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**To:** [REDACTED]; [McGuire, Catherine \(POL\)](#); [Scott, William \(POL\)](#); [REDACTED]; [Altorfer, Eric \(POL\)](#)  
**Subject:** Recommendation 32.1  
**Date:** Tuesday, September 7, 2021 9:18:14 PM

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 32.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD completing Recommendation 31.1. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

**Recommendation 32.1:** As stated in finding 31.1, the SFPD should complete recommendation 31.1.

**Response to 32.1:** 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).

SFPD has moved forward on several recommendations in the 96A and CPE reports. For example, SFPD has mandated implicit bias, procedural justice, and crisis intervention trainings, made policy changes such as banning the release of booking photos (mugshots), and instructed officers to be cognizant of bias by proxy when receiving calls for service. As CPE recommended, SFPD is drafting a Department General Order on data collection, is collecting expanded use-of-force data, and adopted policy making pointing a firearm a reportable use-of-force incident (and is drafting policy regarding reporting when a firearm is drawn and it not pointed at a person).

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.

While the progress is noteworthy, Cal DOJ recommends that SFPD continually seek and consider recommendations to reduce disparities, such as the additional reforms suggested by presenters at the June 2, 2021 Police Commission meeting. At the Police Commission meeting, presenters recommended that SFPD review its “quality of vehicle” stops, institute racial bias coaching, and end high-discretion probation/parole

stops as well as consent searches as ways to further reduce SFPD's disparities in policing. The recommendations of all presenters are available online: [https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission060921-DPA\\_CommunityPerspectivesonPolicingDisparities.pdf](https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission060921-DPA_CommunityPerspectivesonPolicingDisparities.pdf). By continuing to gather and consider recommendations from stakeholders and the community, SFPD can continue its progress in addressing disparities.

Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation; however, Cal DOJ recommends that SFPD continue to consider additional reforms proposed by the community. Please let us know if you have any questions or would like to discuss these further.

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<b>Finding # 32</b>	<b>Not only are African-American and Hispanic drivers disproportionately searched following traffic stops but they are also less likely to be found with contraband than White drivers.</b>
<b>Recommendation # 32.1</b>	As stated in finding 31, the SFPD should complete recommendation 31.1.

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

**Summary**

Recommendation 31.1 required the SFPD to analyze stop data for trends and patterns over time to reduce racial and ethnic disparities in post stop outcomes. The department used internal and external resources to analyze stop data.

Internal: A quarterly report to the Police Commission provides internal analysis of stop data for the prior quarter.

External: The Center for Policing Equity (CPE) completed an analysis of SFPD stop data and observed identifiable trends and patterns over time. The CPE produced an interim report summarizing their findings and while acknowledging community and officer characteristics are important factors to consider when analyzing stop data, recommended solutions the department could implement to reduce racial and ethnic disparities, including improving education and training, and adjusting personnel assignments.

This recommendation is related to recommendations 30.1-30.6: the department is developing a dashboard that will permit supervisors to identify trends and patterns for racial and ethnic disparities and take corrective/remedial action when required.

Compliance Measures	Status/Measure Met
1      Complete recommendation 31.1.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**



## Collaborative Reform Completion Memorandum

**Finding # 32:** Not only are African-American and Hispanic drivers disproportionately searched following traffic stops but they are also less likely to be found with contraband than White drivers.

**Recommendation # 32.1** As stated in finding 31.1, the SFPD should complete recommendation 31.1.

**Response Date: 1/11/2021**

**Executive Summary:** The SFPD has completed recommendation 31.1

### **Compliance Measures:**

**1) Complete Recommendation 31.1**

The SFPD has completed recommendation 31.1 (Attachment #1: DOJ CRI recommendation 31.1 2001 Form)





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**Finding # 31:** African-American and Hispanic drivers were disproportionately searched and arrested compared to White drivers. In addition, African-American drivers were more likely to be warned and less likely to be likely to be ticketed than White Drivers.

**Recommendation # 31.1:** The SFPD needs to analyze the data and look for trends and patterns over time to reduce the racial and ethnic disparities in post-stop outcomes.

**Response Date: 1/11/2021**

### Executive Summary:

In response to the implementation of San Francisco Administrative Code 96A (Attachment #1: Chapter 96A: Law Enforcement Reporting Requirements) the department began reporting and analyzing stop, arrest, use of force, and bias compliant data on a quarterly basis. This reporting began in June of 2016 with the departments Attachment #2: Q1 2016 96A Report and Executive Summary. This reporting continues to the present day, and includes analysis of stop data over time. (Attachment #3: Q2 2020 96A Executive Summary).

