
Project Plan 2 (Recs 20.4, 21.1, and 22.2)

From Tanya Koshy [REDACTED]

Date Mon 9/30/2024 4:21 PM

To Scott, William (POL) [REDACTED] McGuire, Catherine (POL) [REDACTED]

Cc [REDACTED]

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Dear Chief Scott,

Our office has completed its review of the materials submitted by SFPD to support implementation of Project Plan 2, which comprises of Recommendations 20.4, 21.1, and 22.2.

-
For the following reasons, the Department of Justice finds that SFPD is in substantial compliance with Project Plan 2.

All three of the recommendations within Project Plan 2 concern collection and analyses of use of force data to identify patterns and trends. To implement these recommendations, SFPD entered into a MOU with the Center for Policing Equity (CPE) to review and evaluate use of force data and specifically to understand causal factors behind the use of force.

SFPD has also improved its use of force reporting and evaluation forms to collect a wide range of data about each use of force incident. With that data, SFPD's Field Tactics Force Options Unit evaluates use of force for training needs and its Business Intelligence team and Business Analysis Team analyzes data and identify patterns and trends for various local and state reporting requirements. SFPD provided an example of how analyses of trends in use of force have been addressed: SFPD determined that nearly all officers responding to a high-risk incident would draw their firearms and act as lethal cover, at the exclusion of other necessary roles and functions (e.g., less-lethal cover). To address this issue, SFPD's Critical Mindset and Coordinated Response (CMCR) course emphasized reducing the pointing of the firearm and focusing on less-lethal covers, communication, and containment, among other roles and functions that are critical to reduce the likelihood that force will be used. SFPD has since tracked the pointing of firearms and have provided evidence to show that it has been reduced over the years, which shows at least a correlation between the CMCR course and on-the-ground practices. SFPD's package includes additional information demonstrating substantial compliance with this recommendation.

If you have any questions, please do not hesitate to reach out.

Thank you,

Tanya Koshy

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Project Plan # 2 – Collaborate With Research Partner to Improve Use of Force Data Analysis

**Associated Recommendations:
20.4, 21.1, 22.1**

Collaborative Reform assessment determined that the SFPD did not capture sufficient data on arrest and use of force incidents to support strong analysis and review of the data to improve the department’s effectiveness. The assessment also determined that the community member’s race or ethnicity was not significantly associated with the severity of force or injury arising out of the officer’s use of force.

Project Plan Status

Substantial Compliance
In Progress
Work Required

Summary

The SFPD Project Plan # 2 describes current and planned initiatives to address the requirements of Recommendations 20.4, 21.1 and 22.1. Department General Order 5.01 Use of Force and Control of Persons provides the foundation for the collection, reporting and review of use of force data. This Project Plan explains how the department will use external and internal resources to conduct analysis of use of force data, including analysis of arrests involving the use of force.

Recommendation 20.4: Identify a Research Partner to Refine Collection and Analysis of Force Data

Recommendation 21.1: Collect and Analyze Use of Force Data to Identify Patterns and Trends

Recommendation 22.1: The SFPD needs to improve data collection on the use of force to understand factors related to the severity of force and injuries.

The SFPD re-engaged the Center For Policing Equity (CPE) to help the department identify risks related to disparities in policing, including “burdensome and inequitable policing” pertinent to the use of force and arrests (February 1, 2024). CPE previously helped the department develop protocols to identify and reduce disparities in stop data. Although the CPE partnership is in its initial stage, the completed work product will include the identification and analysis of force trends over time and provide the department with tools to address the identified deficiencies in a manner consistent with this recommendation.

Internally, the Business Analysis Team (BAT) Unit and the Field Tactics Force Options (FTFO) Unit collaborate to analyze force data and to develop training to remediate any use of force determined to be inconsistent with department expectations and/or policy. FTFO analysis has been used to inform modifications to DGO 5.01 and to the Serious Incident Review Board protocols. The FTFO and the BAT also reviewed an internal research document which discusses the “Effects of Officer Race on Use of Force Severity,” published by a member of the SFPD FTFO unit. The goal is to use the information learned from this report to augment development of appropriate strategies to remediate deficiencies and disparities related to the use of force.

