

From: Gabriel Martinez
To: [REDACTED] McGuire, Catherine (POL); Scott, William (POL); [REDACTED];
[REDACTED] Altorfer, Eric (POL); [REDACTED]
Subject: Recommendation 30.2
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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 30.2 that were submitted to us as part of the collaborative reform process. This package focused on SFPD. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 30.2: Upon completion of recommendation 30.1, the SFPD should implement the plan to review and analyze traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities

Response to 30.2: Under San Francisco Administrative Code Section 96A.3, SFPD must send written reports to the Police Commission (among others) on a quarterly basis that include use-of-force and stop data. The SFPD Business Analyst Team (BAT) analyzes the stop data and provides thorough quarterly reports known as “96A” reports. The 96A reports include data provided by the Department of Police Accountability (DPA) on the number, type, and disposition of complaints. The 96A reports also include enforcement data from SFPD’s Crime Data Warehouse, such as dispositions of stops, arrests, citations, and bookings. 96A reports include analysis of the data and other information in sections preceding the data sections. For example, the third quarter 2020 report contained “The Science of Bias and Its Impact on Policing” and listed potential research-based interventions, including policies removing officer discretion, increasing officer intergroup contacts, and diversifying the police force. The 96A reports are posted on the SFPD website: <https://www.sanfranciscopolice.org/your-sfpd/published-reports/arrests-use-force-and-stop-data-admin-code-96a>.

On March 1, 2018, SFPD entered into an agreement with the Center for Policing Equity (CPE) to analyze stop data, use of force, and complaints and provide recommended reforms. In August 2020, CPE issued a report analyzing SFPD’s data and issued seven recommendations as potential ways to reduce disparities it found in SFPD’s policing: (1) adopting a unified policy on data collection; (2) expanding on the definition of reportable force; (3) collecting more detained use-of-force information; (4) utilizing the COPS Stop Data Guidebook; (5) requiring supervisory review of stop records; (6) updating policy on drawing firearms; and (7) identifying situational risk factors for discrimination. The recommendations are under review by Chief Scott, and SFPD is continuing to send data to CPE for further analysis while a draft agreement continuing CPE’s work is being negotiated. The full report is available on the SFPD website: https://www.sanfranciscopolice.org/sites/default/files/2021-03/SFPD.CPE_Report.20210304.pdf.

On May 5, 2021, SFPD issued Department Notice 21-076, “Dashboard Review System (DRS).” DRS is a review system using various types of data to identify disparities in policing

among officers. While the goal is for DRS to compare demographics of an officer's data with other officers, the current rollout provides generalized information (comparing shifts and stations). As DRS develops, it can become a powerful tool in understanding and remedying disparities, and has the potential to become a national best practice.

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 these further.

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Finding # 30	The weight of the evidence indicates that African-American drivers were disproportionately stopped compared to their representation in the driving population.
Recommendation # 30.2	Upon completion of recommendation 30.1, the SFPD should implement the plan to review and analyze traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

SFPD will report data required by recommendation 30.1 and present results of data analysis to the Police Commission on a quarterly basis. The department hired outside experts who reviewed the data, identified disparities, and identified potential solutions, which may include but is not limited to retraining and policy changes. The department modified and promulgated General Order 5.01 Use of Force. It contains provisions that may assist the department in reducing racial disparities in the use of unnecessary force. The Business Analysis Team and the Police Commission independently will ensure the collection and analysis of data is done on a regular basis and reported the Police Commission.

In response to other recommendations, the department identified it has developed a Dashboard Review System which will effectively serve as the plan to ensure supervisors are provided traffic stop data, taught how to review the data for potential bias and disparate outcomes, and how to hold meetings with an officer to discuss the supervisor’s observations.

Compliance Measures		Status/Measure Met
1	Implement the plan from Recommendation 30.1.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Implement plan to review and analyze data.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Identify reasons for disparities.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Identify and implement potential solutions.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
5	Establish evaluation or audit loop to evaluate efficacy of plan.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues



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Finding # 30: The weight of the evidence indicates that African-American drivers were disproportionately stopped compared to their representation in the driving population.

