

Fw: Recommendation 17.1

Dorantes, Jennifer (POL)

Thu 7/25/2019 11:50 AM

[REDACTED]

Good afternoon,

We just received notification that recommendation 17.1 has been deemed "Substantial Compliant". Thank you for all your hard work and dedication to this process.

Thank you again and have a great weekend.

[REDACTED]

[REDACTED]
Professional Standards and Principled Policing
San Francisco Police Department

[REDACTED]

From: Gabriel Martinez [REDACTED]
Sent: Thursday, July 25, 2019 10:36 AM
To: [REDACTED]; McGuire, Catherine (POL)
[REDACTED] Dorantes, Jennifer (POL) [REDACTED]
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[REDACTED]
Subject: Recommendation 17.1

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Dear Lieutenant Dorantes,

Our office has completed its review of the materials related to Recommendation 17.1 that have been submitted to us as part of the collaborative reform process. This package focused on SFPD promulgating a policy prohibiting officers from using the carotid restraint technique as a use-of-force

option. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 17.1: The SFPD should immediately prohibit the carotid restraint technique as a use-of-force option.

Response to 17.1: On December 21, 2016, SFPD issued the revised Department General Order (DGO) 5.01, Use of Force. The DGO Section VI (B)(3)(a) prohibits officers from using the carotid restraint hold and chokehold as a use-of-force option. On December 27, 2016, SFPD issued Department Bulletin 16-219 announcing the adoption of the revised DGO 5.01. 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 data. SFPD submitted its report for the first quarter of 2019, which included SFPD's audit of all reported use-of-force incidents, and found no instances where the carotid restraint was used. Additionally, SFPD's Risk Management Division conducts monthly audits of ten random use-of-force reports including reviewing the incident report, use of force logs, and supervisory use of force evaluation forms to determine the type of force used to ensure data is accurate and consistent.

Based upon all of the above, the Department of Justice finds that the Department is in substantial compliance with this recommendation; however, to remain in substantial compliance, SFPD will need to ensure that periodic audits are ongoing and include reporting on carotid restraint incidents.

Please let us know if you have any questions or would like to discuss these further. Thank you.

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Hillard Heintze File Review Recommendation #17.

Finding # 17	Currently, the SFPD authorizes personnel to use the carotid restraint technique.
Recommendation #17.1	The SFPD should immediately prohibit the carotid restraint technique as a use of force option.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

THIS IS A RESPONSE TO AN SFPD RFI SENT MARCH 19, 2019.

Compliance Measures 1, 2 and 3 are met.

SFPD issued the revised use of force policy DGO 5.01 Use of Force (December 27, 2016) that prohibits use of carotid restraint as a use of force option. The department conducted a review of all reported use of force incidents for the first quarter 2019. The Q1 2019 report found no instances (514 reported uses of force) where carotid restraint was used. In addition, the Risk Management Division conducts a monthly audit of use of force reports, including the corresponding incident report. This report includes, among other factors, review of the type of force used. The response to this recommendation is designated as complete. The Hillard Heintze team in Phase 3 will continue to monitor the department's use of force reporting practices especially with respect to determining whether prohibited practices like carotid restraint are being used.

Compliance Measures	Status/Measure Met
1 Revise relevant policies and procedures to immediately prohibit carotid restraint technique as a use of force option.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2 Conduct periodic audits of use of force reporting.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3 Evidence of supportive and remedial action if deficiencies are found.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues:

Compliance Issues:

Perhaps the audit can include checking with Department of Police Accountability and Internal Affairs to determine whether there are use of force complaints where use of carotid restraint is alleged.



Collaborative Reform Completion Memorandum

Finding # 17: Currently, the SFPD authorizes personnel to use the carotid restraint technique. This technique poses a significant risk in the community and is not a routinely adopted force option in many law enforcement agencies. Contemporary policing discussions regarding use of force suggest that police agencies should carefully weigh any perceived benefit of the use of carotid restraint against potential harm. It is challenging to maintain the appropriate leverage and placement in close-encounter struggles, thereby increasing the risk on an unintended, harmful outcome. The department’s pending draft order on use of force would eliminate the use of the carotid restraint.

Recommendation # 17.1 The SFPD should immediately prohibit the carotid restraint technique as a use of force option.

Response Date: 05/29/2019

This is a response to Request for Information (RFI) issued for Recommendation #17.1.

Requested Documents	Responsive Document and Why
Review records of use of force reports	<ul style="list-style-type: none"> -Administrative Code Chapter 96A.3 2019 Quarter 1 Report -April 2019 UOF Audit
	<ul style="list-style-type: none"> -Page 37 of the report highlights that a review of all reported uses of forces during Q1 2019 found no instances where the carotid restraint was employed. -The Administrative Code Chapter 96A.3 report is prepared on a quarterly basis, and is reported to the Police Commission, Board of Supervisors, and Human Rights Commission. -April 2019 UOF Audit -Evidence to prove Compliance Measure (CM) #3 cannot be provided as no reported use of the carotid restraint has been found. -Even though it is unrelated to the any reported use of the carotid restraint, the April 2019 UOF Audit shows that there was a clerical error regarding a missing charge (See Audit). The error has been remedied. The monthly UOF Audit also addresses Recommendation #4.5.