This Project Plan reflects a solid combination of short and long terms strategies which demonstrate the degree to which the SFPD continues to improve its capacity to collect and analyze force data to respond to community concerns regarding unnecessary, excessive or disparities in the use of force by SFPD members.

Jensen Hughes has determined the work on these recommendations to be substantially compliant. The department entered into a comprehensive agreement with an external research organization to evaluate use

of force data for purposes consistent with the applicable Collaborative Reform Initiative recommendations. In addition, the department also improved its internal capacity to collect and analyze force data to inform policy, supervision and training.

Moving forward, the department should continue to collaborate with the Department of Police Accountability (DPA) regarding audits of use of force and commit to regular reporting of force analysis to the Police Commission and/or the California Department of Justice generally, and specifically with regard to disparities related to race the planned strategies to remediate the identified deficiencies.



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Project Plan #2: Recommendations #20.4, 21.1, 22.1

Response Date: 3/21/24; Rev. 8/5/24

Executive Summary:

The intent of this response is to address three CRI recommendations under finding 20, 21 and 22 of the collaborative reform initiative. Traditionally, each recommendation in the CRI process was documented in a separate response. However, due to the highly interrelated subject matter of recommendations # 20.4, 21.1, and 22.1, the SFPD sought approval from our oversight partners to address these recommendations together in one response. The California Department of Justice (DOJ) and Jensen Hughes both approved this request, leading to the below "grouped" response.

The Finding and recommendations addressed in this response are:

Finding 20: The SFPD does not capture sufficient data on arrest and use of force incidents to support strong scientific analysis.

Recommendation 20.4: The SFPD should identify a research partner to further refine its use of force data collection and to explore the data findings of this report to identify appropriate data for measurement and to determine causal factors.

Compliance Measure #1: Identify research partner to refine use of force data collection.

Compliance Measure #2: Identify appropriate data for measurement.

Compliance Measure #3: Ensure collection of data factors identified.

Compliance Measure #4: Engage in research to determine causal factors of use of force.

Finding 21: Community members' race or ethnicity was not significantly associated with severity of force used or injury arising from an officers' use of force.

Recommendation 21.1: The SFPD should continue to collect and analyze use of force data to identify patterns and trends over time consistent with recommendations in finding 20.

Compliance Measure #1: Work with research partner to develop a plan to establish the initial collection standards and then engaging in collection and analysis use of force data.

Compliance Measure #2: Focus on identifying patterns.

Compliance Measure #3: Address issue identified.

Compliance Measure #4: Review to ensure data collection compliance.

Compliance Measure #5: Evidence of support and remedial action if deficiencies are found.



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Finding 22: When only minority officers were involved in a use of force incident, the severity of force used, and the injuries sustained by community members increased.

Recommendation 22.1: The SFPD needs to improve data collection on use of force so that further analysis can be conducted to better understand this finding.

Compliance Measure #1: Improve data collection on use of force. Revise policy, procedures, and training accordingly.

Compliance Measure #2: Conduct further analysis to understand how use of force is used and the factors that contribute to this finding.

Compliance Measure #3: Conduct periodic audits/review of use of force data collection to continue to monitor this finding.



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Individual Recommendation Responses:

Recommendation 20.4: The SFPD should identify a research partner to further refine its use of force data collection and to explore the data findings of this report to identify appropriate data for measurement and to determine causal factors.

Compliance Measure #1: Identify research partner to refine use of force data collection.

Response: In February 2018, the SFPD by way of Request for Information (RFI) requested responses from academic institutions and researchers that would seek to analyze the SFPD's data and consult on advancing its use of force data collection **(Attachment #1)**.

The RFI was not fulfilled by an academic institution, however, the SFPD did develop a research partnership with the Center for Policing Equity. In addition, the City's Office of The Controller conducted its own independent review of SFPD's use of force data and its collection procedures.

As a result of those research partnerships two independent reports were published, that have guided us in refining and improving our use of force data collection:

1. **Research Partner #1 (Center for Policing Equity):**
"*The Science of Justice SFPD National Justice Database City Report*", August 2020, CPE **(Attachment #2)**.
2. **Research Partner #2 (Department of Police Accountability and Office of Controller):**
"*The Police Department Needs Clearer Guidance and More Proactive Governance for Better Use-of-Force Data Collection and Reporting*", October 5, 2020, Office of Controller and DPA **(Attachment #3)**.

