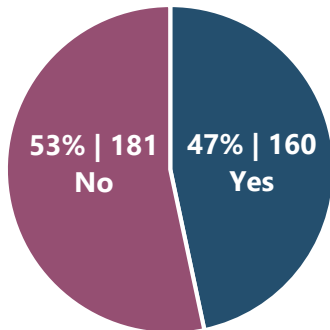


■ Disagree Strongly ■ Disagree Somewhat ■ Agree Somewhat ■ Agree Strongly

* The Pew National Survey used the Likert scale categories of *Disagree* and *Agree*, which differs from CSA's use of *Disagree Somewhat* and *Agree Somewhat*.

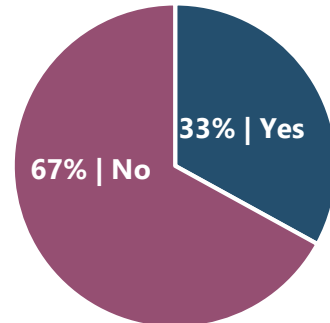
In the PAST MONTH while you were on duty, have you physically struggled or fought with a suspect who was resisting?

San Francisco Police Department (n=341)



Most San Francisco respondents state they **have not** physically struggled or fought with a suspect who was resisting in the past month, but more responded they had than in the national survey.

Pew National Survey



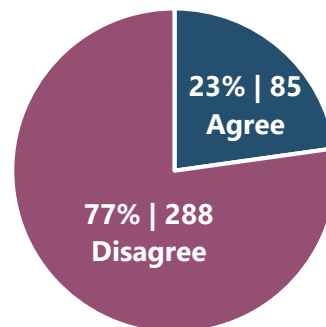
Data Collection and Reporting

The *Not on My Watch* pledge is an essential part of the mutual trust necessary to use-of-force data collection and reporting process.

The pledge, started by the San Francisco Police Department in 2015, requires officers to affirm their commitment to equality and diversity.

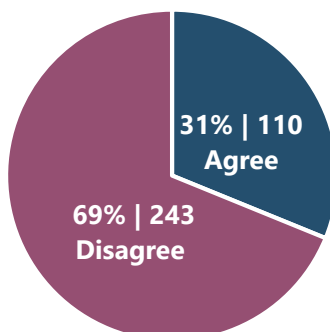
More than three-quarters of the respondents **disagree** that the pledge is an essential part of the mutual trust necessary to the use-of-force data collection and reporting process.

San Francisco Police Department (n=373)



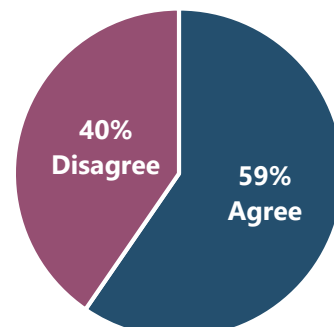
For minor mistakes related to reporting force, the department helps officers with coaching and counseling rather than punishment.

San Francisco Police Department (n=353)



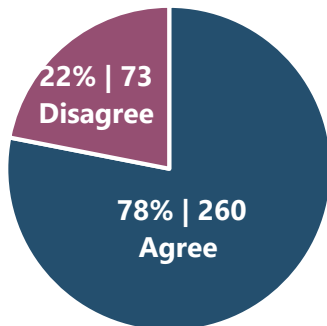
More than two-thirds of respondents **disagree** that the department helps officers with coaching and counseling rather than punishment when they make minor mistakes in reporting force in contrast with the national survey.

Pew National Survey



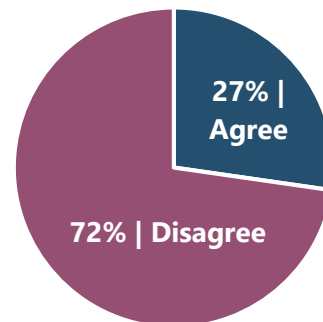
Officers who consistently do a poor job related to reporting force are held accountable.

San Francisco Police Department (n=333)



More than three-quarters of respondents **agree** that officers who consistently do a poor job of reporting force are held accountable. This result contrasts with the national survey, where **nearly three-quarters** of respondents **disagree**.

Pew National Survey

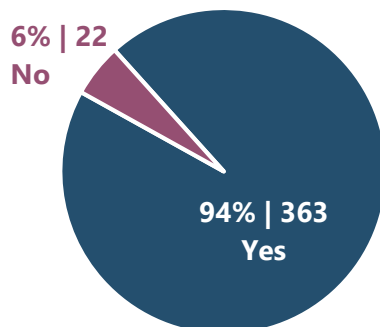


Climate Considering High-Profile Cases Involving African-American People

Respondents are asked to consider the following list of scenarios that have happened in some police departments as a result of high-profile incidents involving African Americans and the police.

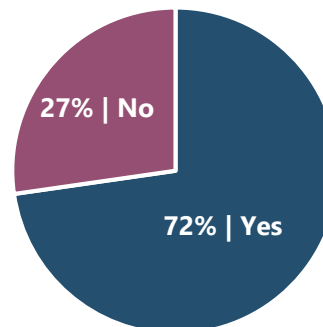
Officers have become less willing to stop and question people who seem suspicious.

San Francisco Police Department (n=385)



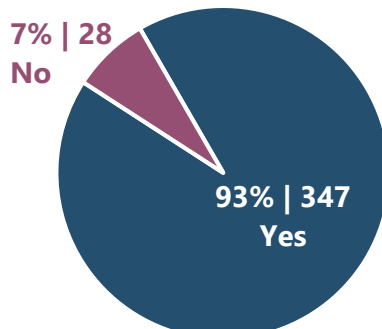
Almost all respondents **agree** that officers have become less willing to stop and question people who seem suspicious. This result is similar to that of the national survey, but the response in San Francisco is almost unanimous.

Pew National Survey



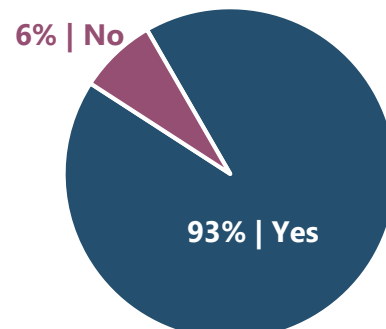
Officers have become more concerned about their safety.

San Francisco Police Department (n=375)

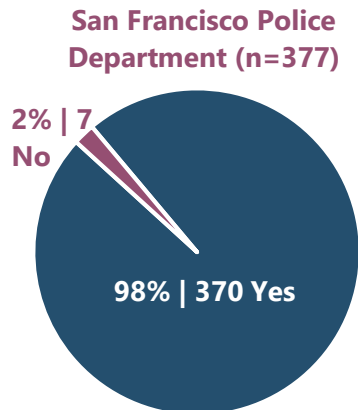


Almost all respondents **affirm** that they have become more concerned about their safety, mirroring national survey responses.

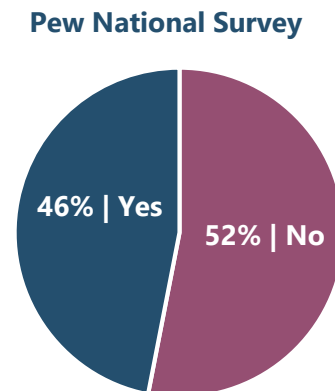
Pew National Survey



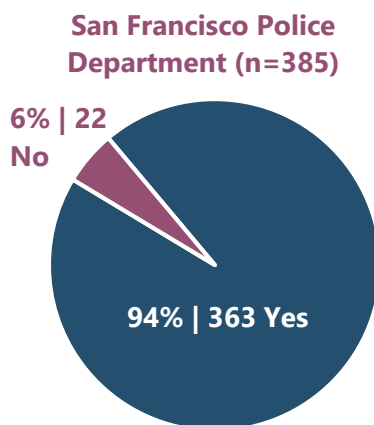
The department has modified its policies or procedures about the use of force.



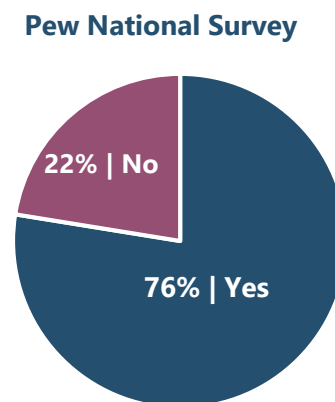
Almost all of the respondents **affirm** that the department has modified its use-of-force policies or procedures. This result is in stark contrast to the national survey: 98 percent agree in the department versus 46 percent in the national survey.



Officers have been more reluctant to use force when it is appropriate.



Almost all respondents **agree** that officers have become more reluctant to use force when it is appropriate. This result is similar to that of the national survey but to a lesser degree: 94 percent agree in the department versus 76 percent in the national survey.



