

Recommendation 68.2

GM

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Wed 4/14/2021 7:08 PM

To:

- Tanya Koshy [REDACTED]
- McGuire, Catherine (POL);
- Scott, William (POL)

+8 others

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 68.2 that were submitted to us as part of the collaborative reform process. This package focused on SFPD collecting and entering accurate data. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 68.2: Supervisors and officers who fail to properly collect and enter information must be held accountable through discipline. Absent proper collection of data, little to no analysis can occur.

Response to 68.2: SFPD has several policies dictating the entry and review of data for accuracy. If an officer or supervisor fails to follow policies or procedures, including for entry of accurate data, they are subject to discipline under Department General Order (DGO) 2.01, "General Rules of Conduct." Under DGO 1.04, "Duties of Sergeants," supervisors are required to review the reports of subordinates for completeness, and under DGO 1.06, "Duties of Superior Officers," commanding officers are required to inspect all records under their command. SFPD has also promulgated specific rules for review of certain types of data, such as with the Juvenile Detention Log (SFPD Form 472 and 473, requiring supervisors to validate accuracy), Use of Force Log (Department Bulletin 18-171, "Supervisory Use of Force Evaluation Form," requiring supervisory review of information), and stop data collection (e.g., Department Bulletin 18-105, "Stop Data Collection System Implementation," mandating stop data collection in compliance with AB 953).

Additionally, Department Notice 20-134, “Report Writing Responsibilities—Supervisors, Officers, and Police Service Aides,” reiterates that officers must prepare complete and accurate incident reports and that supervisors are responsible for thoroughly reviewing the reports and for providing informal training to officers on completing the reports. The Notice advises officers and supervisors of eighteen common entry errors, such as not articulating reasonable suspicion in the narrative, omission of witness contact information, and writing in the passive voice (“was arrested” instead of “I arrested”). The Notice also reminds officers and supervisors of their responsibilities regarding use-of-force reports, and reiterates relevant requirements under DGO 5.01, DGO 1.04, DGO 1.05, and Department Bulletin 19-126 regarding the collection and review of use-of-force reports.

SFPD trains officers to gather and enter data through roll-call trainings, department bulletins, and other resources. For example, Department Bulletin 18-171, “Supervisory Use of Force Evaluation Form,” provided specific guidance on how data entry should be completed in the evaluation form, such as how to sequence the use of force and when to check off that a subject was admitted for medical treatment. The Bulletin was accompanied by a step-by-step roll-call training in late 2018. SFPD supplemented this with a readily accessible online step-by-step guide. Additionally, SFPD promulgated Unit Order 18-02, “Supervisory Use of Force Evaluation Form—Missing Data,” creating a procedure whereby evaluation forms are checked for missing data and returned to the supervisor. The supervisor must correct the form and prepare a memorandum to the commanding officer outlining the issue for potential remedial training or other follow up.

Regarding stop data, in July of 2018 SFPD implemented the Stop Data Collection System (SDCS), a web-based application to collect stop data. SDCS complies with the required collection data under the Racial and Identity Profiling Act (RIPA). SFPD supported the rollout of SDCS with training and guidance, such as the SDCS Web Application Manual. On May 31, 2018, SFPD issued Department Bulletin 18-105, “Stop Data Collection System Implementation,” requiring officers to complete the training and review the guidance. In response to errors discovered during audits, on December 4, 2018, SFPD issued Department Bulletin 18-247, “SDCS Implementation,” reminding officers of various data collection requirements. On October 7, 2020, SFPD re-issued Department Bulletin 18-247 as Department Notice 20-141. The SFPD Business Analysis Team 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. As addressed in other recommendations, Cal DOJ has also recommended supervisory review of stop data.

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.



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Finding # 68:

The SFPD has poor data collection and analysis, which significantly impacts effective overall organization management and accountability.

Recommendation # 68.2

Supervisors and officers who fail to properly collect and enter information must be held accountable through discipline. Absent proper collection of data, little to no analysis can occur.

Response Date: 11/24/2020

Executive Summary:

Department members are responsible for properly collecting and documenting information in their line of duty. Moreover, supervisors are tasked with ensuring data accuracy by reviewing their subordinates' collection and submission of information. The Department has policies, procedures, and a disciplinary mechanism that reinforce proper collection and entry of data.

In addition to supervisory review at the unit level, the Department's Staff Inspection Unit (SIU) is tasked with conducting independent audits such as the proper collection and entry of data by members. The SIU identifies performance efficiencies and deficiencies, as well as make corrective recommendations in its audit reports. The recommendations include disciplinary referrals for egregious findings.

