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**To:** [REDACTED]; [McGuire, Catherine \(POL\)](#); [Scott, William \(POL\)](#); [REDACTED];  
[Altorfer, Eric \(POL\)](#); [REDACTED]  
**Subject:** Recommendation 30.1  
**Date:** Tuesday, September 7, 2021 9:20:14 PM

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 30.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD finding reasons and solutions for stop data disparities. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

**Recommendation 30.1:** The SFPD should develop a plan to conduct further review and analysis of traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities. The plan should be developed within 180 days of the issuance of this report.

**Response to 30.1:** Under San Francisco Administrative Code Section 96A.3, SFPD must send written reports to the Police Commission (among others) on a quarterly basis that include use-of-force and stop data. The SFPD Business Analyst Team (BAT) analyzes the stop data and provides thorough quarterly reports known as “96A” reports. The 96A reports include data provided by the Department of Police Accountability (DPA) on the number, type, and disposition of complaints. The 96A reports also include enforcement data from SFPD’s Crime Data Warehouse, such as dispositions of stops, arrests, citations, and bookings. 96A reports include analysis of the data and other information in sections preceding the data sections. For example, the third quarter 2020 report contained “The Science of Bias and Its Impact on Policing” and listed potential research-based interventions, including policies removing officer discretion, increasing officer intergroup contacts, and diversifying the police force. The 96A reports are posted on the SFPD website: <https://www.sanfranciscopolice.org/your-sfpd/published-reports/arrests-use-force-and-stop-data-admin-code-96a>.

On March 1, 2018, SFPD entered into an agreement with the Center for Policing Equity (CPE) to analyze stop data, use of force, and complaints and provide recommended reforms. In August 2020, CPE issued a report analyzing SFPD’s data and issued seven recommendations as potential ways to reduce disparities it found in SFPD’s policing: (1) adopting a unified policy on data collection; (2) expanding on the definition of reportable force; (3) collecting more detained use-of-force information; (4) utilizing the COPS Stop Data Guidebook; (5) requiring supervisory review of stop records; (6) updating policy on drawing firearms; and (7) identifying situational risk factors for discrimination. The recommendations are under review by Chief Scott, and SFPD is continuing to send data to CPE for further analysis while a draft agreement continuing CPE’s work is being negotiated. The full report is available on the SFPD website: [https://www.sanfranciscopolice.org/sites/default/files/2021-03/SFPD\\_CPE\\_Report.20210304.pdf](https://www.sanfranciscopolice.org/sites/default/files/2021-03/SFPD_CPE_Report.20210304.pdf).

Additionally, on May 5, 2021, SFPD issued Department Notice 21-076, “Dashboard Review System (DRS).” DRS is a review system using various types of data to identify disparities in

policing among officers. While the goal is for DRS to compare demographics of an officer's data with other officers, the current rollout provides generalized information (comparing shifts and stations). As DRS develops, it can become a powerful tool in understanding and remedying disparities, and has the potential to become a national best practice.

Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation. Please let us know if you have any questions or would like to discuss these further.

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<b>Finding # 30</b>	<b>The weight of the evidence indicates that African-American drivers were disproportionately stopped compared to their representation in the driving population.</b>
<b>Recommendation # 30.1</b>	The SFPD should develop a plan to conduct further review and analysis of traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities. The plan should be developed within 180 days of the issuance of this report.

<b>Recommendation Status</b>	<b>Complete</b>	<b>Partially Complete</b>	<b>In Progress</b>
	<b>Not Started</b>	<b>No Assessment</b>	

**Summary**

The SFPD hired a research partner to review traffic stop data to identify disparities. The partner identified several reasons that may contribute to disparities in stop data including community characteristics, individual characteristics, individual behavior, and officer behavior. In the Q2 report to the Police Commission, the department identified officer training, policy changes to reduce discretion, prohibiting racial profiling, and increased diversification as possible solutions that would reduce disparities in traffic stops. The external research partner recommended several practices including requiring supervisors review stop records. In addition, Chief Scott will review proposed recommendations and determine which proposed solutions are feasible. Then the department will implement a plan to correct the problem, including the elements identified in compliance measure three.