Compliance Measure #2: Identify appropriate data for measurement.

Response: The appropriate data for collection and measurement was identified by the two above-mentioned research partners.

In August of 2020 the Center for Policing Equity (CPE) published its Report including seven recommendations to improve police and community relations of which 3 addressed the use of force data collection and its measurements, those are:

1. Expand the definition of reportable force.
2. Collect more detailed use of force information.
3. Update policy on drawing firearms.

Please see **(Attachment #2, pages 6-7)** & refer to **(Attachment #5, Project Plan #1 [Rec 20.1, CM #2])**



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Following CPE's publication, in October of the same year, the Office of the Controller, the City Services Auditor and Department of Police Accountability (DPA) issued a joint Report regarding the SFPD's use of force data collection and reporting.

Their Finding #1.3 states:

Certain key fields on the supervisory use-of-force evaluation form collect data relevant to monitoring policy compliance and conducting analysis on factors that contribute to officers using force, but are poorly designed, resulting in data that cannot be used effectively to fulfill those functions. The poorly designed fields include:

- Reason for use of force
- Subject complaint of pain
- Subject injured
- Video/body-worn camera available
- Time

Recommendations:

1. Update forms and guidance to ensure it collects the data it intends to collect and minimizes the risk of misinterpretation.
2. Consider revising how the Supervisory Use-of-Force Evaluation form indicates the reason for using force. The goal should be to collect data that enables the department to better analyze factors contributing to using force. This goal could be achieved by either:
 - a) Creating separate data fields to indicate whether the subject posed a danger to others or was perceived to be in the process of or imminently expected to commit a crime;
 - b) Allowing supervisors to select multiple reasons and tracking all reasons in the use-of-force database; or
 - c) Providing clear guidance on when each reason should be indicated and holding supervisors accountable for adhering to this guidance.

Please see (Attachment #3, pages 33 & 38).



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Compliance Measure #3: Ensure collection of data factors identified.

Response: To ensure proper collection of necessary use of force data points identified by CPE and DPA, the Department had to revise and update its use of force reporting standards and guiding policies, starting with DGO 5.01.

At the time of the 2016 CRI report issuance, the SFPD's use of force data collection was based on a combination of several data sources, including paper booking cards, incident reports, and station use of paper force logs. This resulted in errors and omissions in data tracking and made it difficult to understand comprehensive data trends. Notably, multiple categories of data were not collected, including drawing, and exhibiting of firearms, level and sequence of resistance by the subject, and control by the officer.

The SFPD's Use of Force reporting process has undergone a progressive evolution since 2015, transitioning from manual logs to digital forms and culminating in the adoption of an automated electronic record in 2022. This evolution has greatly increased the breadth of data collected, providing a more comprehensive understanding of use of force incidents.

The SFPD re-wrote its use of force policy (DGO 5.01) in April 2022 to include expanding the definition of "reportable" use of force. All force used, however slight, to overcome resistance regardless of injury became "reportable" force. After several months, it was determined by the chief of police and the police commission that this new definition was unworkable. The SFPD partnered with the Department of Police Accountability and re-defined "reportable" use of force in October 2022. Type 1 (non-reportable) force occurs when an officer's physical interaction with a subject (1) is reasonably unlikely to cause pain or injury; or (2) does not cause pain of injury; or (3) the subject does not report pain or injury. This revision was issued in December of 2022.

Use of Force Reporting and Collection Protocol

The following summarizes the SFPD's UoF and data collection protocol involving arrest.

1. When an arrest involving force is made, the reporting Officer requests a case number.
2. The reporting Officer generates an electronic report.
3. In the electronic report, the reporting Officer is prompted with a check box titled "Use of Force?"
4. The reporting Officer "checks" the "Use of Force" box.