Recommendation # 30.2 Upon completion of recommendation 30.1, the SFPD should implement the plan to review and analyze traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities.

Response Date: 1/7/2021

Executive Summary:

In response to City and Country of San Francisco legislative mandates to report and analyze use of force and stop data under Administrative Code 96A (**Attachment #1: Chapter 96A: Law Enforcement Reporting Requirements**), in 2016 the San Francisco Police Department began issuing quarterly reports of stop data as well as analysis of that data. Through the SFPD's analysis of stop data, the department identified potential solutions to reduce disparities in stops.

In 2018, the department entered into a research agreement with the Center for Policing Equity in order to better understand the underlying trends within the stop data (**Attachment #2: Center for Policing Equity Research Agreement**) This agreement sought to further analyze stop data, determine if disparities exist, identify reasons for disparities, and identify potential solutions which could be implemented by the department. CPE produced a comprehensive report (**Attachment #3: Center for Policing Equity Report**) on its findings, which recommended potential solutions the department could take to reduce disparities in stops.

The department has undertaken several of the potential solutions, such as increasing officer training on bias, diversifying its patrol force, and reducing discretion through policy changes.

As part of an ongoing effort to determine the efficacy of implemented strategies to reduce disparities, the department continues to provide stop data to CPE for further analysis to determine if measures taken to reduce disparities are successful.



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Compliance Measures:

1) Compliance Measure #1: Implement the plan from Recommendation 30.1

We have implemented the plan as detailed in Collaborative Reform Initiative 30.1.

In 2016, to comply with San Francisco Administrative Code 96A, the department expanded stop data collection to include not only traffic stops, but pedestrian and bicycle stops as well. In June of that year, the department issued its first 96A report on July 26, 2016 (Attachment #4: Q1 2016 96A report), which included a breakdown of data pertaining to stops, and began the process of analyzing stop data. The first 96A report focused on analyzing use of force data, but subsequent reports, beginning the first quarter of 2017 expanded that analysis to include stop data as well (Attachment #4: Q1 2017 96A Executive Summary).

In March of 2018, the department formally entered into a research agreement with the Center for Policing Equity (Attachment #2: Center for Policing Equity Research Agreement), and began providing data for analysis. This data included use of force, stop data, arrest data, which included demographics data to assist CPE with determining if disparities exist within the provided data set.

2) Compliance Measure #2: Implement plan to review and analyze data

As mentioned in Compliance Measure #1, in 2016 the department expanded its data collection policies and began analyzing stop data in an effort to not only comply with legislative requirements of San Francisco Administrative Code 96A, but to also determine if disparities exist. The department issues 96A reports on a quarterly basis. The 96A report includes reporting of stop data, and a simple analysis of that data broken down by race/ethnicity, age and gender. The executive summary of the report contains a more detailed review and analysis of the data.

As part of the implementation of the data analysis being conducted by CPE, the department provided CPE with vehicle stop data for the years 2014-2017 and pedestrian stop data for the year 2017. It should be noted that the department did not start collecting pedestrian stop data until the implementation of its eStop data collection at the end of 2016. In addition to the stop data, the department also provided CPE with crime data covering the periods of 2013-2017. Providing this data enabled CPE to conduct an analysis of the data, which has been compiled into a comprehensive report(Attachment #3: CPE report).

3) Compliance Measure #3: Identify reasons for disparities

Our academic partners are an integral component of the review and analysis of all data. An example of this analysis is the Attachment #3: Center for Policing Equity Report. On



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page 5 of this report, the CPE noted that there were a number of factors that contribute to disparities in rates of police contact:

“Although the data show racial disparities in SFPD interactions during the study period, these disparities do not necessarily indicate that police officers have engaged in biased or discriminatory behavior. The NJD analytic framework, described in the introduction to the full report, suggests that disparities may be explained by community characteristics, individual characteristics, individual officer behavior, and department policies and culture, as well as by the relationship between the police and the community. Accordingly, racial differences in policing data should be contextualized with other contributing factors.”

