Recommendation 34.2

Gabriel Martinez ███████████████████████████

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 34.2 that were submitted to us as part of the collaborative reform process. This package focused on SFPD collecting pedestrian and non-motorized conveyance stop data. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 34.2: The SFPD should mandate the collection of stop report data on any stop or detention of a pedestrian or person riding a non-motorized conveyance, such as a bicycle, skateboard, or scooter. This should begin immediately and not wait until AB 953 requires such action in April 2019

Response to 34.2: SFPD's pre-2016 stop data system did not require demographic data to be collected for pedestrian and non-motorized stops. On November 28, 2016, SFPD issued Department Bulletin 16-208, "eStop - Traffic Stop Data Collection Program," explicitly requiring stop data collection for bicycle, pedestrian, and vehicle stops. On May 31, 2018, SFPD issued Department Bulletin 18-105, "Stop Data Collection System (SDCS) Implementation," which reiterated the required collection of data for pedestrian, bicycle and vehicle stops, and adhered with the required data collection under the Racial and Identity Profiling Act of 2015) (including data collection of motorists, bicyclists, and pedestrians). SFPD supported the rollout of SDCS with training and guidance, such as the SDCS Web Application Manual. Department Bulletin 18-247 (revised 18-05), "SDCS Implementation," required officers to complete the training and review the guidance. The SFPD Business Analyst Team (BAT) analyzes the stop data and provides thorough quarterly reports known as "96A" reports. And while not a part of this recommendation package, SFPD has formed a partnership with the Center for Policing Equity to analyze stop data and provide recommended reforms.

The BAT also conducts a review of the individual SDCS entries to ensure personal identifying information is not entered, and SFPD has begun an annual audit on other data entry fields. The BAT review was codified in Bureau Order 21-01, "Stop Data Collection System – PII Removal & Geocoding Procedures (January 5, 2021). The Order requires the BAT to review SDCS entries on a quarterly basis to remove personal identifying information, geocode, and geo-anonymize geographic locations. The annual audit reviews SDCS data for (1) personal identifying information, (2) failure to enter information in the narrative field, (3) the consistency of narrative fields with reason for the stop and search, and (4) errors in geocoding.

Cal DOJ had recommended that SFPD institute supervisory review of stop entries—such as having sergeants review a randomized sample of completed stop forms of their officers—as this would provide

for timely corrections for errors and aid in sergeants' discussions with their officers regarding the elimination of biased policing and correcting other actions warranting corrective action. This recommendation would also ensure consistent data is produced within all precincts within San Francisco. SFPD has resisted this recommendation out of concern for sergeants' time and has created the above noted alternative auditing approach. While this is not Cal DOJ's preferred approach—it does not provide direct supervisors with additional insights into their officer's day-to-day policing and does not ensure timely corrections or feedback for individual officers that would provide consistent generation of data within SFPD—it is substantially compliant with the recommendation.

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 further. Thank you.

Finding # 34: The SFPD does not routinely collect or analyze data on stops involving pedestrian and non-motorized conveyances.

Recommendation # 34.2 The SFPD should mandate the collection of stop report data on any stop or detention of a pedestrian or person riding a non-motorized conveyance, such as a bicycle, skateboard, or scooter. This should begin immediately and not wait until AB 953 requires such action in April 2019.

Response Date: 10/20/2020

Executive Summary:
In November 2016, the San Francisco Police Department (SFPD) began collecting additional data related to all civilian stops in compliance with this recommendation. SFPD already had policies and procedures in place to collect stop data limited to all motorized traffic stops before California Assembly Bill (AB) 953 (2015) was passed. Collaborating with former Supervisor Malia Cohen, SFPD worked to pass a city ordinance to establish local rules and processes that closely aligned with the legislative intent of AB 953 and sped up the timeframe for SFPD to collect data on all stops by SFPD officers. SFPD has continuously modified its policies and procedures relating to the collection of all stop data, ensuring the department is able to comply with the AB 953 requirements. Additionally, SFPD has implemented procedures to ensure that all stop data entered by officers adheres to the California Department of Justice's (DOJ) data quality standards for collection and reporting. The specific responses to each of the compliance measures below highlight the actions SFPD has taken to comply with this recommendation.