ARREST MADE? SUSPECT KNOWN? SUSPECT UNKNOWN? NON-SUSPECT INCIDENT? DOMESTIC VIOLENCE? * USE OF FORCE? Yes * REPORTING UNIT



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5. By checking the "Use of Force" box, the report automatically generates an attached "Supervisory Use of Force Evaluation Form" (SUoFE). At this point, a "tri-level" review and approval process takes place of the use of force.
6. The Supervisor (Sergeant) conducts a SUoFE, which must be reviewed and approved by the unit reviewing Sergeant, Lieutenant, and Captain (excerpt below).



San Francisco Police Department Supervisory Use of Force Evaluation



Preliminary Findings of Supervisory Evaluation				
Name of Supervisor Completing Evaluation:	On scene: Y <input type="checkbox"/> N <input type="checkbox"/>	Rank:	Star:	Date: Time:
Comments:	Reviewed BWC: Y <input type="checkbox"/> N <input type="checkbox"/> <small>(Required for all serious bodily injury incidents as defined in DSO 5.0111 G.</small>	If no, why?		
	Other video available: Y <input type="checkbox"/> N <input type="checkbox"/> Unknown: <input type="checkbox"/>	Other video viewed: Y <input type="checkbox"/> N <input type="checkbox"/>		
Other Supervisor on scene:	Rank:	Star:		
Name of reviewing Lieutenant or OIC:	Rank:	Star:	Date:	Time:
	Reviewed BWC: Y <input type="checkbox"/> N <input type="checkbox"/>			
Name of reviewing Captain:	Rank:	Star:	Date:	Time:

7. Once the Officer has completed the incident report, the report is submitted for review and approval. The reviewing Sergeant and Lieutenant are responsible for ensuring the completeness and accuracy of the report, per [Department Notice 23-102](#).
8. At the conclusion of this process, two documents are generated.
 - a. SFPD Incident Report
 - b. Supervisory Use of Force Evaluation
9. In the event that the incident included the drawing and exhibiting of a firearm, a third form is also generated, titled the "Supervisory Firearm Drawn / Exhibited Evaluation."



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10. The SUoFe is programmed to automatically pull the following data from the arrest report:

1. Incident Number
2. Date
3. Time
4. Type of Incident
5. Location of Occurrence
6. District of Occurrence
7. CAD Number

Subject

1. Subject Name
2. Date of Birth
3. Gender
4. Height
5. Weight
6. Race
7. Language

11. These documents are all electronically stored in Crime Data Warehouse (CDW), allowing for retrieval and review by SFPD analytical and data quality assurance units (i.e. Early Intervention Systems [EIS] Unit and Business Analytics Team [BAT] Unit).

12. Data collection from the Incident Report and SUoFE Form are pulled into the Business Intelligence Software daily for reporting and analysis. This data pull occurs daily at approximately 7:37AM, pulling the previous day's use of force and arrest data.

Note: The process above describes the way arrest and UOF data is collected, documented, and stored. All arrest and Use of Force data is retrievable in CDW with only the incident number.

Compliance Measure #4: Engage in research to determine causal factors of use of force.

Response: SFPD has engaged in this work in three ways: 1) using in-house expertise to conduct analyses of similar complexity, 2) partnering with the Center for Policing Equity ("CPE") to analyze SFPD data and complete a report in 2021, and 3) continuing the engagement with CPE and requesting an update to their analyses using their newer approach and other analyses.

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In-house reviews:

The Field Training Force Options unit of SFPD reviews every use of force incident which results in great bodily injury or death and improves and implements use of force training throughout the Department. The unit has also found it helpful to review use of force data and conduct analysis that is relevant to understanding the effectiveness of their training efforts.

A member of that unit, Officer Patrick Woods, has familiarized himself with the Use of Force dataset and has run several statistical analyses, both sophisticated and descriptive in nature. One such analysis replicated the USDOJ 2016 analysis in which one finding indicated that uses of force and their outcomes were more severe when only officers of color were involved.

Officer Woods' analysis revealed that, "...the San Francisco Police Department's Use of Force data now reveals that its minority officers are now not significantly different from their peers when it comes to the outcome of use of force events ..." and that "minority officers [are] not ... using more severe force than their peers." Officer Woods also conducted an analysis on the severity of outcome when the subject was a person of color and found that, "The San Francisco Police Department's Use of Force outcomes do not appear to be influenced significantly by the subject's race."

