

USE OF FORCE REPORTING

The purpose of this order is to set forth Departmental police and procedures for reporting, evaluating, reviewing, and managing use of force incidents involving Department members.

I. POLICY

- A. REPORTABLE USES OF FORCE.** Officers shall report any use of force involving physical controls when the subject is injured, complains of injury in the presence of officers, or complains of pain that persists beyond the use of a physical control hold. Officers shall also report any use of force involving ; the use of personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, conducted energy devices, and firearms. Additionally, officers shall report the intentional pointing of conducted energy devices and firearms at a subject.
- B. NOTIFICATION OF USE OF FORCE.** An officer shall notify his/her supervisor immediately or as soon as practical of any reportable use of force and allegations of excessive force.
- C. EVALUATION OF USE OF FORCE.** A supervisor shall conduct a use of force evaluation in all cases involving a reportable use of force as set forth ~~the~~ in DGO. 5.01, Use of Force, and DGO 5.02, Use of Firearms and Lethal Force.
- D. EXCESSIVE USE OF FORCE.** Every allegation of excessive force shall be subject to the reporting and investigative requirements of this General Order.

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Commented [SFPD2]: See corresponding comment #2

Commented [SFPD3]: See corresponding comment #3

II. PROCEDURES

- A. OFFICER'S RESPONSIBILITY.** Any reportable use of force shall be documented in detail in an incident report. Descriptions shall be in plain language and shall be as specific as possible.
 - 1. When the officer using force is preparing the incident report, the officer shall include the following information:
 - a. The subject's action necessitating the use of force, including the threat presented by the subject;
 - b. Efforts to de-escalate prior to the use of force;
 - c. Any warning given and if not, why not;
 - d. The type of force used;
 - e. Injury sustained by the subject as set forth in DGO 5.01.II.E, Use of Force;
 - f. Injury sustained by the officer(s);

- g. Information regarding medical assessment or evaluation, including whether the subject refused;
 - h. The supervisor's name, rank, star number and the time notified..
2. In the event that the officer using force is not the officer preparing the incident report, the officer using the force shall:
- a. Ensure that he/she is clearly identified in the incident report; and
 - b. Prepare a supplemental report or a statement form with the above information.

In the event that an officer cannot document his/her use of force due to exceptional circumstances, another officer shall document this use of force in an incident report, supplemental incident report or statement form at the direction of a supervisor.

B. SUPERVISOR'S RESPONSIBILITY. When notified of the use of force, the supervisor shall conduct a supervisory evaluation to determine whether the force used appears reasonable, ~~necessary~~, and within the provisions of this order. The supervisor shall:

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- 1. Immediately respond to the scene unless a response is impractical, poses a danger, or where officers' continued presence creates a risk. When more than one supervisor responds, the responsibility shall fall on the senior supervisor;
- 2. Observe the scene and injured subjects or officers;
- 3. Ensure that witnesses (including officers) are identified and interviewed, and that this information is included in the incident report. Uncertain situations or the number of witnesses may preclude identification and interview of all witnesses;
- 4. Ensure photographs of injuries are taken and all other evidence is booked;
- 5. Remain available to review the officer's incident report, supplemental incident report and written statement at the direction of the superior officer. A supervisor shall not approve an incident report or written statement involving a use of force that does not comply with the requirements as set forth in II.A above;
- 6. If applicable, ensure the supervisor's reason for not responding to the scene is included in the incident report.
- 7. Complete and submit the Supervisory Use of Force Evaluation form, indicating whether the force used appears reasonable ~~and necessary~~, by the end of watch;
- 8. Complete the Use of Force Log (SFPD 128) and attach one copy of the incident report by the end of watch.

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When a supervisor has determined that a member's use of force is ~~excessive or unnecessary/unreasonable~~ force or that an officer has applied force that results in serious bodily injury or death, the supervisor shall notify his/her superior officer.