Members of the San Francisco Police Department (SFPD); Professional Standards Unit participate in conference calls with Hillard Heintze and the California Department of Justice (Cal DOJ) for the purpose of recommendation prescreening. The SFPD prescreened Bias Recommendation 34.2 on 7/09/20. For completion of this recommendation, the following suggestions were made by Cal DOJ and Hillard Heintze. These suggestions were communicated in writing on 07/09/20 by Cal DOJ as a result of this prescreen meeting:

> *"For both 34.1 and 34.2, our concerns were with SFPD's ongoing review/continual improvement loop. The existing package references a data cleaning and quality assurance process (Attachments 3 and 11). Cal DOJ recommended SFPD provide more detail about the scope of this process and specifically wanted assurance that SFPD is checking for discrepancies and deficiencies in the various stop data entry fields. We all agreed that SFPD has the capability to review stop data entries before they are submitted to Cal DOJ and that, as part of any review and in addition to the existing process of scrubbing the data of identifying information, SFPD could compare the open narrative fields to the responses in other fields to make sure they are consistent. However, an open question is the scope of SFPD's review of stop data*

entries, who would conduct that review, and the frequency of that review. Some ideas that were brought up would be for sergeants to periodically review a day's worth of stop data entries prior to submission to Cal DOJ (by turning on the supervisory-review function on the Stop Data Collection System for a day), having sergeants review a small sample of entries (i.e. 10) at some regular frequency (i.e. quarterly) prior to submission (if that is possible), or having sergeants or PSPP review a sample of already submitted stop data entries. The purpose of any form of review would be to check for deficiencies and discrepancies, and to the extent needed, provide for remedial action or retraining for specific officers, or policy or training changes for the entire Department. ⸱ also noted that SFPD should have some policy or statement requiring some form of remedial or supportive action if there are deficiencies and discrepancies in an officer's stop data entries, which would support compliance measure 4 of 34.1.

In response to the requests made by Hillard Heintze and Cal DOJ at the prescreen meeting, the SFPD conducted an audit of SDCS stop data. After compeleting this SDCS audit, the SFPD updated training on the SDCS by releasing a Department Notice. This audit and update in training are described below under Compliance Measures 3 and 4.

Compliance Measures:

1. **Establish or update policy to mandate the collection of stop data for non-motorized conveyances**

In 2001, the SFPD instituted the Traffic Stop Data Collection Program (referred to as "E585") requiring the department to collect demographic data on all civilians stopped for all motorized traffic law enforcement purposes (See Attachments 1: Department Bulletin 01-37 Traffic Stop Data Collection Program and 2: Department Bulletin 01-108 E585 Additional Traffic Stop Data Collection Program). The passage of AB 953 (2015) expanded the definition of all stops by peace officers to include all motorists, bicyclists and pedestrians, but required certain law enforcement agencies to begin collecting additional data by July 2018 and all agencies to begin reporting the additional stop data to the DOJ by April 2019 (See Attachment 3: AB 953 RIPA Stop Data Regulations). Before AB 953 went into effect, the SFPD collaborated with then Supervisor Malia Cohen to pass San Francisco Administrative Code Chapter 96A (referred to as "SF Admin Code Chapter 96A"), requiring SFPD to implement the expanded data collection requirements of AB 953 and report to the Mayor, Board of Supervisors, Police Commission and Human Right Commission (See Attachment 4: SF Admin Code Chapter 96A).

In November 2016, the SFPD implemented the eStop Contact Data Collection Program (eStop) to comply with the requirements set forth by SF Admin Code Chapter 96A (See Attachments 5: Department Bulletin 16-168 Traffic Stop Data Collection Program Information and 6: Department Bulletin 16-208 eStop Contact Data Collection Program). The data collection requirements in SF Admin Code Chapter 96A aligned similarly with the requirements in AB 953. The SFPD updated internal policies and procedures to comply with the SF Admin Code Chapter 96A and this recommendation until SFPD began the use of the DOJ's Stop Data Collection System (SDCS).

Collaborative Reform Completion Memorandum

Once the DOJ's SDCS System became available in July 2018, the SFPD updated internal policies and procedures to adhere to the requirements of AB 953 (See Attachments 7: Department Bulletin 18-105 SDCS Implementation and 8: SDCS Training Rollout Email 2018). As part of the SFPD's continual improvement process, SFPD issued additional guidance to members on the proper data entry requirements to improve the accuracy of the data collection (See Attachments 9: Department Bulletin 18-247 SDCS Implementation Supplement and 10: SDCS Training Rollout Email 2019).