The Center for Policing Equity report section II, which commences on page 16 of the report, contains a breakdown of stop data collected by the department, and an analysis of that data, which is used to identify reasons for disparities in stops. That data and identified reasons for disparities are then used to identify potential solutions that can be undertaken to reduce stop disparities. One such analysis of the disparities is contained on page 25 of the report, which states:

“The share of searches yielding contraband provides an indicator that can help assess equality in police contact across racial groups. Specifically, disproportionate searches and lower yield rates are an indicator of a greater burden of police contact relative to other groups and may suggest that officers’ suspicion of illegal activity is less likely to be accurate for a particular group, or it may reflect that officers use a lower threshold of suspicion for the group. As noted earlier, a lower threshold refers to the possibility that officers interpret behaviors as suspicious more often when the person engaging in that behavior is a member of a given group than when the person engaging in that behavior is a member of another group. This language does not reflect a determination of the legality of a stop or search.”

4) Compliance Measure #4: Identify and implement potential solutions

Both the SFPD’s 96A process and the research agreement with the Center for Policing Equity utilize stop data to not only attempt to identify reasons for disparities, but also seek to identify solutions for stop disparities. On pages 5 through 7 of **Attachment #6: Q2 2020 96A executive summary**, the department identified nine potential tools for reducing stop disparities. Those tools are:

1. Officer Training
2. Reducing discretion through policy changes
3. Increase non-negative contacts with other ethnic groups



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4. Collecting data and adopting new technologies
5. Stereotype replacement
6. Banning racial profiling
7. Individuation
8. Diversifying police force
9. Rotating police assignments

The department has acted on these suggestions in a number of ways, such as:

- Implementing and expanding implicit bias training
- Updating General Orders such as 5.01 (Use of Force), 5.17 (Bias-Free Policing Policy) and 11.07 (Prohibiting Discrimination, Harassment and Retaliation),
- Reinvigorating the Chiefs Advisory Forums
- Station Monthly Meetings
- Station Monthly Newsletters
- Aligning data collection with AB953, and
- Increasing diversity in its recruiting efforts.

Through its own analysis of stop data and stop disparities, the Center for Policing Equity recommended in its report that officers submit, on a daily basis, a brief narrative of the justification of the stop made that day, and that the department require supervisors review these reports to ensure stops are supported by reasonable suspicion and are consistent with department policies and procedures.

Additionally, the Center for Policing Equity recommended the following on page 6 of its report:

1. Adopt a unified policy on data collection
2. Expand definition of reportable use of force
3. Collect more detailed use of force information
4. Utilizing COPS Stop Data Guidebook
5. Require supervisors review of stop records
6. Update policy on drawing and pointing of firearms
7. Identify situational risk factors for discrimination

The above identified solutions are a starting point for reducing stop disparities. Further analysis of stop data before, during, and after implementation of proposed solutions will be vital to determining if the proposed solutions mitigate disparities, or if alternative approaches must be identified and undertaken by the department. It should also be



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noted that the department has already implemented many of these recommendations, including updating use of force policies and expanding stop data collection.

The following are examples of some of the departments existing efforts that align with recommendations made by CPE:

- In 2017, the department expanded Stop data collection to include vehicle and pedestrian stops through the eStop system, and then in 2018 transitioned to California DOJ's Stop Data Collection System(SDCS). Through this process the department implemented new policies on data collection as detailed in DOJ Collaborative Reform Initiative 35.1.
- In 2016, the department revised and combined General Order's 5.01 Use of Force and 5.02 Use of Firearms. The new General Order 5.01 (Attachment #7: San Francisco Police Department General Order 5.01 Use of Force) expanded reportable use of force to include the use of personal body weapon, even when injury or complaint of pain was not present. Additionally, it made the pointing of a firearm a reportable use of force and updated language consistent with CPE's recommendation, which stated "We recommend that SFPD amend this policy to add that officers may only draw or display their firearms if they reasonably believe that there is a substantial risk that the situation may escalate to the point where deadly force may be justified."
- In October of 2018, the department updated the Supervisory Use of Force Evaluation Form, (Attachment #8: DB 18-171: Update Supervisory Use of Force Evaluation Form), which expanded the data supervisors are required to collect during a use of force investigation. (It should be noted that while this bulletin has expired, the form, SFPD 575A, is still in use)
- In July of 2018, the department transition from the use of the eStop data collection system to the CAL DOJ's Stop Data Collection System(SDCS). (Attachment #9: DB 18-105: Stop Data Collection System (SDCS) Implementation). Department Bulletin 18-105 was reissued under Department Bulletin 20-141. (Attachment #10: DB 20-141: Stop Data Collection System). SDCS was created in response to California Assembly Bill AB953, the Racial and Identify Profiling Act of 2015 (RIPA). RIPA and SDCS were highlighted on page five of the COPS Stop Data Guidebook as "the nation's largest and most comprehensive stop data collection effort to date." (Attachment #11: COPS Stop Data Guidebook)



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5) Compliance Measure #5: Establish evaluation or audit loop to evaluate efficacy of plan

- I. The following feedback on this Compliance Measure was provided during PreScreen call on 01/05/2021:

"Cal DOJ thought that SFPD had done a good job focusing this package on the compliance measures. SFPD had responded to the prior feedback by providing additional explanation and a draft agreement with the Center of Policing Equity that would continue CPE's review of SFPD data beyond 2021. Hillard Heintze requested that SFPD add additional information on SFPD's process on implementing CPE recommendations. This would include who has responsibility for reviewing the CPE report and determining which recommendations will be implemented and how. Hillard Heintze will follow up with SFPD regarding any further details of this request."

As part of its ongoing effort to determine the efficacy of potential solutions to reduce stop disparities, the department continues to provide data to CPE as part of an ongoing partnership. While the initial agreement is set to expire in 2021, the department is committed to continuing the partnership in order to determine if implemented solutions are effective in reducing stop disparities. Additionally, as part of CPE's recommendations, it stated the following on page 49 of **attachment #3: Center for Policing Equity Report**:

"CPE appreciates SFPD's willingness to participate in the National Justice Database and encourages the department to continue to work with us to advance equitable policing in San Francisco City."

When entering into agreements with Academic Institutions, the department follows the below process:

- The SFPD enters into a research agreement detailing the focus of the study and the data to be provided
- The Department provides requested data to academic Institution
- Academic Institution conducts a review and analysis of data
- A draft report is submitted to the department
- Draft report is reviewed by the Executive Director of the Strategic Management Bureau
- Input is provided by the department
- Academic Institution publishes the report and provides it to the Chief of Police, Command Staff members, and Police Commission
- Strategic Management Bureau will present it to the Police Commission



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- Chief of Police will review and assess the feasibility of the proposed solutions, which encompass areas such as training, technology, use of force, and training.
- Plan will be developed to implement proposed solutions that are determined to be feasible

While the research agreement with CPE expires in March of 2021, both parties may agree in writing to extend it. The Department and CPE, now called Policing Equity, Inc., are currently in the process of negotiating a new research agreement. (Attachment #13: Draft Policing Equity, Inc. Research Agreement)

- II. The department continues to conduct a quarterly analysis of stop data and compile its analysis in the quarterly 96A report (Attachment #6: Q2 2020 96A Executive Summary). It should be noted that this report also includes data from the Department of Police Accountability related to complaints of biased policing. Continued quarterly analysis of stop data provides a timely analysis of stop trends, which can show whether any proposed solutions enacted are having an impact. As this is a legislative mandate, reporting and analysis under this requirement will continue until such a time as this ordinance is repealed or replaced.



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Finding #30: The weight of the evidence indicates that African-American drivers were disproportionately stopped compared to their representation in the driving population.