Policy Change Proposals

The survey's final question is open-ended, asking respondents to offer policy change proposals. To analyze the responses, CSA used ATLAS.ti software to categorize the responses into themes. The top ten themes are shown below.

What (if any) part of the department's use-of force policy do you think should be changed?

- Restore the carotid restraint as an authorized force option.
- Change the policy so that pointing a firearm is not subject to incident reporting.
- Change the policy to allow officers to discharge their firearms at moving vehicles.
- The policy obligates too stringent a reporting standard.
- Allow the use of conductive energy devices (for example, Tasers).
- Indicated an overall negative view of the use-of-force policy (for example policy imposes administrative burdens).
- No comment or no policy change proposals.
- Policy puts officer's safety at risk.
- Change the policy so that there are more force options available.
- Use-of-force policy language is unclear.

Appendix D

District Station Supervisor Interviews

In October and November 2018, as part of its audit, CSA conducted semi-structured interviews⁵² with 28 San Francisco Police Department supervising officers about their thoughts and experiences with the department's use-of-force policies and practices. CSA chose supervisors from each district station and two of the specialty units and from among all shifts to interview. After the interviews, those interviewed had the opportunity to review and correct or clarify the statements CSA noted during their interviews.

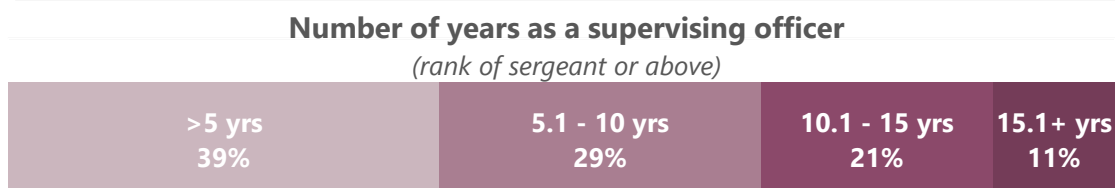
Interview Questions and Responses

CSA asked the same set of questions in every interview, but CSA's follow-up questions and additional information some supervisors mentioned varied among interviews. Most of the questions were open-ended and addressed the supervisors' opinions, not yes-or-no questions or questions with one "right" answer. CSA used a software application, ATLAS.ti, to identify themes in the interview notes. The number of times a theme arose reflects only that one or more supervisors mentioned it either in response to one of CSA's questions or otherwise during the interview. *It does not mean that other supervisors would not have provided the same information if they had been asked about it directly.*

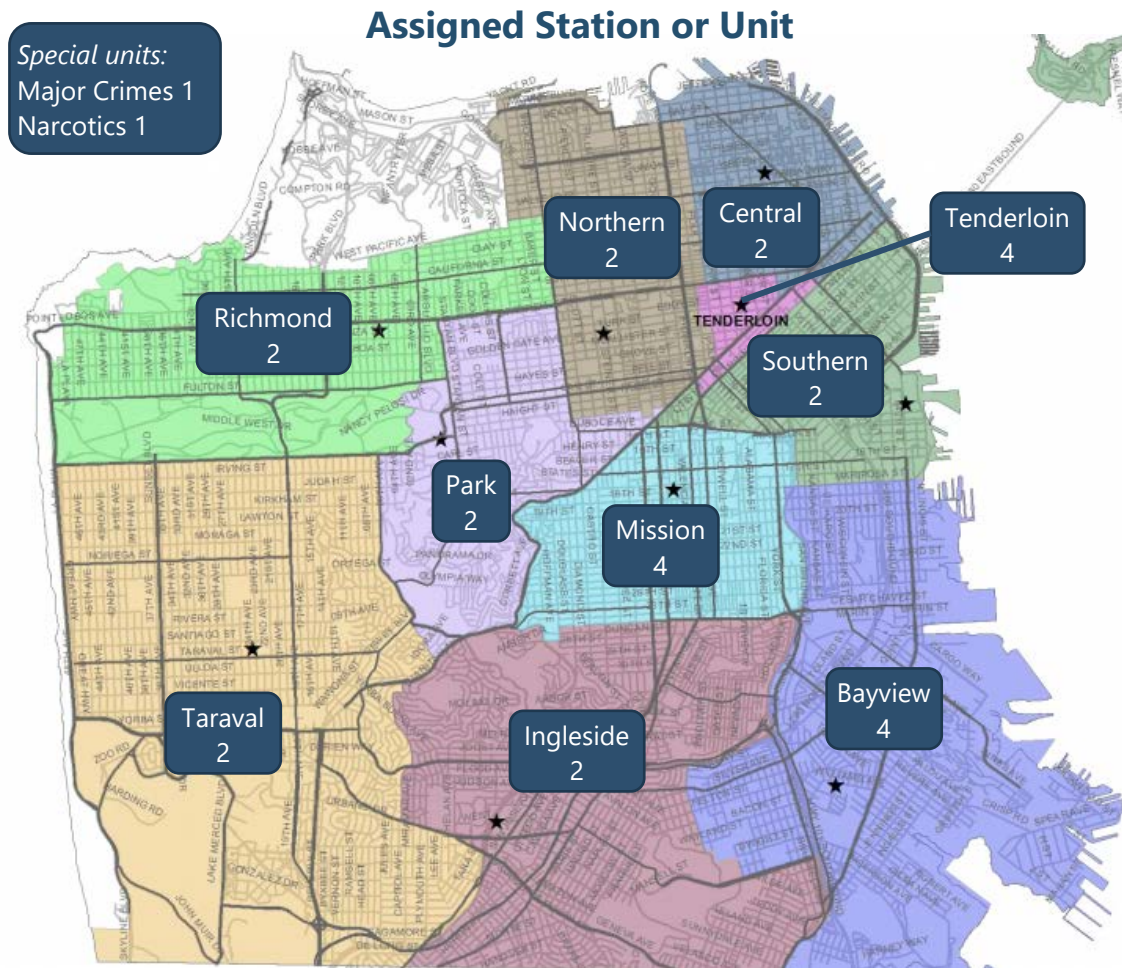
This appendix is organized into the following sections:

- Demographics of supervisors interviewed
- Supervisors' on-scene procedures when responding to a use-of-force incident
- Supervisors' actions when evaluating a use of force
- Use-of-force training
- Supervising officer interview themes

Demographics of Supervisors Interviewed



⁵² Semi-structured interviews include an outline of topics or issues to be covered, but the interviewer is free to vary the wording and order of the questions.



Supervisors' Use-of-Force On-Scene Procedures

CSA asked the station supervisors a series of questions about their procedures for responding to a use-of-force incident. The department's policy requires supervisors to first assess the safety of the scene and then ensure anyone who needs medical attention receives it. In discussing the process for evaluating a use of force, supervisors specifically discussed the following:

27
mentioned
interviewing
witnesses

24
mentioned
taking a
statement
from the
subject

23
mentioned
checking for
available
video
footage

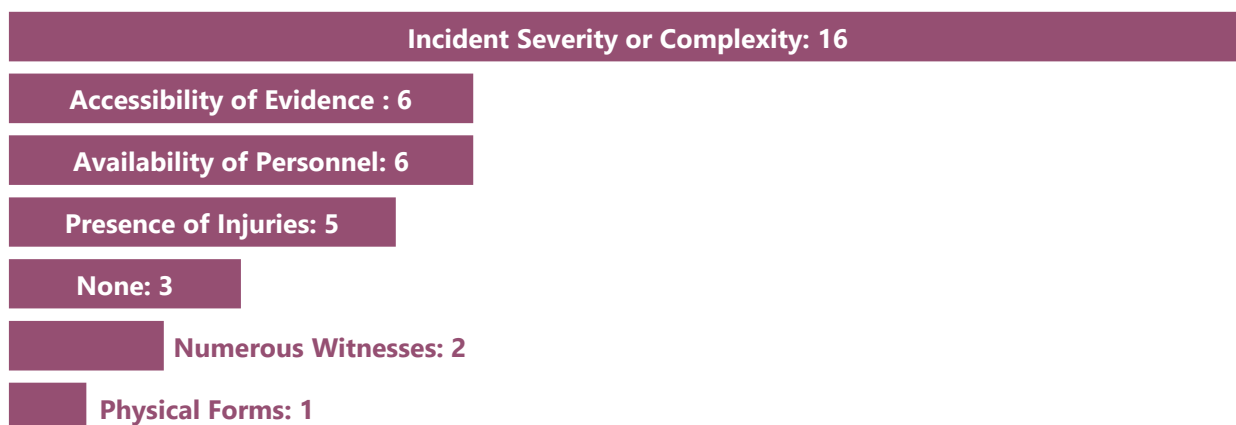
Evaluation of Use of Force

CSA asked the supervisors a series of questions about how they evaluate use of force. When asked what guides their process for determining whether or not force was within policy, the majority mentioned DGO 5.01, while some also mentioned:

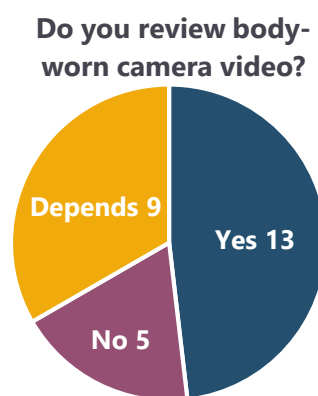
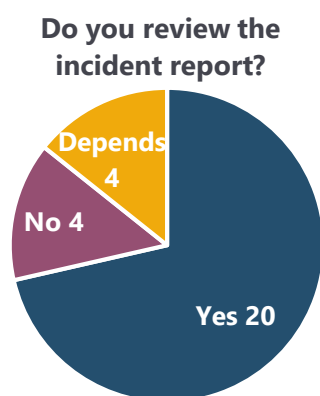
- Experience and expertise
- Department bulletins
- Witnesses and other evidence
- U.S. Supreme Court case, *Graham v. Connor*⁵³

Factors That Can Increase the Time Required to Evaluate the Use of Force

When asked if they ever have a backlog of use-of-force reviews, the vast majority (93 percent) of supervisors said no. However, supervisors did say that some evaluations take longer than others because of:



CSA's interviews occurred in October and November of 2018. During that period, the department issued bulletin 18-171, which requires supervisors completing the evaluation to review the use-of-force incident report and any available bodycam video. Because the policy went into effect during the period in which CSA conducted the interviews, some supervisors' responses may not reflect their procedures after the policy change.



⁵³ 490 U.S. 386 (1989).

Examples of supervisors' responses⁵⁴ related to reviewing:

Incident report

Compiling the incident report can take a long time, and my shift may end before the report's completion.

Body-worn camera video

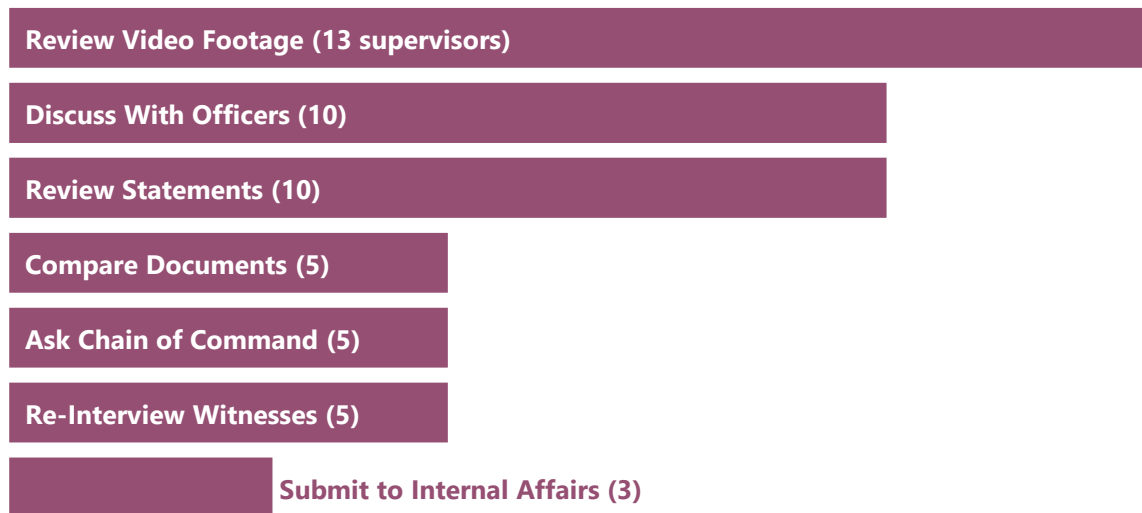
I have not been instructed on when to review video or for what purpose.

The footage is not usually uploaded yet or tagged with the incident or CAD number.

I do not typically review unless there are doubts about statements.

Note: One supervisor oversees plainclothes officers who do not wear cameras, so the total here is 27.

Procedures mentioned for resolving conflicting information:



Procedures mentioned for reporting knowledge of unreported force:

The most common theme among the answers was **notifying their supervisor**, which was present in **17** responses. Below is a list of other procedures supervisors mentioned in their responses, along with the number of occurrences:

- Discuss with officers involved (**9 supervisors**)
- Investigate the incident materials (**8**)
- Write a memo/report (**6**)
- Report to Internal Affairs (**3**)
- Consult department orders (**2**)
- Report to the Department of Police Accountability (**1**)

⁵⁴ Supervisors' comments have been paraphrased for brevity and clarity.

Use-of-Force Training

Without any prompting, supervisors consistently raised the topic of training. At some point during the interviews, **57%** of supervising officers requested more use-of-force training.

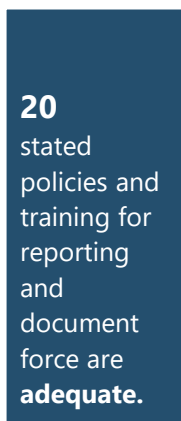
Examples of supervisors indicating a need for more training

It would be nice to have training on the lower levels of use of force (for example, physical control) to better avoid using the highest uses of force. If a supervisor notices a discrepancy in an officer's skills, they can recommend training for the officer.

There's not enough training. The report writing requirements are constantly changing and evolving. Some additional classroom training would be helpful to ensure more complete documents are crafted. Advanced Officer Training should include a component on use-of-force report writing to help officers write better reports.

Do you think training and policy provide adequate guidance for officers to:

Report and document use of force?

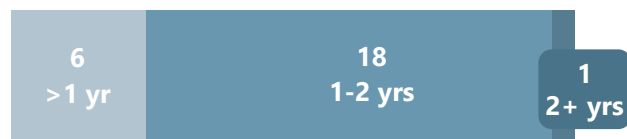


Complete your review of force?



How long ago was your last training on:

Using force?



Note: 3 supervisors could not recall when their last training was.

Evaluating uses of force?



Note: 5 supervisors could not recall when their last training was.

Supervising Officer Interview Themes

The following statistics represent unprompted views expressed by supervisory officers that arose in separate interviews. CSA transcribed and noted supervisors' responses during the interview, and the interviewees later confirmed the accuracy of their interview responses.

CSA grouped interview data according to auditor-determined categories after using software to analyze responses to open-ended questions.

The Department's Use-of-Force Policy	
12 said the use-of-force policy contains vague or confusing language.	<i>There can be an improvement in the wording of policy as terms such as "kinetic energy" cause differences in sergeants' interpretations.</i>
	<i>DGO 5.01 is poorly worded as to what constitutes a use of force.</i>
7 said the use-of-force policy makes officers overly hesitant to use force.	<i>Officers are more hesitant to use force and are putting themselves more at risk because they do not want reportable uses of force or to be on the EIS.</i>
	<i>Officers are more scared of [department] administration than street dangers and would put their life in jeopardy to avoid a potential EIS alert.</i>
4 said the use-of-force policy and training cause officers to overreport force.	<i>Officers' training appears to encourage over-reporting of uses of force.</i>
	<i>Officers generally over-report and opt to err on the side of caution, such as reporting that a subject was taken to the ground.</i>
6 said the use-of-force policy produces too much paperwork for supervisors.	<i>Officers and supervisors are overwhelmed with paperwork. People may be more diligent in completing forms properly if they're better informed on where their work ends up and who can see or review the form and if it's part of their personnel records.</i>
Suggested Improvements to the Department's Use-Of-Force Procedures	
5 stated a need for a point of contact on use of force questions in the department.	<i>There's no contact person if supervisors or officers are unsure of whether there is a reportable use of force.</i>
	<i>Why isn't there a process where I can recommend that an officer go to the Academy to discuss an incident with an expert?</i>
Supervisors' Views on the Early Intervention System	
14 expressed a negative opinion of the EIS.	<i>If officers are doing their job and are proactive, it's impossible to not be on EIS unless they're hiding behind their desks.</i>
	<i>There needs to be an alternative to EIS intervention because it's always seen as punitive and there's a stigma associated with it.</i>
3 expressed a positive opinion of the EIS.	<i>The EIS is a valuable source of information to add to the sergeant's awareness of what's going on with their officers.</i>
Pointing of a Firearm as a Reportable Use of Force	
6 expressed difficulty with pointing of a firearm being a reportable use of force.	<i>Ever since pointing firearms has been considered a use of force, officers are more hesitant to do it because they [know they will] have to go through the UOF procedures when they really should point their firearms for officer and public safety.</i>
	<i>Officers need additional training on what constitutes a reportable pointing of firearms because it is difficult for an officer to gauge the line between low ready and pointing.</i>

Appendix E

Examples of How Use-of-Force Data Could Be Analyzed

The Police Department misses opportunities to improve its operations based on insights from in-depth analysis of its use-of-force data (see Findings 2.1 and 2.2). Data analysis would enable the Police Department to systematically:


- Evaluate how consistently officers comply with policies and procedures for using and documenting force across the department.
- Understand what factors contribute to officers not taking preferred actions that policy requires “if feasible,” such as verbally warning subjects, activating body-worn cameras, or avoiding force applied to vital areas of the body.
- Improve transparency by communicating departmentwide compliance with use-of-force policy to the Police Commission and the public.
- Understand what factors and circumstances contribute to officers’ decisions to use force and their choice of force options.
- Identify areas where policy or training changes may improve the department’s adherence to its goal for unbiased and fair policing with minimal reliance on force.