2. Evidence of ongoing review and analysis of data to ensure sufficiency and accuracy of data collection.

After SFPD's initial implementation of the SDCS system (See Attachments 7: Department Bulletin 18-105 SDCS Implementation and 8: SDCS Training Rollout Email 2018), the department identified data entry issues that were incompatible with the SDCS Program requirements (i.e. entering Personal Identifiable Information (PII), entering exact addresses instead of nearest intersection, etc.). As a result of this discovery, SFPD implemented an ongoing review and data cleaning process to ensure that the information SFPD officers enter is correct in the SDCS (See Attachment 11: PSPP Data Cleaning Process).

As part of the SFPD's continual improvement process, SFPD issued additional guidance to members on the proper data entry requirements to improve the accuracy of the department's data collection and reporting efforts (See Attachments 9: Department Bulletin 18-247 SDCS Implementation Supplement and 10: SDCS Training Rollout Email 2019).

3. Evidence of ongoing review/continual improvement loop.

After SFPD's initial implementation of the SDCS (See Attachments 7: Department Bulletin 18-105 SDCS Implementation and 8: SDCS Training Rollout Email 2018), the department identified data entry issues that were incompatible with the SDCS Program requirements (i.e. entering Personal Identifiable Information (PII), entering exact addresses instead of nearest intersection, etc.). As a result of this discovery, SFPD implemented an ongoing review and data cleaning process to ensure that the information SFPD officers enter is correct in the SDCS (See Attachment 11: PSPP Data Cleaning Process).

As part of the SFPD's continual improvement process, SFPD issued additional guidance to members on the proper data entry requirements to improve the accuracy of the department's data collection and reporting efforts (See Attachments 9: Department Bulletin 18-247 SDCS Implementation Supplement and 10: SDCS Training Rollout Email 2019). Sergeants and officers were required to sign-off on Department Bulletin 18-105: SDCS Implementation and Department Bulletin 18-247 SDCS Implementation Supplement to acknowledge that they understood the SDCS requirements (See Attachments 12: DB 18-105 Audit Report as of 5.6.20 and 13: DB 18-247 Audit Report as of 5.6.20).

In July 2020, SFPD consulted DOJ and Hillard Heinze seeking additional guidance on how the department can comply with this recommendation. In response, the department has instituted

an annual audit program of the SDCS entries to determine compliance with the SDCS Program requirements (See Attachments 14: SDCS Memo and 15: SDCS Audit of September 2020).

4. Evidence of supportive and remedial action if deficiencies are found

After SFPD's initial implementation of the SDCS (See Attachments 7: Department Bulletin 18-105 SDCS Implementation and 8: SDCS Training Rollout Email 2018), the department identified data entry issues that were incompatible with the SDCS Program requirements (i.e. entering Personal Identifiable Information (PII), entering exact addresses instead of nearest intersection, etc.). As a result of this discovery, SFPD implemented an ongoing review and data cleaning process to ensure that the information SFPD officers enter is correct in the SDCS (See Attachment 11: PSPP Data Cleaning Process).

As part of the SFPD's continual improvement process, SFPD issued additional guidance to members on the proper data entry requirements to improve the accuracy of department's data collection and reporting efforts (See Attachments 9: Department Bulletin 18-247 SDCS Implementation Supplement and 10: SDCS Training Rollout Email 2019). After the issuance of this additional guidance, the rate at which PSPP needs to clean the data entry errors has reduced from 6.1% in the 3rd Quarter 2018 to 0.6% in the 1st Quarter 2020 (See Attachment 16: PSPP SDCS Program Data Quality Assurance Results).

Additionally, the annual SDCS Audit performed in September 2020 shows some regression in SFPD's compliance with the SDCS Program data entry requirements (See Attachments 14: SDCS Memo and 15: SDCS Audit of September 2020). In response, SFPD issued Department Bulletin 20-141 Stop Data Collection System as a corrective action to retrain and instruct members of the SDCS Program data entry requirements (See Attachment 17: DN 20-141 Stop Data Collection System).

UPDATE 1.5.2020:

After completion of this recommendation, the SFPD Business Analysis Team (BAT) formalized the process of data cleaning for SDCS stop data with the issuance of a Bureau Order. This Bureau Order described how the BAT team is able to correct PII data entry errors through a process of data cleaning involving geographic re-coding to the nearest intersection when address information is entered incorrectly. (See Attachment 18: Strategic Management Bureau Order # 21-01; PII Removal & Geocoding Procedures).