

From: [Tanya Koshy](#)
To: [REDACTED]
Subject: Recommendation 18.3
Date: Tuesday, July 27, 2021 3:53:51 PM

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 18.3 that have been submitted to us as part of the collaborative reform process. After reviewing the package and information provided by SFPD, the California Department of Justice finds as follows:

Recommendation 18.3:

The SFPD needs to develop a protocol for proper development and handling of officer statements.

Response to 18.3:

SFPD revised its general order on use of force (Department General Order (DGO) 5.01) to require officers who used force to include specific information in their incident report. The required information includes any efforts to de-escalate prior to the use of force, whether they gave a warning, and, if applicable, why they did not give a warning, and the time the officer notified a supervisor. SFPD also issued a Department Bulletin (19-126), which provides further guidance on reporting use of force. That Department Bulletin states, for example, that officers should avoid “canned or boilerplate language” and provides an example of more specific language officers can use. The Department Bulletin also explains that officers reporting on another officer’s use of force must focus on what they saw the other officer doing and refrain from explaining why that other officer took a certain course of action.

Following the revision of DGO 5.01, SFPD rolled out a full-day training course on the policy for all members. These trainings took place between January 2017 and July 2019. SFPD also conducts training with respect to an officers’ report writing as part of the required Continuing Professional Training that members are required to take every two years. One way that SFPD ensures that officers’ statements are consistent with DGO 5.01 is by auditing the supervisory use of force evaluation forms for deficiencies. This form, and the protocols around it, are described in more detail in the packages for Recommendations 4.2 and 4.3.

Based on the all of the above, the California Department of Justice finds SFPD in substantial compliance with this recommendation.

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

Tanya

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Finding # 18	The SFPD does not adequately investigate officer use of force.
Recommendation # 18.3	The SFPD needs to develop a protocol for proper development and handling of officer statements.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

Similar to 18.2, this recommendation was focused originally on the construction of officer-involved-shooting investigations. However, the District Attorney of the City and County of San Francisco will investigate officer-involved-shooting (OIS) and other incidents involving serious bodily injury. The department complied with this recommendation by structuring the duties of a supervisor when that supervisor responds to the scene of a reportable use of force incident as defined by DGO 5.01.

DGO 5.01 Use of Force was revised (5/2016). Section VII Supervisor Responsibilities identifies the duties and responsibilities of supervisors when responding to a use of force incident. Supervisors must rely on this guidance when completing the Supervisory Use of Force Evaluation. If the supervisor determines the use of force does not comply with department policy and warrants a full investigation the incident will be forwarded to the Internal Affairs Unit. The Supervisor Use of Force Evaluation is clearly sectioned from other field reports and is easily located.

During on-site inspection, the review team determined that internal affairs investigative files were formatted consistently and each section was clearly identifiable.

The department established an audit process to ensure the Supervisory Use of Force evaluation is completed and supervisors are held accountable for their determinations regarding an officer's use of force.

Compliance Measures		Status/Measure Met
1	Develop protocol.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Revise policies, procedures and training accordingly.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Provide training on protocol.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Audit adherence.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues



Collaborative Reform Completion Memorandum

Finding: #18 The SFPD does not adequately investigate officer use of force. At present, the level of investigations in the SFPD is not sufficient as it relates to officer use of force. There is minimal documentation of witnesses, no separate or summarized interview of witnesses, no routine collection of photographic evidence, and minimal analysis of the event from an evidentiary standpoint. If a supervisor does not respond, then it falls to the officer who used force to complete the investigation, which is unacceptable.

Recommendation # 18.3 The SFPD needs to develop a protocol for proper development and handling of officer statements.

Response Date: 12/10/20

Executive Summary:

Since the publication of this recommendation in October 2016, Department General Order (DGO) 5.01 (Use of Force) was revised and issued on December 21, 2016. The DGO (Section VII.B.1) (**Attachment #1**) mandates specific responsibilities for officers when documenting use of force incidents.