In addition, Officer Woods conducted another review, this time of the severity of force under behavior variance of the individual subject to force and the severity when a subject was a person of color. He found that "[t]he San Francisco Police Department's officers appear to be using force in response to the subject's behaviors and with no significant influence from the subject's race."

Each of these short papers are included as (**Attachments #14, #15 & #16**) and demonstrate the process of elimination that could be conducted to lead to a potential, eventual discovery of the causes of uses of force for persons of color.

CPE partnership:

CPE suggests the National Justice Database (NJD) framework, outlined below, represents the major causal factors of use of force (**Attachment #2, Page 9**):

- a) Community characteristics & conditions (poverty, crime rates, and racial demographics).
- b) Individual characteristics and behavior (level of resistance, being armed, being in an altered mental state or reported to be homeless).
- c) Individual officer behavior (performance record, social attitudes, beliefs, and morale, sustaining injury).
- d) Individual officer characteristics (age, race, years of service / experience, amount

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- and type of training); and
e) The relationship between the police and the community.

In its 2021 report, CPE analyzed what circumstances or factors gave rise to the use of deadly force. Whether a firearm was discharged or pointed at a person was used as a proxy to address the lack of available data points to administer a useful analysis. As noted in the response to recommendation 1.1, compliance measure 2:

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CPE's analysis controlled for nine factors, and only those that were relevant to influencing firearm pointing as a use of force. The dependent variable, in this case, was whether a firearm was pointed at a person and all uses of force were considered.

In CPE's model, five of the nine factors showed influence over whether a firearm would be pointed. They were:

- had an altered mental state,
- were homeless,
- whether the officer was injured,
- whether the subject was armed, and
- whether a person subject to firearm pointing was African American.

Of note, CPE did not address the assumption that drawing and/or pointing a firearm was a strong predictor of the likelihood of an officer involved shooting occurring, nor whether it was a stronger predictor than the other factors found to have statistical impact on the pointing of a firearm. Latinx and Asian were also measured factors but were not found to influence whether officers pointed a firearm, nor was officer age found to influence firearm pointing to any significance. The first three characteristics listed above reduced the likelihood that the individuals would be the subject of firearm pointing. The other two increased the likelihood.

"A use-of-force encounter is 1.57 times as likely to involve an officer pointing or discharging a firearm if the community member is described as armed by officers. Community members who the officer reports to be in an altered mental state or to be homeless are less likely to have a firearm pointed at or used on them than those not in an altered state or homeless. This model suggests that when an encounter between a community member and an SFPD officer involves a use of force, Black individuals are 1.21 times more likely than White individuals to have a firearm pointed at ... them."

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Ongoing Engagement with CPE:

Moving forward, the SFPD is again partnering with CPE in 2024 which will assist our department in reviewing and evaluating the use of force data, determining its causal factors, and further to examine the recent policing practices and behavior as part of the National Justice Database (NJD) project (**Attachment #4: Signed MOU with CPE**). The NJD initiative seeks to collect data which serves as the foundation for research to determine the causal factors of disparate police contact.

Other researchers have indicated an inability to identify these causal factors as well. Recommendation 1.1 included an Attachment 4, which provides a summary of comments/statements from academic experts indicating that this body of research does not yet have the answers as to the root causes of disparate police contact or disparate police use of force. Therefore, the very nature of the partnership with CPE is to participate in the massive research project, which is working towards the answers to this question and, more specifically, the causal factors contributing to disparate police use of force.



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Recommendation 21.1: The SFPD should continue to collect and analyze use of force data to identify patterns and trends over time consistent with recommendations in finding 20.

Compliance Measure #1: Work with research partner to develop a plan to establish the initial collection standards and then engage in collection and analysis of the use of force data.

