

Fw: Recommendation 4.6

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From: Tanya Koshy [REDACTED] >

Sent: Thursday, September 12, 2019 12:25 PM

To: Dorantes, Jennifer (POL) [REDACTED] McGuire, Catherine (POL)

[REDACTED] Scott, William (POL) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Recommendation 4.6

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Dear Acting Captain Dorantes,

Our office has completed its review of the materials related to Recommendation 4.6 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 4.6: The SFPD should audit use of force data on a quarterly basis and hold supervisors accountable for ongoing deficiencies.

[REDACTED]

Response to Recommendation 4.6: SFPD engages in monthly audits of its use of force data. The reason for the more frequent audits than recommended in 4.6 is that Recommendation 20.2 asks SFPD to consider auditing "arrest data and use of force data *monthly* to ensure proper recording of use of force incidents related to arrest incidents (emphasis added)." SFPD provided the report for its April 2019 audit, which shows that it randomly selected ten incidents, and compared each incident's Supervisory Use of Force Evaluation Form (as described below) to each incident's incident report and to the Use of Force Log. The auditor looks for consistency of data and, if any discrepancies are found, they are brought to the attention of the Early Intervention System (EIS) supervisor, who will advise the relevant district station commanding officer of the discrepancy so that the officer can retrain and resubmit a corrected Supervisory Use of Force evaluation form (or write a supplemental police report).

SFPD has developed a process to hold supervisors accountable for ongoing deficiencies. It issued a department bulletin (17-006), which mandates that supervisors complete a Supervisory Use of Force Evaluation Form for each reportable use of force. The form was rolled out department-wide on January 9, 2017. After each reportable use of force, a supervisor completes a Supervisory Use of Force Evaluation Form and emails it to the Academy, the Field Operations Bureau, and the EIS Unit. The EIS unit enters data from the form into the Administrative Investigations Management system. If the person handling data entry for EIS finds that the Supervisory Use of Force Evaluation Form is missing data, he or she will enter information, including the data missing from the form, into a Use of Force Evaluation Missing Data Log. The person handling data entry will also give the incomplete form to the EIS Unit supervisor, who will then prepare a missing/incomplete data memo and gives it to the commanding officer for the relevant station or unit. The commanding officer will then have to respond to the missing/incomplete data memo by a certain date with a corrected Supervisory Use of Force Evaluation Form and he or she 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 follow up is needed with the supervisor. The commanding officer has the discretion to determine how to provide remedial training to the supervisor and what, if any, follow up with the supervisor is needed; however, the missing/incomplete data memo does not require the commanding officer to describe the remedial training provided to the supervisor.

Cal DOJ suggests that SFPD amend the missing/incomplete memo to include a space for the commanding officer to explain the type of remedial training undertaken by the commanding officer. With this addition to the memo, it will not only ensure consistency but will allow SFPD to better keep track of what type of remedial training is provided to a supervisor.

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 this further. Thank you.

Tanya

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Hillard Heintze File Review Recommendation # 4.6

Finding # 4 The Use of Force Log captures insufficient information about use of force incidents.

Recommendation # 4.6 The SFPD should audit use of force data on a quarterly basis and hold supervisors accountable for ongoing deficiencies.

Recommendation Status Complete Partially Complete In Progress
Not Started No Assessment

Summary

Compliance Measures 1, 2, and 3 are completed. The San Francisco Police Department instituted a practice of auditing use of force data on a monthly basis. DGO 5.01 Use of Force Section VII outlines the responsibilities of supervisors with respect to the use of force, and DB 17-006 Supervisory Use of Force Evaluation Form and 18-171 Supervisory Use of Force Evaluation Form - Missing Data Procedures provide detailed instructions to supervisors for properly completing using of force evaluations when responding to incident scenes. The department EIS Unit receives the completed use of force evaluation and compares it to the incident report and use of force log for discrepancies. If deficiencies are found the EIS unit sends correspondence to the Commanding Officer of the supervisor who completed the force evaluation. The Commanding Officer is responsible for ensuring the supervisor corrects any deficiencies noted and identify remedial action, if any, taken to ensure the supervisor is capable of accurately completing use of force evaluations prospectively. Training is the predominant action taken to remediate supervisor errors in completing use of force evaluations. The action taken by the department to address this recommendation is sufficient to designate the recommendation as complete. The Hillard Heintze team will continue to monitor the department's evaluation of supervisory use of force reports to ensure oversight responsibilities are institutionalized.

Compliance Measures		Status/Measure Met
1	Audit use of force data on a quarterly basis.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Hold supervisors accountable for ongoing deficiencies with data accuracy and reporting of data.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Evidence of remedial action if deficiencies are found.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues

SFPD should consider revising the memo given to a commanding officer when a Supervisory Use of Force Evaluation Form has missing data so that it includes a space where the commanding officer can explain what type of remedial training was provided to the supervisor.



Collaborative Reform Completion Memorandum

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 # 4.6 The SFPD should audit use of force data on a quarterly basis and hold supervisors accountable for ongoing deficiencies.

Response Date: 7/15/2019

Executive Summary:

Department Bulletin (DB) 17-006 (Supersedes DB 15-237, Amends D.G.O. 5.01) mandated that supervisors must complete a Supervisory Use of Force Evaluation Form for each reportable use of force, and submit through the chain of command before the end of their watch. The Supervisory Use of Force Evaluation 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 on 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 this information from. 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) was issued in order to reflect updated and improved changes 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 this information from. This guide was attached to the Department Bulletin and is easily accessible to all Supervisors who reference the DB on the proper procedures. This shows a continual improvement loop as the department improves on procedures around Use of Force policies.

DB 18-171 (Updated Supervisory Use of Force Evaluation Form) (Issued 10/03/18- Supersedes DB 17-006, Amends DGO 5.01) mandates that supervisors must complete a Supervisory Use of Force Evaluation Form for each reportable use of force and submit through the chain of command before the end of their watch.

The EIS unit receives the completed Supervisory Evaluation Forms daily by email. EIS then compiles the corresponding incident report and Use of Force log to look for discrepancies. (See Use of Force Details Summary Report and Monthly Use of Force Audit Reports below).



Collaborative Reform Completion Memorandum

In the past, SFPD did not track clerical errors involving the completion of Use of Force Log. 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. See Memorandum.

In October 2018, SFPD started tracking clerical errors on a 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 sample of Memorandum sent from EIS Unit to Commanding Officer at Tenderloin Station regarding missing data/incomplete. The memorandum now asks two questions:
1) Was the supervisor given remedial training on how to complete the form?
2) Is further follow up needed with the Supervisor?

Compliance Measures:

1) Audit use of force data on a quarterly basis.

-Monthly Use of Force Audit- April 2019

-Use of Force Details Summary Report- April 2019 (Retrieved from Administrative – Investigative Management (AIM) database).

2) Hold supervisors accountable for ongoing deficiencies with data accuracy and reporting of data.

- Memorandum to District Captain regarding Supervisory Use of Force Evaluation Form Data- Missing/Incomplete (May 7, 2019)

- Memorandum to District Captain regarding Supervisory Use of Force Evaluation Form Data- Missing/Incomplete (June 24, 2019)

3) Evidence of remedial action if deficiencies are found.

- Memorandum to District Captain regarding Supervisory Use of Force Evaluation Form Data- Missing/Incomplete

Other Attachments:

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