In 2018, the department entered into a research agreement with the Center for Policing Equity(CPE). (Attachment #4: CPE Research Agreement). This research agreement analyzed stop data coving a period of 2014 through 2017, and sought to identify disparities, as well as identifying potential solutions to reduce disparities. CPE produced a comprehensive report of its finding and recommendations. (Attachment #5: CPE Report)

The department has undertaken several of the potential solutions, such as increasing officer training on bias, diversifying its patrol force, and reducing discretion through policy changes.

As part of an ongoing effort to determine the efficacy of implemented strategies to reduce disparities, the department is in the process of entering into a new research agreement with CPE to continue provide stop data to CPE for further analysis to determine if measures taken to reduce disparities are successful

### **1) Evidence of analysis of traffic stop data for trends/patterns over time**

In 2016, the City and County of San Francisco enacted San Francisco Administrative Code 96A, Law Enforcement Reporting Requirements. (Attachment #1: Chapter 96A: Law Enforcement Reporting Requirements) The Ordinance required that law enforcement agencies in the City and County of San Francisco to prepare a quarterly report on the following types of data:

- Stops





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- Arrests
- Use of force
- Bias complaints

and conduct an analysis of that data. The department submitted its first 96A report in June of 2016, and has submitted each quarter since. (Attachment #2: 2016 Q1 96A report and executive summary.)

The continued reporting and analysis of that data has also looked at trends/patterns over time. In the Executive Summary of the 1<sup>st</sup> quarter report (Attachment #3: 96A Q1 2020 Executive Summary) the department noted the following in regards to trends and patters:

- When the USDOJ reviewed the Department, they found that search rates among African Americans were much higher than Whites, while the yield rates from these searches were much lower for African Americans than Whites. As shown by data contained in this report, this is no longer true.
- Continued incremental reductions in the representation of African Americans among those stopped, searched, arrested, and in which force was used against them.

To further its analysis of stop data, in 2018 the department entered into a research agreement with The Center for Policing Equity(CPE). (Attachment #4: CPE research agreement) As part of that research the department provided CPE with vehicle stop data covering the period of 2014 through 2018, and pedestrian stop data covering 2017. See page 12 of Attachment #5: CPE Report. The CPE report noted on page 9 of its report: "While the results are mixed, our analysis reveals encouraging findings and heartening trends."

It should be noted that pedestrian stop data was only supplied for the year 2017 due to the fact that the department had not initiated a department wide data collection process for pedestrian stops until 2017. That process began with the implementation of the eStop system (Attachment #6: DB 16-208: eStop Contact Date Collection Program). The collection of stop data was then moved to Cal DOJ's Stop Data Collection System in 2018. (Attachment #7: DB 18-105: Stop Data Collection System (SDCS) Implementation and Attachment #8: DN 20-141 Stop Data Collection System)

### **2) Identification of racial and ethnic disparities in post-stop outcomes**

Academic partnerships have been an integral component of reviewing and analyzing stop data to help identify disparities in stops and stop outcomes. An example of that analysis is the Attachment #5: CPE Report. On page 5 of the report, CPE noted that there were a number of factors that contribute to disparities in rates of police contact:





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"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, on page 16, 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. One such analysis of the disparities is contained on page 25 of the report, which states:

"The share of searches yielding contraband provides an indicator that can help assess equality in police contact across racial groups. Specifically, disproportionate searches and lower yield rates are an indicator of a greater burden of police contact relative to other groups and may suggest that officers' suspicion of illegal activity is less likely to be accurate for a particular group, or it may reflect that officers use a lower threshold of suspicion for the group. As noted earlier, a lower threshold refers to the possibility that officers interpret behaviors as suspicious more often when the person engaging in that behavior is a member of a given group than when the person engaging in that behavior is a member of another group. This language does not reflect a determination of the legality of a stop or search."