The tables below outline some analyses that would support the department in achieving these goals.

- ***Policy*** - This column highlights an aspect of department policy related to using force, including the specific department general order (DGO) or department bulletin (DB) that establishes the policy:
 - ♦ DGO 5.01 – Use of Force (12/21/16)
 - ♦ DGO 10.11 – Body Worn Cameras (6/1/16)
 - ♦ DB 17-006 – Supervisory Use of Force Evaluation Form (1/9/17)
 - ♦ DB 18-171 – Updated Supervisory Use of Force Evaluation Form (10/3/18)
- ***Data*** – This column indicates what data fields would be needed for the indicated analysis. Data may be:
 - ♦ **In database** – Data is collected on the supervisory use-of-force-evaluation form and entered into the use-of-force database.
 - ♦ **Not in database** – Data either appears as a data field on the evaluation form, appears as a specific field on the incident report, or is required by policy to be in the incident report. However, this data is not entered into the use-of-force database.
 - ♦ **Not systematically collected** – Data is not on the evaluation form and not explicitly required in the incident report. However, this information may appear in incident report narratives.
- ***Analysis*** – This column describes a potential analysis that the Police Department could conduct and whether the analysis would aid in monitoring **compliance** or aid in **policy or training considerations**. This column includes some statistics, which are for the *San Francisco Police Department* (based on CSA analysis) unless otherwise noted.

These analyses are examples; the list is not intended to be comprehensive.

Policy	Data	Analysis
<p>Prohibited Uses of Force (DGO 5.01)</p> <ul style="list-style-type: none"> ◆ Carotid restraints and choke holds are prohibited. ◆ Impact weapons should only be used on non-vital areas of the subject’s body and should not be used against handcuffed subjects who do not pose a threat. ◆ An extended-range weapon should only be used against an armed subject or an aggressive unarmed subject posing an immediate threat. It should not be fired at a subject’s waist or above, but if it is, the officer must explain why in the incident report narrative. ◆ Firing a firearm at a moving vehicle is prohibited unless a vehicle occupant poses an immediate threat to someone by means other than the vehicle. <p><i>Limits to force options help protect subjects from serious bodily injury and death.</i></p>	<p>In database</p> <ul style="list-style-type: none"> ▪ Type of force <p>Not in database</p> <ul style="list-style-type: none"> ▪ Officer’s activity when force was used, such as handcuffing, pursuit, etc.^a <p>Not systematically collected</p> <ul style="list-style-type: none"> ▪ Location on subject’s body to which force was applied 	<p>Compliance</p> <ul style="list-style-type: none"> ▪ Rate at which officers use prohibited force ▪ Rate at which officers use force on handcuffed subjects ▪ Rate at which officers use impact weapons on prohibited areas of a subject’s body <p><i>CSA did not identify any instances of prohibited force.</i></p>
<p>Verbal Warnings (DGO 5.01)</p> <ul style="list-style-type: none"> ◆ Officers must verbally warn subjects, if feasible,^b before using a chemical agent, an impact weapon, an extended-range impact weapon, or deadly force. ◆ Officers must inform subjects why they are pointing a firearm at the subject, if feasible.^b <p><i>Verbal warnings provide subjects the opportunity to comply and avoid force. Whether an officer provided a warning is also a factor in evaluating whether force was reasonable.</i></p>	<p>In database</p> <ul style="list-style-type: none"> ▪ Type of force ▪ Warning provided to subject^c ▪ Subject injury ▪ Officer injury <p>Not in database</p> <ul style="list-style-type: none"> ▪ Why warning was not given 	<p>Compliance</p> <ul style="list-style-type: none"> ▪ Rate at which officers provide required verbal warnings <p>Policy or Training Decisions</p> <ul style="list-style-type: none"> ▪ What factors contribute to officers not providing verbal warnings? ▪ How does giving or not giving verbal warnings impact outcomes across similar encounters (such as level of force used, injuries, etc.)?
<p>Supervisor Evaluation</p> <ul style="list-style-type: none"> ◆ Officers must notify a supervisor when a reportable use of force occurs. (DGO 5.01) ◆ To evaluate the use of force, supervisor must report to the scene 	<p>Not in database</p> <ul style="list-style-type: none"> ▪ Whether supervisor responded to scene ▪ Date supervisor completed evaluation 	<p>Compliance</p> <ul style="list-style-type: none"> ▪ Rate at which supervisors respond to the scene <p><i>Supervisors responded to the scene in 92% of incidents.</i></p>

Policy	Data	Analysis
<p>and interview witnesses (including officers). (DGO 5.01)</p> <ul style="list-style-type: none"> ◆ Supervisors must complete the Supervisory Use-of-Force Evaluation Form (evaluation form) and the Use of Force Log before the end of their watch. (DGO 5.01) ◆ Supervisors must review body-worn camera and surveillance video, if available, for all incidents resulting in serious bodily injury. (DB 18-171) ◆ Commanding officers must submit the completed evaluation forms to Risk Management, Training Division, and Field Operations Bureau deputy chief by end of watch. (DGO 5.01) <p><i>Evaluations that are provided regularly give supervisors the opportunity to immediately guide officers to improve performance, and ensure that the incident is properly reported.</i></p>	<ul style="list-style-type: none"> ▪ Date superior officers completed review of evaluation form ▪ Whether supervisors reviewed body-worn camera video^d ▪ Whether other video exists^d ▪ Whether supervisors reviewed other video^d 	<ul style="list-style-type: none"> ▪ Rate at which supervisors and superior officers complete evaluations by the end of watch  <p>Days After Incident for Commanding Officer to Sign Evaluation</p> <p><i>14% of evaluations had one instead of two reviewers</i></p> <ul style="list-style-type: none"> ▪ Reconciliation of incident reports listed on logs with evaluation forms submitted to Risk Management and entries in the use-of-force database <p><i>3% of incidents listed on log pages were not in the database. (See Finding 1.4)</i></p> <p><i>All evaluation forms the department provided were in the database</i></p> <p>Policy or Training Decisions</p> <ul style="list-style-type: none"> ▪ What contributes to supervisors not reporting to the scene of a reportable use of force? <p><i>Of the 8% of incidents where a supervisor did not report to the scene, the most common reasons were:</i></p> <ul style="list-style-type: none"> ◆ 41% Officers were late to notify ◆ 23% Subject did not complain of pain or injury until after incident ◆ 9% Supervisor was occupied at another scene