*DGO 5.01, (Section VII.B.1- Reporting Responsibility), (**Attachment #1**)*

B. PROCEDURES

1. OFFICER'S RESPONSIBILITY. Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Descriptions shall be in clear, precise and plain language and shall be as specific as possible.
 - a. When the officer using force is preparing the incident report, the officer shall include the following information:
 - i. The subject's action necessitating the use of force, including the threat presented by the subject;
 - ii. Efforts to de-escalate prior to the use of force; and if not, why not;
 - iii. Any warning given and if not, why not;
 - iv. The type of force used;
 - v. Injury sustained by the subject;
 - vi. Injury sustained by the officer or another person;
 - vii. Information regarding medical assessment or evaluation, including whether the subject refused;
 - viii. The supervisor's name, rank, star number and the time notified.
 - b. In the event that an officer cannot document his/her use of force due to exceptional circumstances, another officer shall document this use of force in an incident report, supplemental incident report or statement form at the direction of a supervisor.
2. SUPERVISOR'S RESPONSIBILITY. When notified of the use of force, the supervisor shall conduct a supervisory evaluation to determine whether the force used appears reasonable and within the provisions of this order. The supervisor shall:



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Department Bulletin 19-126 (DB) (a re-issue of DB 17-095) **(Attachment # 2)** highlights the section of the DGO by listing the required elements (verbatim) in use of force incident reports. It also has a section for “additional report writing considerations.” It states the following:

OFFICER’S RESPONSIBILITY. Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Descriptions shall be in clear, precise and plain language and shall be as specific as possible.

- a. *When the officer using force is preparing the incident report, the officer shall include the following information:*
 - i. *The subject’s action necessitating the use of force, including the threat presented by the subject;*
 - ii. *Efforts to de-escalate prior to the use of force; and if not, why not;*
 - iii. *Any warning given and if not, why not;*
 - iv. *The type of force used;*
 - v. *Injury sustained by the subject;*
 - vi. *Injury sustained by the officer or another person;*
 - vii. *Information regarding medical assessment or evaluation, including whether the subject refused;*
 - viii. *The supervisor’s name, rank, star number and the time notified.*
- b. *In the event that an officer cannot document his/her use of force due to exceptional circumstances, another officer shall document this use of force in an incident report, supplemental incident report or statement form at the direction of a supervisor.*

Additional Report Writing Considerations:

*It is appropriate for an officer to describe what he/she saw another officer **doing** related to a use of force, however officers should refrain from ascribing intentions as to **why** the officer was doing it. The **why** should be documented by each officer using a force option.*


It is important to document when and why the application of force is de-escalated or stopped.

*Avoid canned or boilerplate language. For example if an officer reports his actions were due to "officer safety," explain the **relevant articulable facts** (ie, subject would not keep hands out of pockets, bulge in clothing, specific verbal threats, 1000 yard stare, boxer's stance, ignored lawful commands, etc.) in plain language that everyone can readily understand.*



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DB 19-126: Required Elements in Use of Force Incident Reports, (Attachment # 2)



DEPARTMENT BULLETIN

A
19-126
06/10/19

Required Elements in Use of Force Incident Reports
(Re-issue DB 17-095)

Per DGO 5.01, VII, B, 1, "Any reportable use of force shall be documented in detail in an incident report, supplemental incident report or statement form. Descriptions shall be in clear, precise and plain language and shall be as specific as possible.

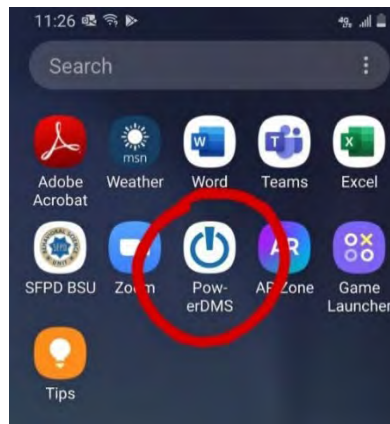
When the officer using force is preparing the incident report, the officer shall include the following information:

- The subject's action necessitating the use of force, including the threat presented by the subject;
- Efforts to de-escalate prior to the use of force; and if not, why not;
- Any warning given and if not, why not;
- The type of force used;
- Injury sustained by the subject;
- Injury sustained by the officer or another person;
- Information regarding medical assessment or evaluation, including whether the subject refused;
- The supervisor's name, rank, star number and the time notified.

In the event that an officer cannot document his/her use of force due to exceptional circumstances, another officer shall document this use of force in an incident report, supplemental incident report or statement form at the direction of a supervisor."