The response to the recommendation is complete, however, the department must establish robust audit practices to ensure the proposed solutions are implemented as opposed to relying solely on the Police Commission's guidance. Additionally, the role of the Chief of Police should be described in policy or unit order.

Compliance Measures		Status/Measure Met
1	Evidence of a plan to review and analyze traffic stop data.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Review and analyses seek to identify reasons for disparities.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Review and analysis seek to identify solutions for stop disparities.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Plan developed by April 12, 2017.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**



## Collaborative Reform Completion Memorandum

**Finding # 30:** The weight of the evidence indicates that African-American drivers were disproportionately stopped compared to their representation in the driving population.

**Recommendation # 30.1** The SFPD should develop a plan to conduct further review and analysis of traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities. The plan should be developed within 180 days of the issuance of this report.

**Response Date: 1/7/2021**

### Executive Summary:

In 2016, the City and County of San Francisco passed local ordinance 96A, **Attachment #1: Chapter 96A: Law Enforcement Reporting Requirements**, which required the San Francisco Police Department to report data for all stops, searches, arrests, and use of force. Additionally, 96A, also required the department to report data related to complaints of bias. In June of 2016, the department issued its first 96A report, **attachment #2: Q1 2016 96A report**. The report is issued quarterly, as required by the ordinance, and includes an executive summary, which contains analysis of use of force data. Subsequent reports, beginning with the Q1 2017, included analysis of not only use of force data, but also stop data, **attachment #3: Q2 2020 96A Executive Summary**

The departments commitment to collect and analyze data went beyond legislative mandates and was identified at one of six strategic initiatives enumerated in **Attachment #4: SFPD Strategic Plan 1.0**, which states in goal number five:

5. Measure Performance: Focus on Outcomes — collect, store and analyze data to better serve our community and increase accountability and transparency.

The department has entered into research agreements to expand its analysis of stop data, most notably its partnership with the Center for Policing Equity (CPE), which produced **attachment #5: Center for Policing Equity Report** on its analysis of the departments stop, arrest, and use of force data. The purpose and scope of this report went beyond analysis and sought to identify reasons for stop disparities and attempts to identify solutions to reduce stop disparities.

Based on legislative mandates, the department developed a plan to review and analyze data, beginning with the 96A mandates in 2016. The department has continued to incorporate the collection, reporting, and analysis of stop data into its strategic planning initiatives as seen in its integration into the departments Strategic Plan 1.0. To accomplish this the department has entered into academic partnerships, such as its partnership with the Center for Policing Equity, to support this continued analysis of stop data and disparities.



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### **1) Compliance Measure #1: Evidence of a plan to review and analyze traffic stop data.**

In 2016, the City and County of San Francisco passed local ordinance 96A, which mandated law enforcement collection of stop data, and quarterly reporting and analysis of the data, which is presented in the form of [attachment #2: Q1 2016 96A report](#) [attachment #3: Q1 2016 96a executive summary](#). The report contains reporting of the data, while the executive summary contains analysis of that data. The 96A report is a comprehensive data driven analysis of all stop data of the San Francisco Police Department. Officers enter this data after every stop: pedestrian, bike, and motorists, as mandated by the State of California Racial & Identity Profiling Act. This data is then compiled and analyzed in the quarterly report, 96A. This has been occurring since 2016 and will continue until further notice. The report is presented to the San Francisco Police Commission and posted both on the commission website and the SFPD website ([sanfranciscopolice.org](http://sanfranciscopolice.org)), [attachment #6: SFPD Commission Agenda item](#) and [attachment #7: Screen shot SFPD website of 96A Report](#).

As part of its continuing commitment to the collection, analysis and reporting of stop to better serve our community and increase accountability and transparency the department will continue to review stop data and ensure public transparency of this data. This data will continue to be published on a quarterly basis through the 96A report. For additional review and analysis, the department works with academic partners such as The Center for Policing Equity (CPE). The department and CPE have entered into research agreement to accomplish this, [attachment #8: Center for Policing Equity Research Agreement](#).

In the above mentioned research agreement, the Center for Policing Equity agreed to conduct "analyses on SFPD data involving pedestrian and vehicle stops, use of force, and complaints using current data collection practices." CPE also agreed to conduct a analysis of SFPD policies and procedures related to the reporting of stop data, and make recommendations regarding future data collection reporting and analysis standards. While the research agreement with CPE expires in 2021, the department continues to provide data to CPE as part of an ongoing process to review and analyze stop data.