Policy	Data	Analysis
<p>Assessing Reasonableness</p> <ul style="list-style-type: none"> ◆ Supervising officers must judge whether the officer’s use of force was within department policy. ◆ Factors to consider in evaluating force include, but are not limited to: <ul style="list-style-type: none"> • Severity of alleged crime • Immediate threat to others’ safety posed by subject • Level of subject’s resistance • Availability of less severe force options • Subject perceived as mentally ill, disabled, emotionally disturbed, or under the influence of alcohol or drugs • Subject’s specialized skills or abilities 	<p>In database</p> <ul style="list-style-type: none"> ▪ Type of force ▪ Most serious charge made against subject ▪ Whether subject demonstrated passive, active, assaultive, or life-threatening resistance and sequencing of changing resistance levels^{c,e} ▪ Whether subject was armed ▪ Whether officer was informed before encounter that subject was armed^c ▪ Whether subject appeared to be under influence of drugs or alcohol ▪ Number of officers using force ▪ Sequence of force used when incident involves multiple force types^c <p>Not systematically collected</p> <ul style="list-style-type: none"> ▪ Subject appears to have mental illness, cognitive impairment, emotional disturbance, or developmental disability^e 	<p>Compliance</p> <p>Whether force option choices reflect force that is proportional to the threat posed by the subject</p> <p>Spokane Police Department scored the “Force Factor” of each incident to assess proportionality.</p> <p>Policy or Training Decisions</p> <p>Can analysis of patterns of escalation of force and resistance be used to improve training?</p>
<p>Body-worn Camera Activation (DGO 10.11)</p> <ul style="list-style-type: none"> ◆ Activate cameras when entering an encounter where force may occur, including traffic stops, serving warrants, and conducting searches. ◆ Deactivate cameras in specific circumstances, such as when encountering sexual assault or child abuse victims or in restricted locations such as a hospital. <p><i>Camera use improves public trust, transparency, and accountability.</i></p>	<p>In database</p> <ul style="list-style-type: none"> ▪ Body-worn camera video available^f <p>Not in database</p> <ul style="list-style-type: none"> ▪ Reason for not activating camera 	<p>Compliance</p> <ul style="list-style-type: none"> ▪ Rate at which officers activate cameras ▪ Whether officers’ deactivating cameras was consistent with policy <p><i>30% of incidents indicate that no body-worn camera video is available.^f</i></p>
<p>Minimal Force (DGO 5.01)</p> <ul style="list-style-type: none"> ◆ Officers must, when feasible,^b use de-escalation techniques before using force. ◆ Officers trained for the Crisis Intervention Team (CIT) must, when feasible,^b respond to incidents 	<p>In database</p> <ul style="list-style-type: none"> ▪ Call Type ▪ Type of force ▪ Subject injury ▪ Officer injury ▪ Whether subject was armed 	<p>Compliance</p> <ul style="list-style-type: none"> ▪ Rate at which officers use de-escalation techniques ▪ Percentage of incidents with call types that indicate subjects maybe in crisis in which CIT-

Policy	Data	Analysis
<p>involving individuals with a mental or behavioral health crisis.</p> <ul style="list-style-type: none"> ◆ Officers should consider the subject’s relative size and capabilities in choosing physical control force options. ◆ Severity of force used should generally correspond to the severity of the subject’s alleged offense and level of resistance. <p><i>Many factors influence an officer’s choice to use force and what type of force to use.</i></p> <p><i>Analyzing these decisions may allow the department to identify policy changes or new approaches to training to reduce the frequency or severity of force used.</i></p>	<ul style="list-style-type: none"> ▪ Whether subject appeared to be under influence of drugs or alcohol ▪ Whether subject demonstrated passive, active, assaultive, or life-threatening resistance^{c,e} ▪ Sequence of force used when incident involves multiple force types^c ▪ Medical assessment or treatment of subject <p>Not in database</p> <ul style="list-style-type: none"> ▪ Subject’s actions requiring officer to use force ▪ Subject’s height and weight ▪ De-escalation tactics used <p>Not systematically collected</p> <ul style="list-style-type: none"> ▪ Subject appears to have mental illness, cognitive impairment, emotional disturbance, or developmental disability^e ▪ Whether officer received CIT training or was accompanied by social work professional ▪ Whether officer was ambushed^e 	<p>trained officers reported to scene</p> <ul style="list-style-type: none"> ▪ Degree to which uses of force match indicators for justified use of force <p><i>Spokane Police Department scored the “Force Justification” of each incident to assess the extent to which its uses of force align with factors identified by the U.S. Supreme Court as indicators of the need to use force.</i></p> <p>Policy or Training Decisions</p> <ul style="list-style-type: none"> ▪ What types of force result in fewer and less severe injuries to subject and officer when there is a large difference in body mass between the two? ▪ How effectively do officers identify mental or behavioral crisis? ▪ How effectively do officers identify appropriate de-escalation tactics in response to subjects’ actions and apparent substance use or cognitive impairment?
<p>Bias-Free Policing</p> <p>The Police Department requires that members carry out their duties, including the use of force, in a manner that is fair and unbiased, and cautions that the use-of-force against vulnerable populations – including children, elderly persons, pregnant women, people with physical and mental disabilities, and people with limited English proficiency – can undermine public trust and should be used as a last resort, when all other reasonable means have been exhausted.</p>	<p>In database</p> <ul style="list-style-type: none"> ▪ Type of force ▪ Subject race ▪ Subject age ▪ Subject gender identity^g ▪ Subject primary language ▪ Subject housing status <p>Not systematically collected</p> <ul style="list-style-type: none"> ▪ Sequence of force combined with sequence of subject resistance ▪ Subject appears to have mental illness, cognitive impairment, emotional disturbance, or developmental disability^e 	<p>Policy or Training Decisions</p> <ul style="list-style-type: none"> ▪ What can be learned—and, more importantly, improved—by comparing the demographic breakdown of subjects of force to total arrestees? <p><i>Black subjects made up 40% of arrests in fourth quarter of 2017; blacks were 44% of subjects at which officers pointed a gun and 42% of subjects for all other types of force.</i></p> <ul style="list-style-type: none"> ▪ Do disparities among different levels of force used correlate to subjects’ demographic characteristics? <p><i>The Center for Policing Equity found blacks arrested by 12 agencies were more likely than</i></p>

Policy	Data	Analysis
		<p><i>whites to experience less lethal/Taser, chemical agent, and physical control force. The center assigned a weighted score to measure disparity in overall severity of force and found the force used against black arrestees was 32% more severe than the force used against white arrestees.</i></p> <ul style="list-style-type: none"> ▪ Can the timing of the force used indicate whether officers are more likely to use force before being attacked by a subject of a particular demographic group? <p><i><u>The National Bureau of Economic Research (A)</u> found that officers are not significantly more likely to fire their firearm at black subjects who are compliant, even though blacks are 21 percent more likely to endure force in a police interaction.</i></p> <ul style="list-style-type: none"> ▪ What role does an officer's race play in their use of force? <p><i><u>The National Bureau of Economic Research (B)</u> found white officers were 48% more likely than the mean, and 65% more likely than black officers, to use force and officers are 53-60% more likely to use force against a subject of a different race.</i></p> <p><i>Further, the study found that white officers were more likely to use force than Hispanic officers, but only when in Hispanic neighborhoods.</i></p>
<p>Medical Care of Subjects (DGO 5.01)</p> <ul style="list-style-type: none"> ♦ Officers must administer first aid and obtain a medical assessment for any person exposed to a chemical agent or subject to deadly force. ♦ Officer must ensure any person with injuries or complaint of pain or 	<p>In database</p> <ul style="list-style-type: none"> ▪ Type of force ▪ Subject injury ▪ Medical assessment of subject ▪ Medical treatment of subject 	<p>Compliance</p> <ul style="list-style-type: none"> ▪ Percentage of subjects who experienced chemical agent or deadly force receiving medical care ▪ Percentage of subjects who experienced impact weapon,

Policy	Data	Analysis
<p>subject to use of an impact weapon or extended-range impact weapon receives a medical assessment.</p>		<p>extended range impact weapon, or is injured or complains of pain receiving medical assessment</p>
<p>Self-Identification of Plainclothes Officers</p> <ul style="list-style-type: none"> ◆ Officers in plainclothes must identify themselves to subjects as law enforcement. <p><i>This allows subjects the opportunity to recognize officers' authority and comply before force becomes necessary.</i></p>	<p>In database</p> <ul style="list-style-type: none"> ▪ Type of force ▪ Whether subject demonstrated passive, active, assaultive, or life-threatening resistance^{c,e} ▪ Subject injury ▪ Officer injury <p>Not in database</p> <ul style="list-style-type: none"> ▪ How the officer identified themselves as law enforcement 	<p>Compliance</p> <ul style="list-style-type: none"> ▪ Rate at which plainclothes officers identify themselves as law enforcement to subjects <p>Policy or Training Decisions</p> <ul style="list-style-type: none"> ▪ Do different methods of officers identifying themselves as law enforcement coincide with: <ul style="list-style-type: none"> • Less subject resistance? • Less severe use of force? • Fewer injuries?

Notes:

- ^a DGO 5.01 requires collection and analysis of this information. DB 17-095 states that it is appropriate for an officer to describe what they saw another officer doing related to a use of force, in an incident report narrative, but there is no data field on the evaluation form to collect this information.
- ^b When a policy indicates an action should be done "if feasible," the officer should perform the action as long as it does not increase risk to the officer or another person. (DGO 5.01)
- ^c This data was not collected or was not entered in the database during the audit period of 2017. However, this data is required in the revised supervisory use-of-force evaluation form implemented October 2018. The evaluation form is the source document for data entered into the use-of-force database. During 2017 fields related to signatures of reviewers were not entered into the database, but all other fields were. CSA assumes in this appendix that the data fields added to the signatures section of the form are not included in the database, but other added fields are.
- ^d In March 2017 the department added a checkbox to allow supervising officers to indicate whether they reviewed the incident report when reviewing and approving the supervisory use-of-force evaluation form. In October 2018 a checkbox for camera video was added for the same purpose.
- ^e Since 2019 the FBI has required these data points for data submitted to it for the National Use-of-Force Data Collection efforts.
- ^f Although it is entered into the use-of-force database, the data is inconsistent, as discussed in [Finding 1.3](#).
- ^g During 2017 the department collected data on subjects' gender, but this field was limited to selecting *male* or *female*. In February 2018 the department issued DB 18-032, which expands gender categories to include *male*, *female*, and *nonbinary* and clarified that gender refers to the subject's gender identity, not the sex they were assigned at birth. The instructions provided with the revised evaluation form in October 2018 clarify that officers should indicate *nonbinary* if that is the subject's identity, and *unknown* if the subject's gender identity is not known, such as when a subject flees and is not detained.

