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Subject: Recommendation 8.3
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Dear Acting Captain Altorfer:

Our office has completed its review of the materials related to Recommendation 8.3 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 8.3:

Supervisors should be required to document their actions regarding the investigation of the use of force incident within the incident report. As recommended in this section (recommendation 3.2), a stand-alone use of force report should be developed and, when completed, should contain a section for supervisory actions relative to the incident and signature.

Response to 8.3:

SFPD requires supervisors document actions in three separate places, and for purposes of this Recommendation, the California Department of Justice and Hillard Heintze agree that this process suffices. First, supervisors must make an entry into the use of force log housed within the district station where the incident occurred. Second, supervisors must sign off on any incident report and, to that end, must ensure the incident report has as much detail as possible regarding the incident. Third, SFPD requires supervisors to complete a Supervisory Use of Force Evaluation Form following any incident involving a reportable use of force. The form must be filled out by a supervisor and submitted up through the chain of command by the end of the supervisor's watch. For more details about this Supervisory Use of Force Evaluation Form, including the categories of information a supervisor must report, please see the package and substantial compliance summary for Recommendation 4.2.

Over several months in 2020 and 2021, the IT division worked on integrating the Supervisory Use of Force Evaluation into its existing Crime Data Warehouse (CDW) database. The electronic version of the form is connected to the related incident report and incident report number.

IT tested the system with frontline supervisors. Based on the feedback of those testers, IT further refined the system. IT also created a manual on how to use the system. Front line supervisors have been trained on this system. Those trainings occurred in April and May of this year.

At the time SFPD submitted an addendum to this package, the system was ready to go live

pending the Police Commission's approval of a few changes to the Department General Order on use of force (5.01).

Under the new electronic reporting system, data is captured in real time and will likely reduce the number of discrepancies (i.e. missing information) that was found in the paper forms. The CDW is coded in such a way that supervisors cannot move onto the next data field until they provide all required information in the present data field. Additionally, the electronic form requires supervisors to digitally acknowledge the Supervisory Use of Force Evaluation but they may only do so if all required fields have been completed.

SFPD has also developed a new quarterly audit process, which is codified in Risk Management Office Unit Order 21-02. Under this process, the Sergeant in Charge of the Early Intervention System (EIS) will pick 20 use of force incidents at random and from there, will print and review the corresponding incident reports and Supervisory Use of Force Evaluation forms. The review will compare the two documents for each of the 20 use of force incidents to ensure consistency, and also check for accuracy and completeness of information. From there, the Sergeant will complete a Supervisory Use of Force Evaluation Audit Form for each reviewed incident. The Audit Form includes a checklist requiring the Sergeant to indicate whether various components of the Supervisory Evaluation Form are correct and complete; those components that a Sergeant must review include the reporting of the whether the use of force was within department policy and what type of force was used. If there are any issues with the incident's forms, the Sergeant will note that in the Audit Form and will advise the Commanding Officer who oversees the station where the officer who wrote the incident report is assigned. The Commanding Officer will determine what remedial action is needed. If, during the course of their review, the Sergeant determines that there is potential misconduct, the Sergeant will advise the Officer in Charge (OIC) of the Legal Division and provide documentation of the potential misconduct. The Legal Division OIC will then bring it to the attention of the OIC of the Internal Affairs Division for further processing.

After an Audit Form is completed, the Sergeant gives it to the Legal Division OIC for final review and approval. The Audit Form is then scanned and saved in a shared folder used by EIS unit.

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.

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Collaborative Reform Completion Memorandum

Finding #8: SFPD supervisors are not required to respond to the scene of all use of force incidents and are not required to fully document their actions.

Recommendation #8.3: Supervisors should be required to document their actions regarding the investigation of the use of force incident within the incident report. As recommended in this section (Recommendation 3.2), a stand-alone use of force report should be developed and, when completed, should contain a section for supervisory actions relative to the incident and signature.

Response Date:

4/27/2021

Executive Summary:

SFPD's Use of Force Reporting System (Historical and Current Practice):

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) (Attachment # 1) 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 and existed as both 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 explained line-by-line how to complete the form and where to find the requisite information. This guide was attached to the Department Bulletin and was easily accessible to all Supervisors who referenced the DB on the proper procedures.

On October 11, 2018, DB 18-171 (Supersedes DB 17-006, Amends D.G.O. 5.01) (Attachment # 2) was issued to reflect updates and improvements on the Supervisory Use of Force Evaluation form. 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 necessary information.

DB 18-171 mandates that supervisors 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 SFPD currently utilizes three ways to document a use of force incident: Use of Force Log, Supervisory Use of Force Evaluation, and an Incident Report. Currently, DGO 5.01 (Attachment # 3) states that supervisors 'shall immediately respond to the scene [of a use of force incident] unless a response is impractical, poses a danger, or where officers' continued presence creates a risk'.



Collaborative Reform Completion Memorandum

When a use of force incident occurs, a supervisor is required to make an entry into the Use of Force Log located at the district station where the incident occurred. A supervisor is also required to complete a Supervisory Use of Force Evaluation to be submitted to the Legal Division for data entry and record-keeping. Finally, supervisors shall ensure that as much detail regarding the incident is included in the incident report.

Forthcoming Electronic Use of Force Report System: Supervisory Use of Force Evaluation Form within Crime Data Warehouse

To streamline the use of force documentation process, a new Supervisory Use of Force Evaluation Form has been integrated into the department's Crime Data Warehouse program. Officers utilize the Crime Data Warehouse to complete and submit incident reports. The new electronic form is currently in beta testing and is scheduled to go live department-wide on May 10, 2021. This new form will include the latest updates to General Order 5.01 that will also go into effect on May 10, 2021.