Compliance Measures:

1) Establish policy and procedure regarding proper collection and entry of data – including non-compliance.

Department General Order (DGO) 2.01, Section 5 (**Attachment #1**) dictates that its members perform their duties in accordance with established policies and procedures. Members, therefore, are expected to properly collect and enter data as part of their duty.

Additionally, DGO 2.01, Section 10 (**Attachment #2**) compels members to obey all written orders, policies, and procedures as well as verbal directives from their superiors. DGO 3.01 (**Attachment #3**) also specifies that DGOs are the highest authoritative directives from the Chief of Police. Members are expected to impart honesty and good faith in their work by properly collecting and entering data.



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DGO 3.01.12 ACCOUNTABILITY identifies how members must acknowledge receipt and review of any electronically sign-off on all directives. It is the responsibility of the Commanding Officer or designee of each unit to conduct periodic audits to confirm members of their unit electronically signing off all directives within the 30 days.

Members are expected to have a working knowledge of all directives as applicable through their respective assignment and comply with their provisions. Retention of paper copies of General Orders or any other directives (Manuals, Bureau Orders, Unit Orders, Bulletins, Notices) are no longer mandated.

1. Members shall utilize the Department's electronic system to acknowledge receipt and review of and electronically sign-off all directives within (30) thirty days of issuance.
2. The Commanding Officer or Officer-in-Charge (OIC) or designee of each unit shall conduct periodic audits to confirm that members of their unit reviews and acknowledges all directives by electronically signing for all directives within 30 days of the date of the directive.
3. No proposed policy (such as General Order, Bulletin, Unit Order, Bureau Order, Manual) or other directive outlined in this order shall conflict with approved established policy unless the proposed directive is superseding or amending an existing directive and the proposed policy will be subject to the approval process outlined in this General Order.
4. Commanding Officers of each unit shall ensure that new and amended General Orders and Bulletins that substantively amend a General Order are supplemented with appropriate training and supervision to ensure compliance with the new directive. (Attachment #3) *DGO 3.01.12 Accountability*

DB 20-150 (Attachment #4) compels Department members to electronically acknowledge reviewing DBs, such as the Bulletin regarding supervisory use-of-force forms. All members are responsible acknowledging receipt and review of Department Policy using PowerDMS.

Department Notice (DN) 20-134 (Attachment #5) specifies that officers and Police Service Aides (PSAs), who write police reports, are expected to compose them completely and accurately with all pertinent information. Members not compliant with DB 20-134 are considered to be in violation of a written order, and therefore subject to discipline per DGO 2.01, Section 10 (Attachment #2).

Members who fail to follow Department rules and expectations regarding proper collection and entry of accurate data are considered in neglect of duty. According to DGO 2.01, Section 9 (Attachment #6), officers are subject to discipline when engaged in any conduct that undermines the efficiency of the Department. Members who engage in neglectful behavior by improperly collecting information or inaccurately entering them, harm an important mission of the Department – documentation for further legal action.



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2) Establish and deliver training or training tools to support proper data collection and entry.

The Department trains members to properly gather and enter data on forms through roll-call trainings, department bulletins, email messages, resources on the intranet, and professional training courses.

For example, a roll-call training entitled *Form SFPD 575A - Supervisory Use of Force Evaluation Step by Step Form Completion Guide (Attachment #7)* occurred in late 2018. This training was detailed in DB 18-171 (*Attachment #8*). DGO 5.01 which is currently being updated will include the elements of DB 18-171 once revised. *Form SFPD 575B- Supervisory Use of Force Evaluation* is currently being used and will continue to be used in conjunction with DGO 5.01. An online step-by-step guide (*Attachment #9*) was also posted on the Department network so that members can readily access it on any work computer. Examples of recent *Form SFPD 575B Supervisory Use of Force Evaluation* are included, September and October 2020. (*Attachment #10*)

The Department sent out an email message on 05/17/2019 entitled *SDCS Reminders (Attachment #11)* that showed how to correctly enter information in the state-wide detention tracking system. The email is an example of how the Department uses electronic communication to disseminate training about collection and entry of accurate data.

Sworn members are mandated to attend a one-week Continued Professional Training (CPT) course every two years. One of the courses taught is about report writing, and members are reminded to properly collect and accurately enter information in documents.

3) Establish a policy and procedure regarding supervisory review of data collected and reported.