Policy Accessibility for Members on Scene

Please be advised that all written policies including Use of Force reporting policies/evaluation such as DGO 5.01, DB 19-126 and DB 17-095 are accessible to all sworn members via their Department Cell Phone which they are required to carry. Through [PowerDMS](#), a cloud based policy management software application which is installed on department cell phones, members are able to access all departmental issued policies. Please see screen shot of the PowerDMS application icon below.





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Compliance Measures:

1) Develop protocol.

The Department has written, formal policy regarding specific responsibilities for officers involved in a reportable use of force. Department General Order 5.01 (Section VII.B.1.) (**Attachment # 1**) and Department Bulletin 19-126 (**Attachment # 2**) state the following:

OFFICER'S RESPONSIBILITY. Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Descriptions shall be in clear, precise and plain language and shall be as specific as possible.

- a. *When the officer using force is preparing the incident report, the officer shall include the following information:*
 - i. *The subject's action necessitating the use of force, including the threat presented by the subject;*
 - ii. *Efforts to de-escalate prior to the use of force; and if not, why not;*
 - iii. *Any warning given and if not, why not;*
 - iv. *The type of force used;*
 - v. *Injury sustained by the subject;*
 - vi. *Injury sustained by the officer or another person;*
 - vii. *Information regarding medical assessment or evaluation, including whether the subject refused;*
 - viii. *The supervisor's name, rank, star number and the time notified.*
- b. *In the event that an officer cannot document his/her use of force due to exceptional circumstances, another officer shall document this use of force in an incident report, supplemental incident report or statement form at the direction of a supervisor.*

Additional Report Writing Considerations:

*It is appropriate for an officer to describe what he/she saw another officer **doing** related to a use of force, however officers should refrain from ascribing intentions as to **why** the officer was doing it. The **why** should be documented by each officer using a force option.*

It is important to document when and why the application of force is de-escalated or stopped.

*Avoid canned or boilerplate language. For example if an officer reports his actions were due to "officer safety," explain the **relevant articulable facts** (ie,*



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subject would not keep hands out of pockets, bulge in clothing, specific verbal threats, 1000 yard stare, boxer's stance, ignored lawful commands, etc.) in plain language that everyone can readily understand.

2) **Revise policies, procedures and training accordingly.**

The Department has written, formal policy regarding specific responsibilities for officers involved in a reportable use of force. Department General Order 5.01 (Section VII.B.1.) **(Attachment #1)** and Department Bulletin 19-126 **(Attachment #2)** is mandated policy and procedure. Training is described in CM #3 below.

3) **Providing training on protocol.**

Soon following the re-issuance of DGO 5.01 in late 2016, the Department began to train all members in the updated use of force policy. This was a full day training course on the policy. It was taught between January 2017 and July 22, 2019.


(Attachment #3)

DGO 5.01 Power Point Training, **(Attachment # 3)**

Use of Force Reporting

A. REPORTABLE USES OF FORCE. Officers **shall report** any use of force involving physical controls when the subject is injured, complains of injury in the presence of officers, or complains of pain that persists beyond the use of a physical control hold. Officers shall also report any use of force involving the use of personal body weapons, chemical agents, impact weapons, ERIWs, vehicle interventions, K-9 bites, and firearms. Additionally, officers shall report the intentional pointing of firearms at a subject.

- NOTIFICATION OF USE OF FORCE. An **officer shall notify his/her supervisor immediately** or as soon as practical of any reportable use of force. A supervisor shall be notified if an officer receives an allegation of excessive force.
- EVALUATION OF USE OF FORCE. A **supervisor shall conduct a use of force evaluation in all cases involving a reportable use of force.**
- EXCESSIVE USE OF FORCE. Every allegation of excessive force shall be subject to the reporting and investigative requirements of this General Order and applicable disciplinary policies.

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Currently, officers responsibilities for use of force incident reporting is part of training during mandated Continuing Professional Training (CPT). This is a continuing 2-year cycle of training. **(See Attachment #4)**

*CPT, Use of Force Reporting Training, **(Attachment # 4)***



Use of Force Reporting

The following is mandated for inclusion in an SFPD Use of Force report:

- **Suspects actions necessitating the UOF, including the threat presented.**
- **Efforts to de-escalate prior to the use of force** (if none, why not?)
- **Warning** (if none, why not?)
- **Type of force used**
- **Injury sustained by the suspect**
- **Injury sustained by the officer and/or other(s)**
- **Medical assessment/evaluation information**
- **Notified supervisor's name, rank and star and time notified.**

Unless the UOF involves an OIS or ICD, review your BWC video before documenting the UOF.