Recommendation #30.2: Upon completion of recommendation 30.1, the SFPD should implement the plan to review and analyze traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities.

- Implement the plan from Recommendation 30.1.
- Implement plan to review and analyze data.
- Identify resources for disparities.
- Identify and implement potential solutions.
- Establish evaluation or audit loop to evaluate efficacy of plan.

Response Date: June 22, 2021

ADDENDUM

On, 05/17/2021, the SFPD received notification that the review of Recommendation 30.2 was in final review with Hillard Heintze. However, Hillard Heintze requested the following information be addressed prior submitting the recommendation to Cal DOJ for substantial compliance:

Hillard Heintze noted: *In response to other recommendations, the department identified it has developed a Dashboard Review System which will effectively serve as the plan to ensure supervisors are provided traffic stop data, taught how to review the data for potential bias and disparate outcomes, and how to hold meetings with an officer to discuss the supervisor's observations.*

In response to this request for additional information, Hillard Heintze also requested that all recommendations related to the Dashboard Review System (DRS) contain similar clarifying information. The following is a unifying response to the DRS recommendations.

In response to the above note, the Chief of Police remains committed to the development and implementation of the Bias Dashboard system. There has been discussion at the Police Commission of what the system will do. The Chief of Police has been very clear that this dashboard is developed as a "management tool."

To address disparities, the San Francisco Police Department has implemented new policies, procedures, and training to educate our members of potential biases and avoid unequal application of the law. Data collection is a tool that the SFPD will use to understand the work their members undertake each day and what they are being directed to do by supervisors. Examining data can, among other things, help identify disparities that may exist within the



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agency. Disparities in enforcement actions can damage police and community relationships. With the implementation of the new Dashboard Review System (DRS), the SFPD will use intervention strategies, outside of discipline, to address disparities.

The Chief of Police has expressed his desire to staff the Dashboard Review Unit (DRU) to supervise and manage this effort when staffing when feasible. This unit will address and support all deficiencies in the DRS as they present themselves through additional training or policy revision.

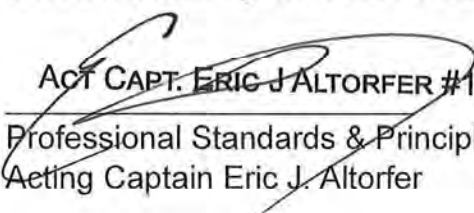
On April 30th 2021, the DRU sent to each station a generalized traffic stop data report containing station traffic stop data information. Due to the meet and confer process with the San Francisco Police Officer Association, we are currently unable to release the official report to the stations that contains individual officer information. We are waiting for the Professional Standards Unit to move forward with the Meet and Confer process. The Dashboard Review Unit, alongside the Business Analysis Team (BAT) has created the first quarter of 2021 reports. These reports were sent to each district station captain on June 21st, 2021 by the DRU. Meetings to discuss the results will be scheduled for the last week of June and first week of July. These meetings will include supervisory training as needed.

The reports will show the overall data for the station and a comparison of all the shifts in a side-by-side manner. The Dashboard roadmap with proposed interventions has been created, but the development process is delayed. Until the meet and confer process is completed, the DRU will continue to send the redacted quarterly overall reports to each station captain.

In conjunction with the BAT and the DRU, an electronic dashboard review system as a management tool is an ongoing development. Due to budget cuts, BAT personnel have been reassigned and the timeline for completion will be re-evaluated.

Once the system is completed and online, the training will be developed by the Dashboard Review Unit. This training will be specific to the duties of supervisors, on not only how to use the system, but how to properly review the data and identify data disparities. As more resources become available, additional personnel will be available to complete this project as seen in the timeline for the Bias Dashboard.

The DRU will create policy through a Unit Order that establishes the process and procedures for an audit system of the Dashboard Review System. The DRU will be responsible for the following: auditing the District Station reports, managing requests for additional data and additional training and assistance as needed.


ACT CAPT. ERIC J. ALTORFER #151

Professional Standards & Principled Policing
Acting Captain Eric J. Altorfer