### **2) Compliance Measure #2: Review and analyses seek to identify reasons for disparities**

In 2016, with the passage of San Francisco Administrative Code 96A, the San Francisco Police department began reporting and analyzing stop, bias, and use of force data. The first report executive summary focused on use of force data analysis. Analysis examined not only the data related to the Use of Force, but also the policy framework that was in place and in progress related to the expansion of use of force data that is



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collected. The executive summary also contains a breakdown of use of force data and examining potential disparities in an effort to identify reasons for disparities.

Our academic partners are an integral component of the review and analysis of all data. An example of this analysis is the **attachment #5: Center for Policing Equity Report**. On page 3 of this report, the CPE noted that there were a number of factors that contribute to disparities in rates of police contact:

“Although the data show racial disparities in SFPD interactions during the study period, these disparities do not necessarily indicate that police officers have engaged in biased or discriminatory behavior. The NJD analytic framework, described in the introduction to the full report, suggests that disparities may be explained by community characteristics, individual characteristics, individual officer behavior, and department policies and culture, as well as by the relationship between the police and the community. Accordingly, racial differences in policing data should be contextualized with other contributing factors.”

The Center for Policing Equity report section II, which commences on page 16 of the report, contains a breakdown of stop data collected by the department, and an analysis of that data, which is used to identify reasons for disparities in stops. That data and identified reasons for disparities are then used to identify potential solutions that can be undertaken to reduce stop disparities.

### **Compliance Measure #3: Review and analysis seek to identify solutions for stop disparities**

During pre-screen meeting on 12/21/2020, the following feedback was given:

” Cal DOJ thought that the CPE report provided relevant analysis, but asked about SFPD’s plan after the agreement with John Jay University expires in 2021. SFPD responded that it has plans for continuing to work with John Jay University (among others) using more recent data and can add that information to the package. Hillard Heintze asked about SFPD’s plan for the CPE recommendations. SFPD responded that the CPE report is currently a draft and will be released in early 2021. At that point, SFPD will evaluate the recommendations and how to implement them, and SFPD can include that implementation plan in the package. Given that the report is still in draft form and SFPD intends to evaluate its recommendations, Cal DOJ recommends that the Department wait to submit the package for review until after the CPE report is finalized.

Both the SFPD’s 96A process and the research agreement with the Center for Policing Equity utilize stop data to not only attempt to identify reasons for disparities, but also seek to identify solutions for stop disparities. On pages 5 through 7 of **attachment #3: Q2 2020 96A executive summary**, the department identified nine potential tools for reducing stop disparities. Those tools are:



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1. Officer Training
2. Reducing discretion through policy changes
3. Increase non-negative contacts with other ethnic groups
4. Collecting data and adopting new technologies
5. Stereotype replacement
6. Banning racial profiling
7. Individuation
8. Diversifying police force
9. Rotating police assignments

Through its own analysis of stop data and stop disparities, the Center for Policing Equity recommended in its report that officers submit, on a daily basis, a brief narrative of the justification of the stop made that day, and that the department require supervisors review these reports to ensure stops are supported by reasonable suspicion and are consistent with department policies and procedures.

Additionally, the Center for Policing Equity recommended the following on page 6 of its report:

1. Adopt a unified policy on data collection
2. Expand definition of reportable use of force
3. Collect more detailed use of force information
4. Utilizing COPS Stop Data Guidebook
5. Require supervisors review of stop records
6. Update policy on drawing and pointing of firearms
7. Identify situational risk factors for discrimination

The above identified solutions are a starting point for reducing stop disparities, and ongoing analysis of stop data during and after implementation of proposed solutions will be vital to determining if the proposed solutions mitigate disparities, or if alternative approaches must be identified and undertaken by the department. The department will evaluate the finding and recommendations from CPE in an effort to reduce bias in the organization. Furthermore, implementation of measures to reduce bias that are already in progress will be outlined in CRI recommendation 30.2.