RESOURCES

These publications include examples of use-of-force data analysis:

- Center for Policing Equity, *The Science of Justice: Race, Arrests, and Police Use of Force*, July 2016.
- National Bureau of Economic Research (A), *An Empirical Analysis of Racial Differences in Police Use of Force*, January 2018.
- National Bureau of Economic Research (B), *Does Race Matter for Police Use of Force? Evidence From 911 Calls*, January 2020.
- Police Strategies, *Police Force Analysis System Spokane Police Department Summary Report: Use of Force Data from 2013 to 2018*, August 2019.

Appendix F

Department Response



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

September 25, 2020

Director Mark de la Rosa
Office of the Controller, Audits
1 Dr. Carlton Goodlett Place, Room 3161
San Francisco, CA 94103

Director Paul Henderson
Department of Police Accountability
3161 South Van Ness, 8th Floor
San Francisco, CA 94102

Dear Director de la Rosa and Director Henderson,

Thank you for the opportunity to review the Office of the Controller and Department of Police Accountability data collection and reporting audit relative to the uses of force by sworn members of the Department.

When a use of force occurs, various divisions within the San Francisco Police Department (the Department) have responsibilities from reviewing the incident for compliance with policies to collecting points of data for reporting purposes. Review of this audit and any corresponding input was provided by members within these divisions who are experts in their respective responsibilities. As a result, the Department reviewed thirty-seven recommendations and concurs with thirty and partially concurs with seven recommendations.

The Office of the Controller and Department of Police Accountability audit predates many of the significant changes related to use of force since the information was collected in 2017, a year in which the Department officially entered the Department of Justice's Collaborative Reform Initiative and implemented historical police reforms. One of the most significant policy changes was the Department General Order 5.01, Use of Force. On December 21, 2016, the Police Commission adopted DGO 5.01 and required officers to begin collecting data using the expanded Supervisory Use of Force Evaluation form.

The Department's use of force policy, DGO 5.01 states that our policy builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 US 386, yet it is more restrictive than the constitutional standard and state law. The policy included extensive changes in use of force areas, such as constraints on the application of use of force, limitations in force options, and expansion in reporting requirements. The emphasis of the policy was to safeguard human life and dignity, highlight de-escalation and proportionality, require mandatory medical assessment, and elevate the importance of fair and unbiased policing as well as the duty to intervene. It also prohibited the use of the carotid restraint, the shooting at moving vehicles, and established the pointing of a firearm as a reportable use of force.

The Department has clear directives to its members on matters relating to the use of force. As DGO 5.01 is the overall policy governing the use of force, all associated Department Bulletins, Notices, operating manuals, unit orders, and training curricula rely on the tenets of this policy. While it may seem to some

that “gray areas” may exist, to a sworn officer who has had hundreds of hours of training in this subject, the definitions and applications of use of force, as well as when reporting is required, is clear.

Beginning in January 2017, the use of force reporting process was expanded, and data was collected and entered into the Administrative Investigation Management system (AIM) as a means to interface with Crime Data Warehouse (CDW). This allowed for a more efficient data retrieval process for reporting requirements including the quarterly Chapter 96A reports. But more importantly, it allowed for the collection of multiple data points including – type of force used, under what circumstance, identifying characteristics of the involved individual, and the extent of injury. To meet this obligation, the Department’s Legal Division established internal procedures for data entry and information submitted following a use of force (Unit Order 17-001, Use of Force Data Entry for EIS Unit).

In January 2018, an internal procedure was established (Unit Order 18-01, Monthly Audit Procedure) to perform a monthly audit and ensure accurate inputting of all use of force forms entered into AIM. An additional internal procedure was established in December 2018 (Unit Order 18-02, Missing Data Procedures) to address the concern related to collecting missing data from the Supervisory Use of Force Evaluation form from the district stations. The policy changes and data inputting expectations allowed the Department to retrieve all applicable information to meet various reporting requirements including Admin Code Chapter 96A-a local mandate of SFPD quarterly reports regarding arrests and use of force incidents.

The Department’s use of force policy changes and new data requirements supported the implementation of a robust collection process. Yet, the only limitation is the ability to thoroughly analyze data thru a modern platform. The majority of the analysis is done with data software limited to collection.

Nonetheless, this does not prevent SFPD from identifying trends and addressing areas of concern that need further review, such as additional training and policy updates. Since the time the Department began collecting and reporting use-of-force incidents in compliance with SF Chapter 96A in 2016, use of force practices are routinely assessed and practices are amended. In fact, use of force has declined by 49 percent with the pointing of a firearm reduced by 60 percent and there has not been a fatal officer involved shooting since December 1, 2017. The Department is in constant review of use of force data and is in the process of creating a use of force dashboard to facilitate analysis and transparency. By early October 2020, an interactive use of force dashboard on the SFPD website will be available to the public.

The Department believes one of the top priorities for any law enforcement agency is use of force and protecting the sanctity of life. Use of force practices are critical to the establishment and success of policing and include re-enforcing policies and procedures, training of officers, and the collection and analysis. SFPD consistently reviews any use of force changes related to state and federal laws, court rulings, and established national best practices. As state and federal laws related to use of force change, SFPD continues to proactively implement changes to its use of force policies.

In fact, the Department works closely with the California Commission on Peace Officers Standards and Training (POST) to stay current on any state mandated training changes. POST provides yearly evaluations and changes to rules and regulations that agencies must follow, from training to the establishment of policies and procedures in order to meet the standards set by POST in accordance with

law. SFPD is audited by POST on a regular basis to ensure compliance with standard policies and procedures, updates on legislation and new directives.

After the tragic death of George Floyd, the Department took a further step to analyze and create policy enhancements, especially those specifically related to the use of force, and developed Department Bulletin 20-110, Use of Force Policy. The Department worked along with the Police Commission and the Department of Police Accountability to quickly implement changes to DGO 5.01, Use of Force, not only in response to the recent events occurring in the country, but as a means to ensure consistency with recent legislative changes including California Penal Code §835(a). On July 1, 2020, the Police Commission approved the updated policy for adoption, and as with all policies that affect working conditions, sent Department Bulletin 20-110 to undergo the meet-and-confer process.

Critical areas addressed in the revision of the DGO 5.01 policy started with a title change, Use of Force Policy and Proper Control of a Person, which places an emphasis on the individual upon whom force is being used upon. To provide clear guidance to officers, several definitions were added as follows:

- **Reasonable Force:** Consistent with California Penal Code § 835a(a)(4), “Force that would be objectively reasonable from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgements about using force.”
- **Reportable Force:** Now requires officers to report all uses of force involving physical controls regardless of injury or complaint of pain.
- **Pointing of a Firearm:** Now includes pointing a firearm at or in the direction of a person, including when a firearm is in the low-ready position, as a reportable use of force
- **Deadly Force:** Consistent with Penal Code § 835a(e)(1) as any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
- **Imminent Threat of Death or Serious Bodily Injury:** Consistent with Penal Code § 835a(e)(2) imminent means immediate threat to cause death or serious bodily injury not a likelihood of harm.

The newly adopted policy and reporting revisions to DGO 5.01 expanded the types of force prohibited, such as any use of physical control to the head, neck, and throat unless under exigent circumstances. Exigent circumstance is well defined to include reevaluating the circumstance continually, discontinuing the force option as soon as possible, avoiding contact with or putting pressure on the trachea or airway, the immediate assessment of the person’s breathing, the immediate notification of a supervisor, and proper documentation in an incident report. Critical to our responsiveness to the public we serve, the Department policy also emphasizes “Safeguarding Dignity” and mandates members to avoid requiring a person to sit or lay prone on the ground.

The policy expanded use of force reporting requirements to include documenting any physical control regardless of injury or complaint of pain, pointing of a firearm at or in the direction of a person (even in the low-ready position), and requiring a supervisor to conduct an evaluation of all cases involving uses of force including reviewing all available evidence concerning the use of force incident (including body

worn camera footage). Use of force evaluation forms are required to be routed to the Training Division for review and assessment to identify training needs.