Response: As referred above in recommendation 20.4, the SFPD partnered with the Office of the Controller City, the City Services Auditor and Department of Police Accountability (DPA) and one of their three major findings states: "*The department does not analyze its data to identify trends in compliance with its use-of-force policy or facilitate force-reduction efforts.*"

Related to this finding, they have provided SFPD with a set of three recommendations of which all three we have fully concurred with, and those are:

- a) The San Francisco Police Department should establish a data analytics program for its use-of-force data that has clearly outlined objectives, identifies the data required to meet those objectives, ensures the department collects the data in a usable format, and produces analysis in a timely manner and in a format that is readily understandable by relevant stakeholders. - **For more details on how this was addressed and completed please refer to (Attachment #5, Project Plan #1, Rec #20.1, CM #1 -2).**
- b) The San Francisco Police Department should analyze use-of-force data to evaluate whether racial, ethnic, or other demographic disparities exist in when and how force is used and apply these findings to inform departmental practices, policies, and training, when appropriate. - **For more details on how this was addressed and completed please refer to (Attachment #5, Rec #21.1, CM#4).**
- c) The San Francisco Police Department should establish policies and procedures to formalize the Training Division's continuous process for reviewing use-of-force incident reports, evaluations forms, and quantitative data to identify opportunities to improve training. These procedures should require systematic documentation of the review's results. - **For more details on how this was addressed and completed please refer to (Attachment #5, Rec #21.1, CM#5).**

Further, the second research partner, the CPE, in its Report from 2020 recommended that SFPD updates its policy on drawing firearms, which was done. - *For more details, please refer to CM#3.*

The recommendation reads: "*CPE recommends that SFPD update DGO 5.01 to clarify the circumstances in which an officer may draw a firearm. We recommend that SFPD align requirements for drawing a weapon with the existing higher standard for pointing a firearm, by amending 5.01 policy to ad that officers may only draw 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*".



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Compliance Measure #2: Focus on identifying patterns.

Response: The CPE has identified some patterns in its 2020 Report and as a part of continued engagement in 2024 they will continue to analyze our use of force data and provide updates on it and identified patterns.

Internally our Business Intelligence (BI) team along with Business Analysis Team (BAT) analyze data and identify patterns for the purpose of public reporting. Such reporting is done in three ways:

- [San Francisco Police Department Administrative Code Chapter 96A.3 Report \(QADR\)](#) - A quarterly report that provides information on demographics and outcomes of stops, arrests, uses of force, and allegations of officer bias. Required by the San Francisco Administrative Code, Chapter 96A.
- California Department of Justice URSUS11 Report - An annual data submission that contains details only on use-of-force incidents where a subject or officer incurred serious bodily injury or died. Required by the California Government Code, Section 12525.2.
- Federal Bureau of Investigation's National Use-of-Force Data Collection - The Police Department participates in the FBI's program with annual data submissions containing details on use-of-force incidents where the subject incurred serious bodily injury or died or an officer discharged a firearm.

The SFPD also issues an [Early Intervention System Quarterly Report \(EIS Report\)](#) that provides statistical information on the number and nature of alerts and any active interventions. Incidents involving reportable use of force are just one of several indicators.

Additionally, SFPD requires its Training Division to review use-of-force incident reports and evaluation forms to identify training needs, and with the establishment of the Field Tactics Force Options (FTFO) Unit in 2018, a systematic approach has been developed for analyzing this information to improve its use-of-force training. - **For more details on how this was addressed and completed please refer to (Attachment #5, Rec. 21.1, CM#5).**



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Compliance Measure #3: Address issue identified.

Response: The circumstances when an officer may draw a firearm was a major issue identified in the review of use of force reporting. Per CPE report: "A use of force encounter is 1.57 times likely to involve an officer pointing or discharging a firearm if the community member is described as armed by officers" (**Attachment #2, pg. 39**). To address the issue both policy and training were enhanced.

DGO 5.01 (Policy) now reads:

DRAWING AND EXHIBITING A FIREARM - For the purposes of this order, Drawing and Exhibiting occurs anytime an officer removes their handgun from its holster but does not point the firearm at a person. Officer(s) shall document and articulate the justification and circumstances for Drawing and Exhibiting a firearm in their corresponding report. If an incident report is not otherwise required, the officer Drawing and Exhibiting the firearm shall memorialize and articulate the justification in their body-worn camera or CAD. Supervisors shall complete a corresponding Drawing and Exhibiting Supervisory evaluation before the end of watch.

