

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 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.

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 and within the provisions of this order. The supervisor shall:

Commented [sfpd1]: See corresponding comment #1

- 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, 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.

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

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

- 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.

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 quarterly to the Chief of Police on the use of force by Department members that includes comprehensive use of force statistics consistent with current federal, state and local laws on use of force reporting.]

The Commanding Officer of the Training Division will provide yearly a written Use of Force report to the Police Commission, which will also be posted to the Department's website.

Commented [SFPD2]: See corresponding comment #2

DRAFT

Updated Stakeholder Comments as of 05/02/16 regarding DGO 5.01.1, Use of Force Reporting (03/21/16 draft date)

1. ACLU, SFBAR, Public Defender, COH, SFDA/BRP, and SFBAR and OCC want to use the word “unnecessary” instead of “unreasonable” and “necessary” instead of “reasonable.” ACLU states that un/necessary and un/reasonable mean two different things.

Refer to ALCU 2/29/16 letter, item A, pages 1 and 2
Refer to COH letter 04/06/16, item 1, page 2
Refer to SFBAR 02/29/16 letter, item 1 pages 3-4
Refer to SFBAR 04/06/16 letter, comment D of attachment
Refer to SFBAR 05/02/16 email and attachment on DGO 5.01
Refer to SFBAR 05/02/16 letter to the Commission
Refer to OCC 02/29/16 letter, item A, pages 1-2 and B.1, page 4
Refer to OCC 04/06/16 letter, item I, pages 1-7
Refer to Public Defender 05/02/16 email

The POA, OFJ, APOA, LPOA and Pride Alliance all want the use the terms “reasonable” and “unreasonable.”

Refer to Pride Alliance 02/28/16 email attachment, item 5.01 II A
Refer to POA 02/29/16 letter, page 2 and page 10
Refer to POA Subject matter Expert letter of 02/27/16, item 2, page 3-5
Refer to POA Subject Matter Expert letter of 02/29/16, pages 3 and 4
Refer to POA draft DGO 5.01 dated 04/06/16, pages 1-3
Refer to POA 05/02/16 letter regarding minimal use of force, pages 1-5

There is no consensus on this issue throughout the policy. Anytime the terms “reasonable” or “unreasonable” are written, the positions described above should be considered.

2. OCC, Public Defender, SFBAR, COH and SFDA/BRP recommend a section that includes the requirement for data collection, analysis and distribution to the public. Police Executive Research Forum’s March 2016 Report on “Guiding Principles on Use of Force,” Principle #11 states, “to build understanding and trust, agencies should issue regular reports to the public on use of force.” PERF’s recommendation includes police agencies providing regular public reports on their officers’ use of force, demographic information about the incident and the involved officers and subjects and any efforts to prevent bias and discrimination. 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, veteran status, primary language and other factors such as mental illness, cognitive impairment, developmental disabilities, drug and alcohol use/addiction and homelessness.

Refer to OCC 02/29/16 letter, item C, pages 6 and 7

Refer to OCC 03/11/16 letter, item 3, pages 3 and 4

Refer to Public Defender 05/02/16 email

Refer to SFBAR 05/02/16 letter to the Commission

Refer to COH 04/06/16 letter, item 5, page 3

The SFPD has committed to collecting, analyzing and reporting data in a way that promotes transparency and accountability, but the Department believes that the specific data that will be collected is better articulated in a Department Unit Order. As technology and the laws on use of force data collection change, it will be easier for the Department to codify changes in requirements in a Unit Order versus a Department General Order. The Department is not opposed to listing the suggested items in a Unit Order.