### **3) Plan to reduce disparities in post-stop outcomes**

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. The department identified nine potential tools for reducing stop disparities ([Attachment #3: Q2 2020 96A executive summary pages 5 through 7](#)). The report also detailed how the department is addressing these potential solutions. Below are the recommendations, including steps the department has taken or is developing to address them:

#### **1. Officer Training**

- "In addition to training required for all City employees, SFPD implemented mandatory training for topics including: Implicit Bias, Procedural





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Justice/Principled Policing, Critical Mindset and Coordinated Response (CMCR), and Crisis Intervention. Since 2019, 1,329 SFPD officers (58.6%) have completed CMCR training which has provided them methods to improve critical decision making to resolve high-risk interactions." Since the implementation of the DOJ CRI process, the department has increased number of courses which address bias. (Attachment #9: SFPD Bias Training Comparison Chart)

2. Reducing discretion through policy changes
  - " In 2016, Department General Order 5.01, Use of Force, was updated to prohibit the use of the carotid restraint and shooting at moving vehicles as well as made the pointing of a firearm a reportable use-of-force incident. It is currently also being amended to require additional tracking to include when an officer exhibits or draws a firearm but is not pointed at a subject. In addition, SFPD has updated Department General Order 5.17, which instructs officers to be cognizant of "bias by proxy" which occurs when a civilian places a racially motivated call for service. This amendment is the first of its kind in California and is the final stages of approval." SFPD DGO 5.17: Bias Free Policing, has since been approved and is now policy. (Attachment #10: DGO 5.17: Bias Free Policing)
3. Increase non-negative contacts with other ethnic groups
  - " SFPD's Community Engagement Division was reorganized in 2017 to more effectively promote community policing and proactively engage communities through relationship building, community events, and working with leaders on a variety of special programs. Several initiatives were developed and/or expanded including the reimplementing of the Chief's Advisory Forums. These forums, which represent the many diverse communities within the City, meet regularly with the Chief of Police to discuss concerns and develop solutions to issues specific to their communities. In the second quarter of 2020, Chief Scott engaged with various community groups following the George Floyd incident to provide information, discuss police reform efforts, answer questions from the community, listen to community members, and discuss ways that SFPD and the community could work together."
4. Collecting data and adopting new technologies
  - "SFPD began tracking and reporting use of force and stop data in 2016 as required by the passing of the local ordinance establishing Administrative Code Chapter 96A. In 2018, the local reporting requirements were changed to align with those of the State mandated under AB 953, the Racial and Identity Profiling Act of 2015. At that time, the Department adjusted data collection practices and reporting guidelines to meet these requirements."
5. Stereotype replacement





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- Training on this topic is included in SFPD and San Francisco DHR training, specifically Principled Policing and Implicit Bias. (Attachment #11: SFPD Principled Policing Course Outline and Attachment #12: SF DHR Creating an Inclusive Environment power point)
6. Banning racial profiling
    - “The Department has long had a best-practice policy that prohibited biased policing and has sent an even further improved policy, developed with input from community stakeholders, to the Police Commission for consideration.” An example of policy in this area is 5.17 (Bias-Free Policing Policy)
  7. Individuation
    - Training on this topic is included in SFPD and San Francisco DHR training, specifically Principled Policing and Implicit Bias. (Attachment #11: SFPD Principled Policing Course Outline and Attachment 12: SF DHR Creating an Inclusive Environment power point)
  8. Diversifying police force
    - “Efforts to diversify the SFPD workforce have resulted in an applicant pool of recruits entering the Police Academy that averaged 71% non-white between the years 2016-2019; a drastic increase from the 48% average from 2007-2016.”
  9. Rotating police assignments
    - The department has implemented 5 year rotations in specialized units, such as the Traffic Company.

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 a number of potential solutions for reducing disparities (Attachment #5: CPE Report, page 6). It should be noted that prior to the issuance of the report, the department was already engaged in developing and implementing a number of the recommendations through its own efforts and those arising out of the DOJ Collaborative Reform process. Below are the potential solutions recommended by CPE as well as the effort the department has implemented or is in the process of implementing.