- Policies and procedures detailed in DGOs, DBs, and self-explanatory forms establish supervisory review of collected and entered data.
- DGO 1.04, Section I. A. 2. a. (*Attachment #12*) dictates supervisors review reports by subordinates for completeness. DB 20-134 also instructs the importance of factual reporting. (*Attachment #5*)
- Additionally, according to DGO 1.06, Section I. B. 4. (*Attachment #13*), Commanding Officers (COs) are to continuously inspect all records under their command.
- Department Forms SFPD 472 *Non-Secure Detention Juveniles Log (Attachment #14)* and SFPD 473 *Secure Detention of Juveniles Log (Attachment #15)* require



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supervisors to validate the accuracy and completeness of entries with their signature.

- DB 18-171 (Attachment #8) emphasizes the supervisory role of reviewing information entered in a Use of Force evaluation form and the SFPD 128 *Use of Force Log* (Attachment #16)

On Monday November 19, 2020, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below

Cal DOJ and Hillard Heintze requested more information on SFPD processes for reviewing data, in particular with regard to use of force, which were the original issue areas motivating the recommendation. SFPD agreed that it could provide that information.

Once the supervisor has completed the Supervisory Use of Force Evaluation Form (SFPD 575B), it must be signed by the supervisor completing the evaluation, reviewing supervisor and submitted to the on-duty platoon commander by the end of watch.

The platoon commander shall review the Supervisory Use of Force Evaluation Form, Use of Force Log as well as the incident report before forwarding it to their captain for approval.

The captain, or his/her designee is responsible for scanning the completed Supervisory Use of Force Evaluation Form by the end of their watch except on weekends or holidays and emailing it to:

- Risk Management Office sfpdeisadmin@sfgov.org
- Training Division sfpd.training.uof@eval@sfgov.org
- Field Operations Bureau sfpd.obhqsfgov.org

DB 18-171 page 3 and 4, *Routing Instructions* (Attachment #8)

TRAINING DIVISION RESPONSIBILITIES.

The Commanding Officer of the Training Division will maintain controls that assure all Use of Force Logs and Supervisor Evaluations are received, and shall perform a non-punitive review to ascertain the number, types, proper application and effectiveness of uses of force. The information developed shall be used to identify training needs.

RISK MANAGEMENT RESPONSIBILITIES.

The Commanding Officer of the Risk Management shall generate a report bi-weekly (1st and 15th) to the Chief of Police on the use of force by Department members that includes comprehensive use of force statistics consistent with current federal, state and local laws on use of force reporting.



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DATA COLLECTION AND ANALYSIS.

The Department will collect and analyze its use of force data in the Risk Management Use of Force database. The Use of Force statistics and analysis will include at a minimum:

- a. The type of force
- b. The types and degree of injury to suspect and officer
- c. Date and time
- d. Location of the incident
- e. Officer's unit
- f. District station where the use of force occurred
- g. Officer's assignment
- h. Number of officers using force in the incident
- i. Officer's activity when force was used (ex. Handcuffing, search warrant, pursuit)
- j. Subject's activity requiring the officer to use force
- k. Officer's demographics (age, gender, race/ethnicity, rank, number of years with SFPD, number of years as a police officer)
- l. Suspect demographics including race/ethnicity, age, gender, gender identity, primary language and other factors such as mental illness, cognitive impairment, developmental disability, drug and alcohol use/addiction and homeless.

The Department will post on a monthly basis on its website comprehensive use of force statistics and analysis and provide a written use of force report to the Police Commission annually. DGO 5.01 Document Routing ([Attachment #17](#))

In June 2019, the Early Intervention System (EIS) Unit checked a submitted Use of Force Evaluation Form (SFPD 575b) from a patrol station for accuracy and completeness. EIS discovered the form was incomplete. As a result, EIS sent a Memorandum dated 06/28/2019 ([Attachment #18](#)) to the Commanding Officer (CO) of the station and requested corrective action that remedied the deficient finding. Instructions to correct and update the Use of Force Evaluations Form is outlined in Unit Order 18-02, *Supervisory Use of Force Evaluation Form- Missing Data* ([Attachment #19](#))

EIS Unit Order 18-02

If data is missing from the form, the designated data entry person gives the incomplete UOF Evaluation Form to the supervisor of the EIS Unit. The EIS supervisor shall do the following:

1. Prepare a memo to the commanding officer of the station/unit outlining what data is missing. The police incident number and supervisor who completed the form shall be identified in the memo along with a due date to have the form completed and sent back to the EIS Unit.
 - a. The commanding officer or their designee shall answer two questions asked in the memo.