### **Compliance Measure #4: Plan developed by April 12, 2017**

Prior to the issuance of DOJ Collaborative Reform Initiative Report, the San Francisco Police Department was engaged in the collection and analysis of stop, bias, and use of force data beginning in June of 2016 as part of its requirements under San Francisco



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Administrative Code Section 96A. Collection, reporting, and analysis of this data, on a quarterly basis, continues, with the most recent 96A report being issued October 30<sup>th</sup>, 2020 covering the third quarter of 2020. In order to further its analysis of STOP data, the department entered into a research agreement with the Center for Policing Equity beginning March 1, 2018.





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**Finding #30:** The weight of the evidence indicates that African-American drivers were disproportionately stopped compared to their representation in the driving population.

**Recommendation #30.1:** The SFPD should develop a plan to conduct further review and analysis of traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities. The plan should be developed within 180 days of the issuance of this report.

- Evidence of a plan to review and analyze traffic stop data.
- Review and analyses seek to identify reasons for disparities.
- Review and analysis seek to identify solutions for stop disparities.
- Plan developed by April 12<sup>th</sup> 2017.

**Response Date: June 22<sup>nd</sup> 2021**

### ADDENDUM

On, 05/17/2021, the SFPD received notification that the review of Recommendation 30.1 was in final review with Hillard Heintze. However, Hillard Heintze requested the following information be addressed prior submitting the recommendation to Cal DOJ for substantial compliance:

Hillard Heintze noted: *The response to the recommendation is complete, however, the department must establish robust audit practices to ensure the proposed solutions are implemented as opposed to relying solely on the Police Commission's guidance. Additionally, the role of the Chief of Police should be described in policy or unit order*

In response to this request for additional information, Hillard Heintze also requested that all recommendations related to the Dashboard Review System (DRS) contain similar clarifying information. The following is a unifying response to the DRS recommendations.

In response to the above note, the Chief of Police remains committed to the development and implementation of the Bias Dashboard system. There has been discussion at the Police Commission of what the system will do. The Chief of Police has been very clear that this dashboard is developed as a "management tool."

To address disparities, the San Francisco Police Department has implemented new policies, procedures, and training to educate our members of potential biases and avoid unequal application of the law. Data collection is a tool that the SFPD will use to understand the work their members undertake each day and what they are being directed to do by supervisors. Examining data can, among other things, help identify disparities that may exist within the



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agency. Disparities in enforcement actions can damage police and community relationships. With the implementation of the new Dashboard Review System (DRS), the SFPD will use intervention strategies, outside of discipline, to address disparities.

The Chief of Police has expressed his desire to staff the Dashboard Review Unit (DRU) to supervise and manage this effort when staffing when feasible. This unit will address and support all deficiencies in the DRS as they present themselves through additional training or policy revision.


On April 30<sup>th</sup> 2021, the DRU sent to each station a generalized traffic stop data report containing station traffic stop data information. Due to the meet and confer process with the San Francisco Police Officer Association, we are currently unable to release the official report to the stations that contains individual officer information. We are waiting for the Professional Standards Unit to move forward with the Meet and Confer process. The Dashboard Review Unit, alongside the Business Analysis Team (BAT) has created the first quarter of 2021 reports. These reports were sent to each district station captain on June 21<sup>st</sup>, 2021 by the DRU. Meetings to discuss the results will be scheduled for the last week of June and first week of July. These meetings will include supervisory training as needed.

The reports will show the overall data for the station and a comparison of all the shifts in a side-by-side manner. The Dashboard roadmap with proposed interventions has been created, but the development process is delayed. Until the meet and confer process is completed, the DRU will continue to send the redacted quarterly overall reports to each station captain.

In conjunction with the BAT and the DRU, an electronic dashboard review system as a management tool is an ongoing development. Due to budget cuts, BAT personnel have been reassigned and the timeline for completion will be re-evaluated.

Once the system is completed and online, the training will be developed by the Dashboard Review Unit. This training will be specific to the duties of supervisors, on not only how to use the system, but how to properly review the data and identify data disparities. As more resources become available, additional personnel will be available to complete this project as seen in the timeline for the Bias Dashboard.

The DRU will create policy through a Unit Order that establishes the process and procedures for an audit system of the Dashboard Review System. The DRU will be responsible for the following: auditing the District Station reports, managing requests for additional data and additional training and assistance as needed.

  
ACT CAPT. ERIC J. ALTORFER #151

Professional Standards & Principled Policing  
Acting Captain Eric J. Altorfer