

Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 4.3 that have been submitted to us as part of the collaborative reform process. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 4.3:

In the interim [while SFPD is developing an electronic reporting system], the SFPD should implement the use of force report that is under development within the Early Intervention System (EIS) Unit and require that it be completed for every use of force incident. The assessment team identified this report to be a good start to a robust reporting system for use of force incidents in the SFPD. The SFPD should eliminate the Use of Force Log (SFPD 128 (Rev. 03/16)).

Response to 4.3:

SFPD requires that supervisors complete a Supervisory Use of Force Evaluation Form following any incident involving a reportable use of force. This requirement is codified in Department Bulletin 17-006, which explains the reporting and evaluation process, and included a step-by-step form completion guide. The Department updated Department Bulletin 17-006 on October 3, 2018, with Department Bulletin 18-171.

The supervisor emails the Supervisory Use of Force Evaluation Form to the EIS Unit. If there is data missing or incomplete on the form, the EIS Supervisor prepares a missing/incomplete data memo and gives it to the commanding officer for the relevant station or unit. The commanding officer is required to respond to the missing/incomplete data memo with a corrected Supervisory Use of Force Evaluation Form and they must note on the missing/incomplete data memo whether the supervisor who provided the incomplete Supervisory Use of Force Evaluation Form was given remedial training on how to complete the form and whether any further follow up is needed with the supervisor

SFPD's IT Division is working on integrating the Supervisory Use of Force Evaluation Form into its Crime Data Warehouse and expects this project to be completed in the first quarter of 2021. This will enable real-time access to use of force data and make it easier for SFPD command staff to evaluate the reasonableness of use of force in any incident.

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 this further. Thank you.

Tanya

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## **Collaborative Reform Completion Memorandum- RFI**

**Finding #4:** The Use of Force Log captures insufficient information about use of force incidents. The SFPD does not have a separate use of force report for personnel to complete after a use of force incident. Rather, the specific articulable facts leading to the force incident are documented in the narrative of a regular incident report form and a paper use of force log, making it difficult to collect accurate and complete data or analyze aggregate use of force data. In addition, it requires staff to manually log the information into the Early Intervention System.

**Recommendation #4.3:** In the interim, the SFPD should implement the use of force report that is under development within the Early Intervention System Unit and require that it be completed for every use of force incident. The assessment team identified this report to be a good start to a robust reporting system for use of force incidents in the SFPD. The SFPD should eliminate the Use of Force Log (SFPD 128 (Rev. 03/16)).

**Response Date: 10/13/2020**

### **Executive Summary:**

The San Francisco Police Department established policies and practices to reinforce oversight and evaluation of use of force incidents. Department Bulletin (DB) 17-006 (Supersedes DB 15-237, Amends D.G.O. 5.01) [REDACTED] mandated that supervisors must complete a Supervisory Use of Force Evaluation Form for each reportable use of force, and submit it through the chain of command before the end of their watch. The Supervisory Use of Force Evaluation form was rolled out department wide on January 9, 2017. The Supervisory Use of Force Evaluation form existed as a method to collect data, and as a checklist to be used during the use of force investigation.

Included with DB 17-006 was a step-by-step guide which showed line-by-line how to fill out the form and where to get the information. This guide was attached to the Department Bulletin and was easily accessible to all Supervisors who reference the DB on the proper procedures.

On October 11, 2018, DB 18-171 (Supersedes DB 17-006, Amends D.G.O. 5.01) [REDACTED] was issued in order to reflect updated and improved changes on the Supervisory Use of Force Evaluation Form. See Audit on DB 18-171 conducted on 10/13/2020 [REDACTED]. Included with DB 18-171 is a step-by-step guide which shows line-by-line how to fill out the form and where to get the information.

DB 18-171 mandates that supervisors must complete a Supervisory Use of Force Evaluation form for each reportable use of force and submit it through the chain of command before the end of their watch.

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



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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

On 12/7/2018, Unit Order 18-02 Supervisory Use of Force Evaluation Form - Missing Data procedures, was established to address this compliance measure.

See the current sample of Memorandum 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?
    - 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 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?

As of October 2020, DB 18-171 is in process to be reissued in the 4<sup>th</sup> quarter of 2020. Please refer to memorandum written by Sgt. Darwin Naval requesting the reissuance of DB 18-171.