Another critical observation and concern not mentioned in the audit is the significant investments to support personnel and technology enhancement to meet several recommendations. The Department “partially concurred” in seven of the thirty-seven recommendations due to the limited financial allocations. While the Department is a national leader in most reporting mandates and efforts of transparency, the routine and staffing capacity necessary to reach the next level of reporting and analysis requires significant increases in the Department’s budget allocation. Prior to COVID-19 pandemic and financial restraints facing San Francisco, the SFPD requested support for professional-level civilian analyst and technology positions to begin working on significant technology system enhancements.

The Department’s progress in use of force have generated national attention and continue to respond to the national outcry on police and community relations. For example, according to Campaign Zero’s there are eight major policies to focus on reducing police violence—de-escalation, ban of chokeholds/strangleholds, duty to intervene, warning before shooting, prohibit shooting at moving vehicles, requires comprehensive reporting, exhausting alternatives before shooting, and has a use of force continuum. The SFPD has met all eight major recommendations and continue to work diligently to improve performance in use of force.

Furthermore, despite the Department’s concurrence agreements on all the Office of the Controller’s and Department of Police Accountability audit, the outdated scope of time does not provide an accurate assessment of the Department’s progress in the use of force policy and reporting requirements. SFPD has created many institutional changes in use of force data collection and reporting that is not accurately captured in the current report. In addition, the city’s financial constraints limit the Department’s ability to successfully adopt all recommendations.

Nonetheless, we remain committed to partnering with your respectable Departments and stay fulfilling to our obligation to improve use of force data collection and reporting.

I appreciate the time and effort of you and your staff in completing this audit and I look forward to further discussions at your earliest convenience.

Sincerely,


WILLIAM SCOTT
Chief of Police

/doa
Attachments

Recommendations and Responses

For each recommendation, the responsible agency should indicate in the column labeled Agency Response whether it concurs, does not concur, or partially concurs and provide a brief explanation. If it concurs with the recommendation, it should indicate the expected implementation date and implementation plan. If the responsible agency does not concur or partially concurs, it should provide an explanation and an alternate plan of action to address the identified issue.

Recommendation	Agency Response	CSA Use Only Status Determination*
The San Francisco Police Department should:		
1. Develop supplemental guidance to clarify when control holds qualify as reportable force, including examples from real incidents and how to consider unrelated pain or injury in use-of-force evaluations.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur In 2020, the San Francisco Police Department partnered with the Police Commission to review and revise the Department General Order (DGO), 5.01. DGO 5.01 was amended to provide significant revisions in the control holds of a person and new reporting guidelines for use of force cases.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
2. Develop supplemental guidance to clarify when others present during an incident should be reported as subjects of pointing a firearm, such as when two or more persons are near each other, including when a vehicle has multiple occupants.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur The Department General Order 5.01 provides restrictions of pointing of a firearm towards a moving vehicle. The revisions mentioned above provides further expectations related to pointing of a firearm and does obligate an officer to report any pointing of a firearm as a method to control for use of force cases and to analyze the use of a firearm.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
3. Incorporate supplemental guidance into academy training and in-service training.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur The Training Division will be participating in the supplemental guidance working group.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested

* Status Determination based on audit team’s review of the agency’s response and proposed corrective action.

Recommendation	Agency Response	CSA Use Only Status Determination*
4. Implement a control to review use-of-force logs and ensure the Risk Management Office has all corresponding supervisory use-of-force evaluation forms and enters each incident into the Administrative Investigation Management system.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur SFPD's Risk Management Office (RMO) and staff document all use of force cases. RMO instituted tracking mechanisms, such as logs, to ensure use of force evaluations are documented and audited regularly in the Administrative Investigation Management (AIM) system.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
5. Implement controls in the Administrative Investigation Management system to prevent duplicate entries.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur In 2018, SFPD's Risk Management Office (RMO) legal staff provide routine checks for existing incident report numbers. Data is reviewed once per month to screen for completeness and a check for duplicates. Duplicate entries are removed by matching incident report numbers.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
6. Revise unit guidance on entering use-of-force events into the Administrative Investigation Management system to clarify when related events should be entered as separate use-of-force records.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur SFPD's Risk Management Office (RMO) may provide unit guidance to account use of force incidents by counting incident report numbers, but the same number can be used for events occurring at different times and locations. SFPD agrees a policy can be developed regarding criteria for a separate use of force incident to provide clarity to officers. SFPD is working on a department unit order to provide additional guidance.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
7. Update its report-writing manual and policies to require that reports of incidents without reportable uses of force describe how resistant subjects were brought under control.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur With the changes made to DGO 5.01, all incidents that involve overcoming resistance will be reported as a use of force and documented in a police report which will require the description as outlined in the Department Bulletin 19-126.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested

* Status Determination based on audit team's review of the agency's response and proposed corrective action.

Recommendation	Agency Response	CSA Use Only Status Determination*
<p>8. Update forms and guidance to ensure it collects the data it intends to collect and minimizes the risk of misinterpretation.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The San Francisco Department and Police Commission approved a revision to the Department General Order (DGO) 5.01. Once the DGO 5.01 revisions are finalized, SFPD’s Risk Management Office (RMO) will update the Use of Force Evaluations forms to comply with the policy amendments.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>9. Consider revising how the Supervisory Use-of-Force Evaluation form indicates the reason for using force. The goal should be to collect data that enables the department to better analyze factors contributing to using force. This goal could be achieved by either:</p> <ul style="list-style-type: none"> a. Creating separate data fields to indicate whether the subject posed a danger to others or was perceived to be in the process of or imminently expected to commit a crime; b. Allowing supervisors to select multiple reasons and tracking all reasons in the use-of-force database; or c. Providing clear guidance on when each reason should be indicated and holding supervisors accountable for adhering to this guidance. 	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>As listed above, the San Francisco Police Department will be issuing clear guidance via the Department General Order (DGO) 5.01 revision process and the issuance of a department bulletin instructing officers of new changes to reporting for use of force.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

* Status Determination based on audit team’s review of the agency’s response and proposed corrective action.

Recommendation	Agency Response	CSA Use Only Status Determination*
<p>10. Revise its workflow and document management processes so that it can more quickly and easily confirm that all necessary records (the incident report, Use-of-Force Log entry, Supervisory Use-of-Force Evaluation form, and use-of-force database entry) exist for each use-of-force incident.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>As of 2018, the San Francisco Police Department’s Risk Management Office stores digitally the Use of Force logs and evaluations. The digital database provides officers easy access to forms and reporting.</p>	<p><input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>11. Implement procedures that enable its staff to quickly and efficiently identify all records related to a use-of-force incident. Such procedures include digitizing documentation processes so the resulting records are searchable and attaching (digitally associating) the Supervisory Use-of-Force Evaluation forms and Use-of-Force log pages to/with the use-of-force database entry for the incident.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>The San Francisco Police Department’s Information and Technology Division is currently exploring further digital accessibility functions. SFPD’s Risk Management Office is requesting the Supervisory Use of Force Evaluation form to be added to Crime Data Warehouse. However, feasibility and funding to provide effective digital and non-compromising input functionality is yet to be confirmed.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>12. Require stations and applicable units to document when there is no use of force in a given period and retain that documentation.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Currently, the San Francisco Police Department does not have a policy to document no uses of force. However, the stations do use the existing form to indicate no use of force incidents. The San Francisco Police Department will amend the existing to form to reflect the recommendation.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>13. To complete its own files, obtain missing documents from the Department of Police Accountability for which that department has copies due to prior record requests.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The San Francisco Police Department does obtain any missing documents from the Department of Police Accountability as needed.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

* Status Determination based on audit team’s review of the agency’s response and proposed corrective action.

Recommendation	Agency Response	CSA Use Only Status Determination*
<p>14. Not retain redundant or incomplete use-of-force documents.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Since the inception of the Risk Management Office (RMO), the process of digitizing use of force files created an efficient system that avoids redundancies and inspects for incompleteness. SFPD will be shifting to an electronic format.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>15. Establish an accuracy standard for use-of-force data and develop procedures for ensuring compliance with this standard in the existing manual data entry process.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The San Francisco Police Department strives to ensure accuracy in the standard for use of force data inputting and associated procedures. Training officers and internal Risk Management Office compliance checks are often instituted to ensure quality standards. When establishing standards, SFPD seeks to follow best practices, of which there is none for an error rate for data entry.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>16. Introduce a real-time, digital system for use-of-force data collection. In doing so, the department should follow best practices for implementing new policy and systems, including initial training, assessing whether the implementation was a success, and continuous monitoring and follow-up to ensure initial success is sustained.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>As mentioned above, the San Francisco Police Department’s Risk Management Office (RMO) is seeking methods to further digitize real-time information. Should SFPD be able to implement, due to funding and feasibility, a real-time use of force reporting mechanism, SFPD will incorporate all these requirements outlined in the recommendation.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>17. Expand data accuracy testing to include all fields in the use-of-force database.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>The testing of data accuracy may be completed internally with Risk Management Office personnel and for management purpose. However, to provide a credible and outside institutional rigorous study to test the accuracy will need to be supported by funding and staffing resources.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

* Status Determination based on audit team’s review of the agency’s response and proposed corrective action.

