

Our office has completed its review of the materials related to Recommendation 4.4 that have been submitted to us as part of the collaborative reform process. This package focused on issuing a training bulletin describing the use-of-force reporting form, its purpose, and instructions for completing the form. After reviewing the package and information provided by the Department regarding 4.4, the California Department of Justice finds as follows:

Recommendation 4.4.: To facilitate the implementation of recommendation 4.3, a training bulletin describing the form, its purpose, and how to accurately complete it should accompany the form introduction. The bulletin should be implemented within 90 days of the issuance of this report.

Response to 4.4: The San Francisco Police Department published Department Bulletin 17-006, Supervisory Use of Force Evaluation Form, on January 9, 2017. Bulletin 17-006 provided that every reportable use of force incident requires a supervisor to respond and conduct a Supervisory Use of Force Evaluation, with limited exceptions. Bulletin 17-006 also explained the reporting and evaluation process, and included a step-by-step form completion guide. The Department updated Bulletin 17-006 on October 3, 2018, with Department Bulletin 18-171, Updated Supervisory Use of Force Evaluation Form. Bulletin 18-171 updated the procedures for completing the Supervisory Use of Force Evaluation Form to match revisions made to the form itself. These form revisions included (1) documenting the type of weapon on scene that dispatch relayed to an officer, (2) adding a non-binary gender option pursuant to updated policy, (3) sequencing levels of resistance if various types of resistance were encountered, (4) adding whether warnings were given before using a firearm (or other weapons), and (5) adding whether a supervisor was able to review video of the incident. Bulletin 18-171 also included step-by-step instructions for completing the updated form. According to a Department audit report, as of February 27, 2019, only 139 personnel had not acknowledged receiving Bulletin 18-171 out of 2876 personnel not currently on medical leave.

Based upon all of the above, the Department of Justice finds that the Department is in substantial compliance with this recommendation; however, to remain in substantial compliance, SFPD will need to identify and follow up with the 139 non-compliant personnel, and take appropriate mitigating action for continued non-compliance.

Please let us know if you have any questions or would like to discuss these further. Thank you.

|                            |   |
|----------------------------|---|
| <b>Finding #4</b>          | The Use of Force Log captures insufficient information about use of force incidents.  |
| <b>Recommendation #4.4</b> | To facilitate the implementation of recommendation 4.3, a training bulletin describing the form, its purpose, and how to accurately complete it should accompany the form introduction. The bulletin should be implemented within 90 days of the issuance of this report. |

|                              |                    |                           |                    |
|------------------------------|--------------------|---------------------------|--------------------|
| <b>Recommendation Status</b> | <b>Complete</b>    | <b>Partially Complete</b> | <b>In Progress</b> |
|                              | <b>Not Started</b> | <b>No Assessment</b>      |                    |

**Summary**

RFI Response: Department Bulletin Sign-Off Audit Report (02/27/19) shows that 2737 of 2950 personnel (93%) have acknowledged receiving the revised policy and instructions for completing the Supervisory Use of Force Evaluation Form. Of the 213 who are non-compliant 74 are under medical leave, leaving 139 “truly” non-compliant.

Compliance Measures 1, 2, and 3 are met. The department issued DB 17-006 Supervisory Use of Force Evaluation in January 2017 providing instructions and self-assisted training on completing use of force evaluations in the field. The department reviewed and made improvements to use of force reporting and re-issued step-by-step guidelines and instructions in DB 18-171 Updated Use of Force Evaluation form (10/03/18). It is essential that field supervisors are aware of the requirements of the revised policy. However, evidence does not indicate that all members, especially supervisors who are required to complete use of force evaluations, have knowledge of the revised policy issued in October 2018. In fact, the department RFI response indicates that the department made no attempt to determine the number of supervisors who have acknowledged receiving the policy (DB 18-171- not audited because DB was recently issued on 10/11/18). In order for the SFPD to retain this recommendation status as Complete, the Department should identify whether any of the 139 non-compliant personnel are field supervisors and take appropriate mitigating action if so.

| Compliance Measures |   | Status/Measure Met   |
|---------------------|---|--|
| <b>1</b>            | Issue a training bulletin describing the use of force reporting form and its purpose. | ✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| <b>2</b>            | Instructions for accurate form completion included when form is issued.               | ✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| <b>3</b>            | Training bulletin issued within 90 days of 10/12/16. (January 12, 2017).              | ✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

**Administrative Issues:**

The department should continue to audit use of force reports with a focus on substantive not just clerical errors.

**Compliance Issues:**

Of the 139 non-compliant personnel, how many are Sergeants with field responsibilities?



## 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 # 4.4** To facilitate the implementation of Recommendation 4.3, a training bulletin describing the form, its purpose, and how to accurately complete it should accompany the form introduction. The bulletin should be implemented within 90 days of the issuance of this report.

**Response Date:** 05/29/2019

### **Executive Summary:**

Department Bulletin (DB) 17-006 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 Supervisory Use of Force Evaluation has been rolled out department wide as of 1/9/17. 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 is easily accessible to all Supervisors who reference the DB on the proper procedures.

On 10/11/2018, the DB 18-171 was issued in order to reflect the 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.

This is a response to Request for Information (RFI) issued for Recommendation #4.4.

| <b>Compliance Issue:</b>  | <b>Responsive Document and Why</b>  |
|---|---|
| Of the 139 non-compliant personnel, how many are Sergeants with field responsibilities? | -Attached is an updated Department Bulletin Sign-Off Audit Report for DB 18-171 (Date Run: 5-16-19).<br><br>-2 Patrol Sergeants (not under medical leave) with field responsibilities are non-compliant with DB 18-171 Sign-Off, and have been advised regarding the issue. |