If the officer who used force is not documenting it, another officer will document the UOF in incident report, supplemental or statement form.



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In addition, the Field Tactics Force Options Unit utilizes a shared folder (“VRP”) accessible for all members on the Intranet. In the folder, “UoF Reporting Checklists” offers a 1-page checklist and a 3-page report writing guide. **(Attachment #5a and 5b)**

FTFO Use of Force Report Checklist, (Attachment # 5a)

FTFO Use of Force Report Checklist

Before Writing The Report

Except for specific circumstances identified in DGO 10.11, Body Worn Camera, subsection III.F.1, Members may review their Body Worn Camera video before preparing a use of force incident report. Members are *strongly* encouraged to do so.

The Narrative

It is recommended that the body of the use of force report include a list of the eight items specifically mandated for inclusion by DGO 5.01, *Use of Force*, subsection VII.B.1, along with a brief summary of each corresponding answer:

- The suspect’s actions necessitating the use of force, including the threat presented by the subject
- Efforts to de-escalate prior to the use of force, and if none, why not
- Any warning given, and if none, why not
- The type of force used
- Injury sustained by the subject
- Injury sustained by the officer or another person
- Information regarding medical assessment or evaluation, including whether the subject refused

Use of Force Report Writing Reference, (Attachment # 5b)

May 2019 *Use of Force Report Writing Reference* (SFPD FTFO Unit)

This reference guide is intended to provide officers preparing incident reports involving the use of force with reminders and recommendations about information that should be captured in the report.

Department General Order 5.01, *Use of Force*, subsection VII.B.1, *Officer’s Responsibility* lists eight points of information that members shall include when writing a use of force report. Review this section prior to submitting or approving a Use of Force report to ensure compliance with this section.

It is recommended that the body of the use of force report include a list of the eight items specifically mandated for inclusion by DGO 5.01, *Use of Force*, subsection VII.B.1, along with a brief summary of each corresponding answer:

- The suspect’s actions necessitating the use of force, including the threat presented by the subject
- Efforts to de-escalate prior to the use of force, and if none, why not
- Any warning given, and if none, why not
- The type of force used
- Injury sustained by the subject
- Injury sustained by the officer or another person
- Information regarding medical assessment or evaluation, including whether the subject refused
- The supervisor’s name, rank, star number and the time notified.



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4) Audit adherence.

Audit Mechanism- Supervisory Use of Force Form Evaluation

Presently, the auditing process of ensuring that all Use of Force reporting procedures are adhered to are as follows:

Per Department Bulletin (DB) 18-171 (**Attachment #6 a**), supervisors are required to complete a “Supervisory Use of Force Evaluation Form.” Please see Audit for DB 18-171 (**Attachment # 6 b**). Department Form 575A is a step by step form completion guide. Department Form 575B are the actual forms that supervisors are required to complete and submit.

Field # 73 of Department Form 575B directs supervisors to determine preliminary findings of a Use of Force incident and determine whether the Use of Force is within policy, out of policy, or if the “determination pending investigation” is referred to another investigative unit.

Was UOF within department policy?		
Y <input type="checkbox"/>	N <input type="checkbox"/>	Determination Pending Investigation <input type="checkbox"/>
(Any UOF incident referred to an investigative unit)		
If No or Determination Pending Investigation, notify a superior officer. Submit for Commanding Officer's approval prior to reporting off-duty.		

In order for supervisors to make a preliminary determination regarding whether or not the use of force incident is within policy, the supervisors are mandated to conduct an investigation which includes, but is not limited to, reviewing use of force statement(s) reported in the narrative portion of the incident report, supplement report, and/or statement form. During the course of reviewing use of force statements, supervisors are required per DGO 5.01 Section VII. B. 2 (e) to ensure compliance. The section states:

“A supervisor shall not approve an incident report or written statement involving a use of force that does not comply with the requirements as set forth in VII.B.1. [Officer’s Responsibility]”