Recommendation	Agency Response	CSA Use Only Status Determination*
<p>18. Ensure the sampling process it uses to test use-of-force data accuracy yields results that enable it to make data-driven recommendations for policy, procedure, or training changes.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>SFPD needs to assess the feasibility of expanding and planning for reviews/audits with current resources. In the coming year, SFPD should be able to undertake a plan for this.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>19. As needed, change the way it ensures use-of-force data reliability to prevent, detect, and correct errors as the data collection and reporting processes evolve. This may include using more digital and automated processes.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>SFPD needs to assess the feasibility of expanding and planning for reviews/audits with current resources. In the coming year, SFPD should be able to undertake a plan for this.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>20. Develop and implement policy and procedures to ensure staff consistently identifies and completely redacts information exempt from disclosure under the California Public Records Act.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The San Francisco Police Department’s (SFPD) Risk Management Office (RMO) provides staffing and regular auditing to redact information exempt to the disclosure under the California Public Records Act. RMO uses digital redaction software and provides regular training as needed.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>21. Introduce technology that allows staff to digitally redact information, which will make redactions more consistent, reliable, and secure.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>RMO currently utilizes digital redaction software (i.e. e.g. Adobe).</p>	<p><input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>22. To enhance digital redaction and make the redaction process more consistent, consider obtaining and implementing technology that would automatically redact readily identifiable protected information in documents.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>For extractions of data that are the entirety of a field of data entry within a system, SFPD will eliminate that field from the release of data. For other consistent redaction within fields or of the contents of portions of fields within an incident, SFPD will investigate whether any systems can redact this type of information. SFPD recognizes that some legal interpretation is still necessary for redaction and will not be able to fully automate all redaction efforts.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

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Recommendation	Agency Response	CSA Use Only Status Determination*
<p>23. Develop a program, including a set of procedures, to monitor user access and data modification in the use-of-force database.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>As SFPD shifts to a fully electronic tracking system for uses of force, the Department will determine the feasibility for and extent of automation of controls for: 1) which individuals may access what and when, 2) approval routing, 3) all levels of supervisory review, and 4) an audit trail for changes to records, the system's data structure, and the programming included for information processing in the system. In the interim, SFPD will work towards developing the policy and procedures to address who may access the system when and for what purpose, who may make changes to records included in the existing system, how those changes are documented, logged, and approved, and how changes to the system are identified, approved, and made.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>24. Develop policies and procedures designed to ensure changes to the use-of-force database are documented, appropriate, and authorized.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The Administrative Investigative Management (AIM) system has a tracking feature to record who enters/authorizes a case; and person/date/time stamp feature to record any case or change notes.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>25. Establish a data analytics program for its use-of-force data that has clearly outlined objectives, identifies the data required to meet those objectives, ensures the department collects the data in a usable format, and produces analysis in a timely manner and in a format that is readily understandable by relevant stakeholders.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>SFPD agrees that an analytics program for use of force (and other types) of data is necessary. A full strategic plan, including a data gap analysis, surrounding this would be ideal and limited analytical resources currently inhibit the ability for SFPD to do this. SFPD will include this among the workplan for the Business Analysis Team, as workload and availability allows.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

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Recommendation	Agency Response	CSA Use Only Status Determination*
<p>26. Analyze use-of-force data to evaluate whether racial, ethnic, or other demographic disparities exist in when and how force is used and apply these findings to inform departmental practices, policies, and training, when appropriate.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Much of what the CRI Recommendations, and SFPD academic partnerships, seek to do, include this work. However, the academic literature suggests that to develop/change policies, training, and practices, the organization must know why the disparity is occurring. This is a much more nuanced and detailed, incident-level analysis, one that many academic institutions are unable to tackle with policing data. SFPD is working with the Center for Policing Equity to lead the way in both analyzing and establishing additional data points (in use of force or other data sets) as necessary to understand why disparities occur and begin to address it.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>27. Establish policies and procedures to formalize the Training Division’s continuous process for reviewing use-of-force incident reports, evaluations forms, and quantitative data to identify opportunities to improve training. These procedures should require systematic documentation of the review’s results.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The San Francisco Police Department agrees and will review best practices to incorporate in the review and improvement process. The Training Division along with any other end user of the data will need to design data collection changes to ensure the appropriate quantitative and qualitative data is captured.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>28. Include sufficient background information to enable a member of the public or the Police Commission to clearly understand the Early Intervention System report and the purpose of the Early Intervention System.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>In 2018, the Controller’s Interim Audit Report provided recommendations for the EIS Quarterly reporting. These recommendations encouraged regular reporting by the San Francisco Police Department at the regularly scheduled Police Commission meetings. The Risk Management Office (RMO) provides monthly updates and presentations.</p> <p>In 2019, the Risk Management Office (RMO) incorporated several of the interim audit recommendations into the EIS Fourth Quarter 2019 Report. The changes include a definition of frequently used terms and a step-by-step explanation of the EIS process.</p>	<p><input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

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Recommendation	Agency Response	CSA Use Only Status Determination*
29. Define all abbreviations and define terms specific to law enforcement to enable a member of the public to clearly understand the meaning of publicly issued information.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur SFPD will implement this recommendation in the upcoming Chapter 96A report (Quarter 3 2020 report).	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
30. Explain changes that affect the contents of the reports, such as changes in legislation, department policy, or how data is collected or categorized within a publicly issued report.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur In 2020, the San Francisco Police Department worked closely with the Police Commission to discuss policy changes to improve reporting and to continue reducing use of force cases. The partnership resulted in a revision to the Department General Order, 5.01 and the reportable uses of force.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
31. Solicit feedback from the Police Commission and accept feedback from other stakeholders to ensure its reports meet user needs.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur As mentioned above, the San Francisco Police Department continues to be committed to soliciting feedback by the Police Commission and stakeholders to improve policing practices and to continue building transparency and trust.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
32. Include an executive summary that highlights key points in the Early Intervention System Quarterly Report.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur The Risk Management Office (RMO) incorporated several of the December 8, 2019, Interim Audit report recommendations in its EIS 4th Quarter 2019 Report, including a report preface and page of salient data.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
33. Attach the executive summary for the Administrative Code 96A Report to the full report, even if it also offers the executive summary as an independent document.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur SFPD will implement this recommendation in the upcoming Chapter 96A report (Quarter 3 2020 report).	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested

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Recommendation	Agency Response	CSA Use Only Status Determination*
<p>34. Identify relevant relationships between data, such as frequency of using force and frequency of arrests, and convey them through visualizations to help report users understand the data’s meaning.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>In 2019, the San Francisco established a new EIS Quarterly Report. Chapter 96 mandated reporting provides additional data analysis regarding use of force and policing practices. The SFPD agrees that linkages between data can help identify and convey meanings beyond data tables. As the SFPD grows its analytical capacity, technological tools and consults with academic partners, the inclusion of additional relationships and their visualizations will increase. SFPD projects this will be an ever-improving area for the Department, with initial changes in the next 6 to 12 months.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>35. Explain trends demonstrated by data visualizations, such as significant changes over time or significant differences among districts.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>As mentioned above, the new established EIS quarterly report provides a data visual and presentation of significant changes related to use of force over time. SFPD agrees that additional visualizations may improve explanations of data. Staff currently is implementing data visualization technology that may assist with the data visualization portion of this recommendation. Currently, analysis is fairly manual and labor intensive. Planning for improvement to analysis, visualization, and what resources will be made available, as a result of that new technology, will be necessary.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>36. Publish the data underlying its Early Intervention System Quarterly Report and its Administrative Code 96A Report through the City’s open data portal.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>The San Francisco Police Department agrees that participation with the City’s open data portal increases transparency and data usability. SFPD will assess the feasibility of reporting use of force data and other data sets to the City’s open data portal, as part of a forthcoming data transparency program.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

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<p>37. Ensure it fully complies with the reporting requirements in Department General Order 5.01.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The San Francisco Police Department’s Administrative Bureau provides training to officers to comply with all reporting requirements. Upon approval of revisions to the Department General Order (DGO) 5.01 reportable Use of Force, the training division will ensure officers receive appropriate updates and a department bulletin will provide guidance.</p> <p>As an incident occurs, the department will continue to work with its appropriate chain of command to provide guidance, supervision and oversight. The incidents will also be mitigated by the Risk Management Office and further oversight for disciplinary and policy recommendations will be performed by the Chief’s Office.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

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