1. Adopt a unified policy on data collection





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- In 2017, the department expanded Stop data collection to include vehicle and pedestrian stops through the eStop system, and then in 2018 transitioned to California DOJ's Stop Data Collection System(SDCS). Through this process the department implemented new policies on data collection as detailed in DOJ Collaborative Reform Initiative 35.1. (Attachment #7: DB 18-105: Stop Data Collection System (SDCS) Implementation). Department Bulletin 18-105 was reissued under Department Bulletin 20-141. (Attachment #8: DB 20-141: Stop Data Collection System).
2. Expand definition of reportable use of force
    - The department revised and combined General Order's 5.01 Use of Force and 5.02 Use of Firearms. The new General Order 5.01 (Attachment #13: San Francisco Police Department General Order 5.01 Use of Force) expanded reportable use of force to include the use of personal body weapon, even when injury or complaint of pain was not present.
  3. Collect more detailed use of force information
    - In October of 2018, the department updated the Supervisory Use of Force Evaluation Form, (Attachment #14: DB 18-171: Update Supervisory Use of Force Evaluation Form), which expanded the data supervisors are required to collect during a use of force investigation. (It should be noted that while this bulletin has expired, the form, SFPD 575A, is still in use)
  4. Utilizing COPS Stop Data Guidebook
    - In July of 2018, the department transition from the use of the eStop data collection system to the CAL DOJ's Stop Data Collection System(SDCS). (Attachment #7: DB 18-105: Stop Data Collection System (SDCS) Implementation). Department Bulletin 18-105 was reissued under Department Bulletin 20-141. (Attachment #8: DB 20-141: Stop Data Collection System). SDCS was created in response to California Assembly Bill AB953, the Racial and Identify Profiling Act of 2015 (RIPA). RIPA and SDCS were highlighted on page five of the COPS Stop Data Guidebook as "the nation's largest and most comprehensive stop data collection effort to date." (Attachment #15: COPS Stop Data Guidebook)





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5. Require supervisors review of stop records
  - The department is in the process of creating a supervisor dashboard, allowing field supervisors to view stop and enforcement data for officers under their supervision.
6. Update policy on drawing and pointing of firearms
  - The new General Order 5.01 (Attachment #13: San Francisco Police Department General Order 5.01 Use of Force) made the pointing of a firearm a reportable use of force and updated language consistent with CPE's recommendation, which stated "We recommend that SFPD amend this policy to add that officers may only draw or display their firearms if they reasonably believe that there is a substantial risk that the situation may escalate to the point where deadly force may be justified."
7. Identify situational risk factors for discrimination
  - Training on this topic is included in SFPD and San Francisco DHR training, specifically Principled Policing and Implicit Bias. (Attachment #11: SFPD Principled Policing Course Outline and Attachment #12: SF DHR Creating an Inclusive Environment power point)

The above identified solutions are a starting point for reducing stop disparities. Further analysis of stop data before, 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. It should also be noted that the department has already implemented many of these recommendations, including updating use of force policies and expanding stop data collection.

#### **4) Establish evaluation or audit loop**

As part of its ongoing effort to determine the efficacy of potential solutions to reduce stop disparities, the department continues to provide data to CPE as part of an ongoing partnership. While the initial agreement is set to expire in 2021, the department is committed to continuing the partnership in order to determine if implemented solutions are effective in reducing stop disparities. Additionally, as part of CPE's recommendations it stated the following (Attachment #5: Center for Policing Equity Report, page 49):

"CPE appreciates SFPD's willingness to participate in the National Justice Database and encourages the department to continue to work with us to advance equitable policing in San Francisco City."



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When entering into agreements with Academic Institutions, the department follows the below process:

- The SFPD enters into a research agreement detailing the focus of the study and the data to be provided
- The Department provides requested data to academic Institution
- Academic Institution conducts a review and analysis of data
- A draft report is submitted to the department
- Draft report is reviewed by the Executive Director of the Strategic Management Bureau
- Input is provided by the department
- Academic Institution publishes the report and provides it to the Chief of Police, Command Staff members, and Police Commission
- Strategic Management Bureau will present it to the Police Commission
- Chief of Police will review and assess the feasibility of the proposed solutions, which encompass areas such as training, technology, use of force, and training.
- Plan will be developed to implement proposed solutions that are determined to be feasible

While the research agreement with CPE expires in March of 2021, both parties may agree in writing to extend it. The Department and CPE, now called Policing Equity, Inc., are currently in the process of negotiating a new research agreement. (Attachment #16: Draft Policing Equity, Inc. Research Agreement)

The department continues to conduct a quarterly analysis of stop data and compile its analysis in the quarterly 96A report (Attachment #3: Q2 2020 96A Executive Summary). It should be noted that this report also includes data from the Department of Police Accountability related to complaints of biased policing. Continued quarterly analysis of stop data provides a timely analysis of stop trends, which can show whether any proposed solutions enacted are having an impact. As this is a legislative mandate, reporting and analysis under this requirement will continue until such a time as this ordinance is repealed or replaced.