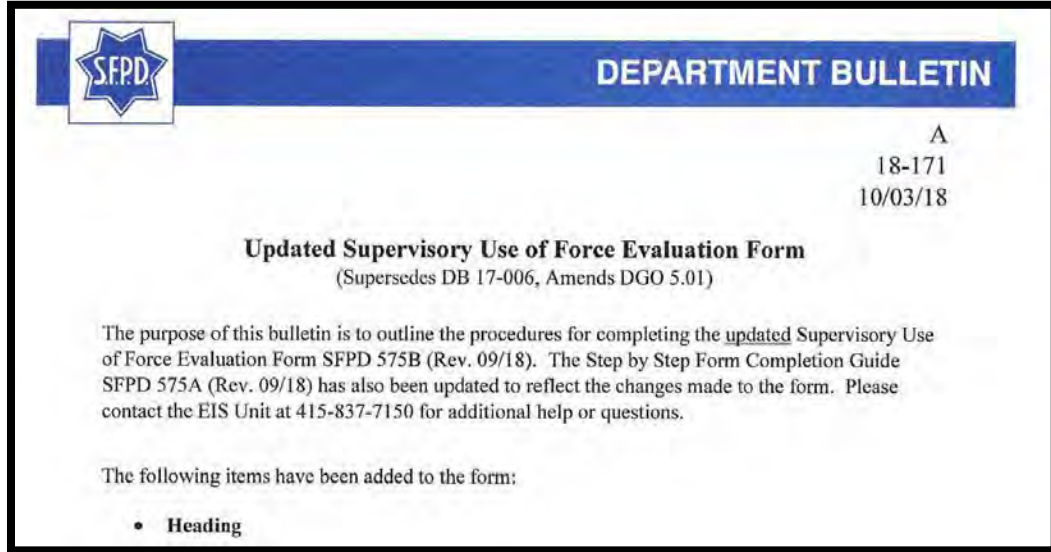
If supervisor(s) determine that the Use of Force incident is not in policy, then the case will subsequently be referred to the Internal Affairs Division (administrative and/or criminal) for an investigation.

The Supervisory Use of Force Evaluation form is submitted through the chain of command before the end of watch.



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DB18-171, (Attachment #6 a)



The EIS unit receives the completed Supervisory Use of Force Evaluation forms daily by email. The EIS unit then reviews the corresponding incident report and Use of Force log to look for discrepancies.

In the past, SFPD did not track clerical errors involving the completion of the Supervisory Use of Force Evaluation form. Previously, the Supervisory Use of Force Evaluation forms were sent back to the Captain at the district level for corrections. The data from the Supervisory Use of Force Evaluation form is then entered into the Administrative Investigative Management (AIM) database where all use of force data can then be disseminated to the mandated divisions or units, and used as part of the Early Intervention System.

In October 2018, SFPD started tracking clerical errors using an **excel spreadsheet (Attachment # 7)**.

On December 7, 2018, **Unit Order 18-02 (Attachment # 8)**, Supervisory Use of Force Evaluation Form - Missing Data procedures, was established to capture data.

See the current sample of Memorandum (Attachment # 9) sent from the EIS Unit to the Commanding Officer of a District Station. Note that the current memorandum is now addressed to remediate the supervisor completing the UOF form. The memorandum now asks the following questions:

- 1) Did you provide any remedial training to the supervisor on how to properly complete and approve the Use of Force Evaluation form? Yes No
 - a. If so, what type(s) of remedial training methods were used?



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- Verbal Counseling Provided Copy of UOF Evaluation Roll Call Training
- Other

2) Does the supervisor need any further follow-up to assist him/her to complete the Use of Force Evaluation form without errors in the future? Yes No

The aforementioned memorandum has been expanded from the **previous memorandum (Attachment # 10)** sent to supervisors regarding missing/incomplete data. The previous memorandum asked the following questions:

- 1) Was the supervisor given remedial training on how to complete the form?
- 2) Is further follow up needed with the Supervisor?

Audit Mechanism-To Include Use of Force Statements

The EIS Unit within the Risk Management Office is expanding its auditing scope to include Use of Force Statements. Please see EIS Unit Order 20-01, "Use of Force Statement Audit Procedures" **(Attachment # 11)**.