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- i. "Was the supervisor given remedial training on how to complete the form?"
 - ii. "Is further follow up needed with the supervisor?"
2. Print a hard copy of the prepared memo as well as the incomplete UOF Evaluation Form. The memo and the incomplete UOF Evaluation Form are then sent to the SUBJECT: Supervisory Use of Force Evaluation Form - Missing Data Procedures 18-02 Si-PD 427 (8/91) " Unit Order, continued: attention of the commanding officer to their station/unit for follow up by inter-department mail.
 3. Email the commanding officer as well as the commanding officer's clerk advising them of the missing data and due date to have the completed form returned by. A digital copy of the memo and the incomplete UOF Evaluation shall be attached to the email along with an advisement that a hard copy has been forwarded to their station/unit through inter-department mail.
 4. Enter the following information into the Use of Force Evaluation Missing Data Log which is maintained by the EIS Unit.
 - a) Month the UOF occurred in
 - b) Station the form was received from
 - c) Police incident number
 - d) Date of the UOF incident
 - e) Description of the data that was missing
 - f) Date the data is due to be returned by
 - g) If the data was received back with the missing/corrected data

Once the EIS Supervisor has completed all 4 steps it is incumbent on the commanding officer or their designee to return the completed memo as well as the completed UOF Evaluation back to the EIS Unit on or before the due date. The commanding officer shall have discretion on how to provide remedial training and any follow up they deem necessary for the supervisor who completed the UOF Evaluation.

Unit Order 18-02, *Supervisory Use of Force Evaluation Form- Missing Data*

(Attachment #19)

4) Review/audit process established to review information collected at the officer and supervisors levels.

DB 20-161 (Attachment #20) announced the establishment of the SIU. The Unit is tasked with inspecting and auditing observed performances in the field in comparison to the Department's expectations codified in policies and procedures.

In addition to COs' review and inspection of all records under their command per DGO 1.06, Section I. B. 4. (Attachment #13), the Department's SIU provides an independent review and audit of various facets of the Department's operations such as collecting information at the officer and supervisor levels.



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According to SIU Procedures Bureau Order 20-01, Section II. A. 1. (Attachment #21), the Unit is responsible for auditing Department practices with regards to compliance, effectiveness, and efficiency. Improper collection and entry of data are considered inefficient, and therefore are out-of-compliance with codified Department mandates regarding thoroughness and completion.

The Business Analysis Team (BAT), a Unit tasked with identifying and collecting relevant data for analytical reports, conducts audits of information entered by patrol officers into the California state Stop Data Collection System (SDCS). The most recent audit of data entered into SDCS occurred in early 2019. The BAT Unit discovered incorrect entries were made into SDCS and they were documented in a department email with instructions on how to properly enter data. (Attachment #11).

5) Evidence of supportive and remedial action if deficiencies are found.

The Department demonstrates supportive and remedial actions by tasking numerous units to check for accurate data entry. Additionally, there is a follow-up mechanism to address deficient findings. Corrective actions can manifest through DBs, roll-call training sessions, Continued Professional Training (CPT) courses, or a referral to Internal Affairs (IA).

In early 2019, SIU conducted an audit of members' adherence to codified practices regarding juvenile detentions and arrests. SIU described the results in an audit report entitled *Juvenile Procedures* (Attachment #22). The report also contained corrective recommendations.

On February 20, 2020, the Chief of Police signed the above report, thereby authorizing remedial actions to correct deficient findings. One of the recommendations was about collecting and entering accurate information into juvenile detention or arrest reports.

The Training Division (TD) was tasked with completing the recommendations by developing a Department-wide monthly *roll call training* to address the shortcomings. SIU's Monitoring Team oversaw and documented TD's efforts in an accomplishment memorandum (Attachment #23) that was signed by an Assistant Chief on behalf of the Chief.

On Monday November 19, 2020, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below

Hillard Heintze also requested that SFPD include how it is using technology to review and analyze data. Cal DOJ requested that the Form 2001 narrative address



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whether the BAT email on 5/17/2019 to address deficiencies in stop data reporting was successful in addressing the problem.