POINTING A FIREARM AT A PERSON - For the purposes of this order, pointing a firearm occurs whenever an officer, with the muzzle of their drawn firearm, covers any portion of a person. No officer shall point a firearm at a person unless there is an objectively reasonable cause to believe the situation may escalate to justify deadly force. If an officer points a firearm at a person, the officer shall, if feasible, safe, and when appropriate, advise the subject the reason why the officer(s) pointed the firearm. Officers shall document and articulate their justification for pointing their firearm in the corresponding report. Supervisors shall complete a corresponding Use of Force Supervisory evaluation before the end of watch.

NOTIFICATION & EVALUATION - Whenever an officer draws, exhibits, or points a firearm, the officer shall notify their supervisor immediately or as soon as practical. The supervisor shall conduct a Use of Force Supervisory Evaluation in circumstances where the officer pointed the firearm at a person; otherwise, the supervisor shall conduct a Drawing and Exhibiting Supervisory Evaluation.

Compliance Measure #4: Review to ensure data collection compliance.

Response: The SFPD Business Analytics Team (BAT) is responsible for reviewing and analyzing aggregate use of force data on a routine basis which ensures not only data collection compliance but its quality too.



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Per BAT Team Unit Order 24-001 (**Attachment #6**) and the attached "Standard Operating Procedure" document which describes the data set reconciliation and comparison, data is reviewed on a quarterly basis. Individual anomalies in the data are examined by BAT Team analysts to reconcile any errors or omissions located.

See unit order and "Standard Operating Procedure" document for description of data collection and examination.

For an example of recent data quality checks, please see the Q2 (**Attachment #7 A and B**) and Q3 (**Attachment #7 C and D**) 2023 Use of Force analysis.

Compliance Measure #5: Evidence of support and remedial action if deficiencies are found.

Response:

Training and Tactics. The SFPD started collecting significantly more data on use of force in 2016. In conjunction with an increase in quantitative raw data collection, the Field Tactics Force Options (FTFO) Unit (Training Division) was established in late 2018. Part of the mission of the FTFO was to do a qualitative analysis of significant force incidents. The qualitative analysis enabled identification of root causes that lead to significant use of force incidents.

While significant use of force incidents was relatively rare overall, the occurrence of the root causes were commonplace across incidents that ultimately had positive outcomes. The quantitative data collected starting in 2016 could not directly indicate if training was being adhered to or having the intended results. However, some data was useful as a proxy for determining training efficacy. By utilizing these proxies, the SFPD was able to track the effectiveness of its various trainings and the resultant reduction in serious use of force incidents.

An example of a training course that resulted from multiple qualitative analyses is SFPD's CMCR course. The department found that nearly all officers responding to a high-risk incident would draw their firearms and act as lethal cover. While lethal cover is a necessary component of a response to many of these high-risk incidents, lethal cover was being done to the exclusion of all the other functions that needed to be performed. Having lethal cover does not cause high-risk incidents to end in a serious use of force. Failures of containment, communication, coordination (of all other resources), and control ultimately contributed to the significant use of force.

CMCR emphasized reducing the total number of firearms pointed within a single incident. CMCR also included designated less lethal operators, containment, communication, and many other