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C. SUPERIOR OFFICER'S RESPONSIBILITY. When a superior officer is notified of ~~excessive or unnecessary/unreasonable~~ force or force that results in serious bodily injury or death, the superior officer shall:

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- 1. Respond to the scene and assume command, as practical;

2. Notify commanding officer and ensure all other notifications are made consistent with DGO 1.06, Duties of Superior Officers;
3. Make the required notification to the Office of Citizen Complaints if a citizen complaint is made;
4. Determine which unit(s) will be responsible for the on-going investigation(s);
5. Prepare a report containing preliminary findings, conclusions and/or recommendations, if appropriate.

III. OTHER REQUIREMENTS.

A. USE OF FORCE LOG. The following units shall maintain a Use of Force Log:

1. District Stations
2. Airport Bureau
3. Department Operations Center

B. RECORDING PROCEDURES. Supervisors shall document a reportable use of force for all officers – including those officers assigned to specialized units – in the Use of Force Log at the District Station where the use of force occurred, except as noted below:

1. Any use of force occurring outside the city limits, except at the San Francisco International Airport, shall be recorded in the Department Operations Center's Use of Force Log.
2. Any use of force occurring at the San Francisco International Airport shall be recorded in the Airport Bureau's Use of Force Log.

C. DOCUMENT ROUTING.

1. Commanding officers shall forward the original completed Supervisor's Use of Force Evaluation Form(s) to the Commanding Officer of Risk Management and one copy to the Commanding Officer of the Training Division and another to the officer's Bureau Deputy Chief.
2. On the 1st and 15th of each month, commanding officers shall sign the Use of Force Log and send it, along with one copy of the incident report, to their respective Bureau Deputy Chief and one copy of the Use of Force Log with copies of the incident reports to the Commanding Officer of the Training Division.

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D. 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. The Commanding Officer of the Training Division shall report to the Chief of Police quarterly on the use of force by members of the Department.

Commented [S9]: See corresponding comment #9

Corresponding Comments 5.01.1, Use of Force Reporting (03/17/16 version)

1. SFBAR recommends including language about body worn camera (BWC) and reviewing footage of use of force cases. SFPD agrees but the BWC policy has not been adopted and there is no estimate when it will be. SFPD did say that there are provisions in the BWC policy that require officers to review and document BWC footage.
2. SFPD changed language.
3. SFPD added language about DGO 5.02
4. SFPD removed the term “necessary.”
5. SFPD removed the term “necessary.”
6. ACLU wants to use the word “unnecessary” instead of “unreasonable”. ACLU states that the two terms are different. SFPD is using the term “unreasonable” to be consistent throughout the policies – reasonable and unreasonable. SFPD removed the term “excessive.”
7. See discussion in comment #6.
8. SFPD added this language to clarify.
9. OCC and SFDA/BRP want a section that includes the requirement for data collection, analysis and distribution to the public. OCC recommends that the section state the following:
 - The Department will collect and analyze its use of force data through the Use of Force Form that will enable electronic collection of data.
 - The Department will post on a monthly basis on its website comprehensive use of force statistics and analysis.
 - The Department will provide a written Use of Force report to the Police Commission annually
 - The Department’s use of force statistics and analysis will include at a minimum:
 - The type of force
 - The type and degree of injury to the suspect and officer
 - Date and time
 - Location of the incident
 - Officer’s unit
 - District station
 - Officer’s assignment
 - Number of officers using force
 - Officer’s activity when force was used

- Officer demographic (age, gender, race/ethnicity, number of years with SFPD, number of years as a police officer)
- Suspect demographics including race/ethnicity, age, gender, gender identity, primary language and other factors such as mental illness, cognitive impairment, developmental disabilities, drug and alcohol use/addiction and homelessness.

The SFPD has committed to collecting, analyzing and reporting data, but the Department believes that this directive is better articulated in a Risk Management Unit Order. As technology and the laws change, it will be easier for the Department to codify changes in a Unit Order versus a Department General Order.