In early 2019, the BAT Unit conducted an audit of data entered into the state Stop Data Collection System (SDCS) by patrol officers. It discovered some information were not properly recorded. As a result, BAT sent a Department-wide email entitled *SDCS Reminders* (Attachment #11) on 05/17/2019. After roll out of the SDCS, some minor deficiencies in entries to the SDCS were discovered by the Business Analysis Team (BAT) at the SFPD Professional Standards Unit. Department-wide emails (Attachment #11) were utilized to communicate corrective action to be taken by members as well as communicate additional training specific to the common deficiencies that were seen after the initial rollout of SDCS. The emails touched on common errors found by the BAT, such as entering personally identifiable information; CAD, incident, or report numbers; exact addresses of occurrence; or information that reveals an investigative technique. Both officers and supervisors benefited from these corrective emails. These Department-wide emails were an efficient and effective way to provide information to members since access to email via department cell phones is available to members 24/7 from anywhere, including in the field.

In the months following the roll-out of the SDCS, the Business Analysis Team continued to notice minor deficiencies in stop data entry in the SDCS. The Department took remedial action by creating formal instruction and updated training in: Department Bulletin 18-105: (Attachment #24) *Stop Data Collection System (SDCS) Implementation*.

Department Bulletin 18-247: *Stop Data Collection System (SDCS) Implementation* (Attachment #25) served to supplement and additional instruction for DB 18-105.

Department Bulletin 20-141 was later issued and superseded 18-105 and 18-247. DB 20-141, *Stop Data Collection System* (Attachment #26) is accessible to all members on their computer and cell phones

On Monday November 19, 2020, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below

Cal DOJ and Hillard Heintze requested more information on SFPD processes for reviewing data, in particular with regard to stop data, which were the original issue areas motivating the recommendation. SFPD agreed that it could provide that information.

The BAT team completes what is called a "data cleaning process" when they download stop data from the SDCS. Data cleaning refers to identifying incomplete, incorrect, inaccurate or irrelevant parts of the data and then replacing, modifying, or deleting the



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dirty or coarse data. For our purposes, this process ensures that data does not reveal Personally Identifiable Information (P11) or exact address data, and is explained in *SDCS data cleaning process*. (Attachment #27)

The SFPD BAT team also communicates with the California Department of Justice (DOJ) for assistance with use of the SDCS. The SFPD attended a meeting with the California DOJ and RIPA board after the rollout of the SDCS, in November of 2018. This meeting included the Race and Identity Profiling Act (RIPA) board, and discussed the SDCS rollout and issues related to the rollout of this system. While attending this meeting, the SFPD was able to share information as well as learn more about the SDCS in order to better train members in the field. RIPA meeting report provides a summary of the meeting, including a discussion of the error rate around personal identification entry, which is being addressed through after-entry data cleaning and training officers on properly enter the information prior to their use of the SDCS.

Finally, as a key supportive and remedial action for all data related to SDCS entries, the SFPD entered into a Research Agreement with an external independent outside agency, CUNY-John Jay.: *CUNY-John Jay Research Agreement* (Attachment #28) outlines the scope of the work. Section 21ii of the research agreement states CUNY-John Jay will complete: "Analysis on SFPD data involving pedestrian and vehicle stops, use of force, and complaints using current data collection practices." As a neutral third party, CUNY-John Jay serves to document the ongoing review and analysis of data to ensure sufficiency and accuracy of data collection.

In April 2018, the SIU conducted an audit to determine whether Department members completed a mandatory online training called *Preventing Workplace Harassment*. In the ensuing report (Attachment #29), 90% of sworn members and 76% of civilian members were compliant. As a result, the corrective actions were recommended that was completed by the Training Division. Their remedial efforts were documented in a Memorandum (Attachment #30).

6) Ongoing audit and/or review loop to address trends and other issues.

DGO 1.06, Section I. B. 4. (Attachment #13) dictates COs are to continuously inspect all records under their command.

SIU's mission to routinely conduct audits is characterized as ongoing and recurring. Strategic Management Bureau (SMB) Order - SIU Procedures, Section II. A. 4. (Attachment #31) and Section VI. D. (Attachment #32) states that follow-up audits or inspections can occur based on findings.

SIU determines areas to inspect during an annual risk assessment or upon request from the Chief of Police or Chief's designee per SMB Order - SIU Procedures, Section V. A. (Attachment #33). The Unit also takes into consideration contemporary trends when choosing areas to audit.



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SIU conducted two audit reports regarding Body Worn Cameras (BWCs) - *Body Worn Camera/Traffic Stops (Attachment #34)* and *Body Worn Camera Review (Attachment #35)*. The reports exemplify a recurring review of a new trend - adoption of body cameras by law enforcement.