The sergeant-in-charge of the Early Intervention System (EIS) Unit shall perform a quarterly audit on use of force statements made in incident reports involving use of force. The audits shall be conducted on the following schedule:

Reporting Quarter	Month Audit Conducted	Period Covered in Audit
<i>Q1</i>	<i>April</i>	<i>January, February, March</i>
<i>Q2</i>	<i>July</i>	<i>April, May, June</i>
<i>Q3</i>	<i>October</i>	<i>July, August, September</i>
<i>Q4</i>	<i>January</i>	<i>October, November, December</i>

A Use of Force Summary Report is run within the AIM system to show all use of force incidents for the auditing period. From the Use of Force Summary Report, twenty (20) random incidents are chosen to perform the audit on. Once the twenty (20) incidents have been identified, the auditor gathers the reports from the chosen incidents.

The auditor, or their designee, shall thoroughly review each selected incident report and complete a Use of Force Statement Audit (SFPD Form 603) **(Attachment # 12 a)**. Once complete, the auditor shall compose a memo that summarizes their findings of the quarterly audit. The memo is then sent to the Officer-in-Charge (OIC) of the EIS Unit who then forwards the results of the quarterly audit through the chain of command at the Risk Management Office (RMO).

Once the approved memo is received back at the EIS Unit, the packet is scanned and uploaded into the EIS Shared Folder to be kept per SFPD destruction policy.



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Quarterly audit process:

- 1) The auditor, usually the sergeant-in-charge of EIS, or their designee, prints the quarterly Use of Force report.
- 2) The auditor randomly picks twenty (20) use of force incidents to audit.
- 3) The auditor will print the incident reports.
- 4) The auditor will thoroughly read and review the reports.
- 5) The auditor completes the Use of Force Statement Audit form (SFPD 603) for each incident report reviewed.
- 6) If discrepancies are found, the auditor will make notes on the audit form and bring them to the attention of the Commanding Officer of the station where the officer who wrote the statement is assigned by memo. The memo will include a copy of the audit form and what discrepancies were found. The Commanding Officer will then determine if retraining or other remedial action is necessary.
- 7) The auditor then initials the audit form and gives it to the OIC of Legal for a final review and approval.
- 8) After the audit forms have been reviewed and initialed by the OIC, the audit packets are scanned and saved in the EIS shared folder. **(Attachment #12a and 12b)**



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Use of Force Audit Statement (SFPD Form 603), **(Attachment # 12a)**



Use of Force Statement Audit

Audit Month:

Audit Completed By:

Star #:

Date of Incident:

UOF Tracking No.:

Case Number:

Reporting Officer:

Department General Order 5.01 (Section VII.B.1.) and Department Bulletin 19-126 state the following:

OFFICER'S RESPONSIBILITY. Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Descriptions shall be in clear, precise and plain language and shall be as specific as possible.

a. When the officer using force is preparing the incident report, the officer shall include the following information:

	YES	NO
i. The Subject's action necessitating the use of force, including the threat presented by the subject;	<input type="checkbox"/>	<input type="checkbox"/>
ii. Efforts to de-escalate prior to the use of force; and if not, why not;	<input type="checkbox"/>	<input type="checkbox"/>
iii. Any warning given and if not, why not;	<input type="checkbox"/>	<input type="checkbox"/>
iv. The type of force used;	<input type="checkbox"/>	<input type="checkbox"/>
v. Injury sustained by the subject;	<input type="checkbox"/>	<input type="checkbox"/>



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Memorandum: Use of Force Statement Audit Findings, **(Attachment # 12b)**

Memorandum

San Francisco Police Department



To:

Commanding Officer
Southern Police Station

APPROVED YES NO

From:

Sergeant Darwin Naval #2271
Legal Division

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Date:

Click or tap to enter a date.

Subject:

Use of Force Statement Audit Findings – [REDACTED]

The Risk Management Office has randomly conducted a Use of Force Statement Audit on a use of force incident from your station.

These random audits are conducted to ensure members are properly documenting their use of force in their statements, as outlined in DGO 5.01 (Section VII.B.1).

This memo is NOT a form of punishment nor will this instance result in any punitive action from the Legal Division. This memo will NOT go into a member's personnel file. This memo was created to inform the Commanding Officer of a discrepancy in an officer's report so that proper retraining or other remedial action can be taken to ensure compliance with DGO 5.01 (Section VII.B.1) and overall consistency in reporting throughout the department (per Collaborative Reform Initiative Recommendation 18.3).

Use of Force Incident Number: [REDACTED]

Reporting Officer: [REDACTED]

Report Reviewing Sergeant: [REDACTED]

Report Reviewing Lieutenant: [REDACTED]