DGO 5.01 is currently in the process of being amended. Once DGO 5.01 is amended, the current Supervisory Use of Force Evaluation form will be reopened to reflect the changes of the new Use of Force policy. During that time, Sgt. Darwin Naval (Early Intervention System Unit) will use the opportunity to review Use of Force reporting systems from agencies to continuously ensure that SFPD's Use of Force reporting system is aligned with contemporary policing best practices.



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### Compliance Measures:

#### 1) Implement EIS unit use of force report.

The San Francisco Police Department has met this compliance measure per the feedback received from Hillard Heintze.

The San Francisco Police Department established policies and practices to reinforce oversight and evaluation of use of force incidents. Department Bulletin (DB) 17-006 (Supersedes DB 15-237, Amends D.G.O. 5.01) [REDACTED] mandated that supervisors must complete a Supervisory Use of Force Evaluation Form for each reportable use of force, and submit it through the chain of command before the end of their watch. The Supervisory Use of Force Evaluation form was disseminated department-wide on January 9, 2017. The Supervisory Use of Force Evaluation form existed as a method to collect data, and as a checklist to be used during the use of force investigation.

Included with DB 17-006 was a step-by-step guide which showed line-by-line how to fill out the form and where to get the information. This guide was attached to the Department Bulletin and was easily accessible to all Supervisors who reference the DB on the proper procedures.

On October 11, 2018, DB 18-171 (Supersedes DB 17-006, Amends D.G.O. 5.01) [REDACTED] was issued in order to reflect updated and improved changes on the Supervisory Use of Force Evaluation Form. See Audit on DB 18-171 [REDACTED] Included with DB 18-171 is a step-by-step guide which shows line-by-line how to fill out the form and where to get the information.

DB 18-171 mandates that supervisors must complete a Supervisory Use of Force Evaluation form for each reportable use of force and submit it through the chain of command before the end of their watch.

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.

#### 2) Require completion of use of force form for every use of force incident.

The San Francisco Police Department has met this compliance measure per the feedback received from Hillard Heintze.



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DB 18-171 mandates that supervisors must complete a Supervisory Use of Force Evaluation form for each reportable use of force and submit it through the chain of command before the end of their watch. [REDACTED]

### **3) Eliminate the Use of Force Log [SFPD 128 (Rev. 03/16)].**

Per a conversation with [REDACTED] Hillard Heintze and former Use of Force Executive Sponsor Commander Walsh, DOJ Recommendation 4.3 had a typo which stated the Use of Force log was to be eliminated. Hillard Heintze clarified that the paper version of the Use of Force Log was to be made into a digital form and not eliminated. The Use of Force Log was converted into a digital format. See **digital version of the Use of Force Log** [REDACTED] See sample **Use of Force Log from Southern Station** [REDACTED]

### **4) Periodic audits until automated reporting system is fully operational.**

The San Francisco Police Department has met this compliance measure per the feedback received from Hillard Heintze.

In October 2018, SFPD started tracking clerical errors using an **excel spreadsheet** [REDACTED]

On 12/7/2018, **Unit Order 18-02** [REDACTED] Supervisory Use of Force Evaluation Form-Missing Data procedures, was established to address this compliance measure.

**See the current sample of Memorandum** [REDACTED] 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
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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** [REDACTED] 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?



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### **5) Eliminate use of EIS report with the introduction of the electronic form.**

The SFPD IT Division has been tasked to integrate the Supervisory Use of Force Evaluation Form into Crime Data Warehouse for real time data entries. The IT Division is expecting this project to be completed 1<sup>st</sup> quarter of 2021. Please see memorandum from Sgt. Darwin Naval requesting Supervisory Use of Force Evaluation Form being integrated into Crime Data Warehouse [REDACTED]. In addition, please refer to memorandum from Commander Robert O'Sullivan requesting Supervisory Use of Force Evaluation Form being integrated into Crime Data Warehouse [REDACTED].

On 10/13/2020, [REDACTED] (SFPD Applications Support Group) wrote an email to Sgt. Naval, stating that the official project kick off date is Wednesday, 10/14/2020 [REDACTED].

[REDACTED]