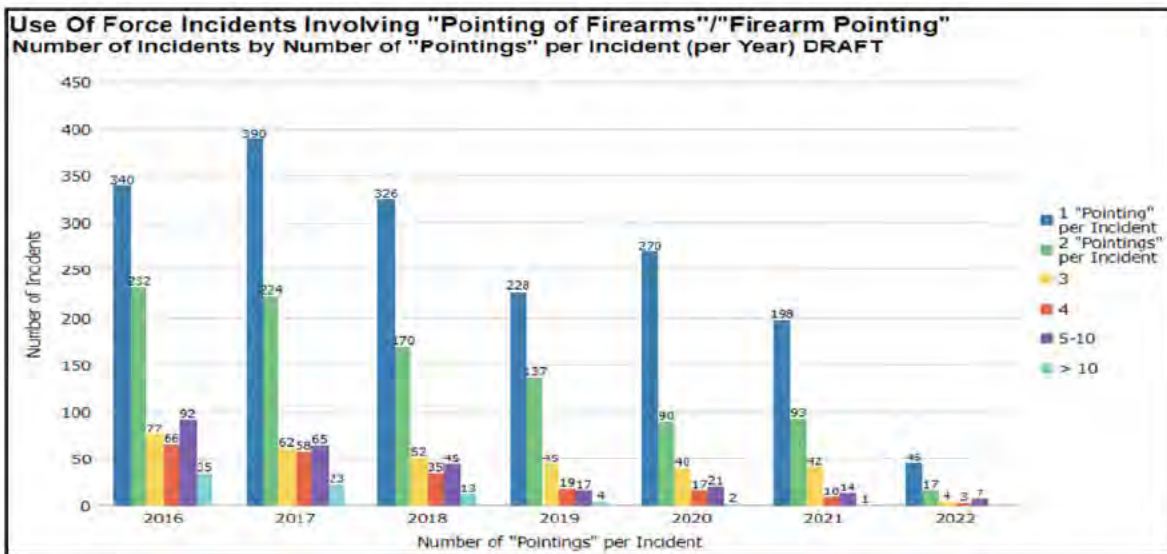


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things necessary for tactical de-escalation. FTFO performed quarterly data analysis to track what it could directly and make assumptions based on proxy data.

A histogram of the number of firearms pointed in a single incident won't indicate that other job tasks are being performed, but it is a good proxy for the availability of officer to perform those tasks.

Here is a firearm pointing histogram with data thru 1st quarter 2022 **(Attachment #8)**:

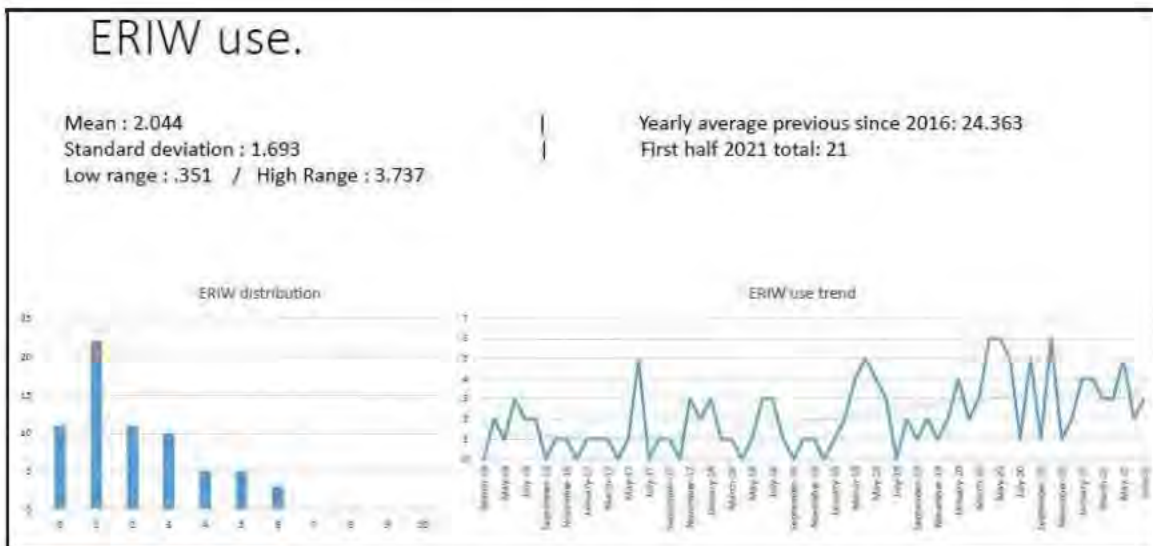


If officers are designated as less lethal in a high-risk incident, more often it follows that there would be an increase in the use of less lethal force (ERIW).

Here is a slide from an FTFO analysis investigating ERIW use over time. (Data is 2016 thru 1st quarter 2022).



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UOF YEAR	FORCE DESC	COUNT OF INCIDENTS
2016	ERIW	13
2017	ERIW	16
2018	ERIW	15
2019	ERIW	26
2020	ERIW	42
2021	ERIW	48
2022	ERIW	9

Data Deficiencies

(Use of Force/Arrest Data Comparison). Business Analysis Team (BAT) analysts conduct a comparative analysis between SFPD UOF EVAL Analytics and SFPD Persons data marts, and performs an exact match, a strategy that matches only records that are identical between different data sources, to identify potential discrepancies or data outliers in regards to individuals on whom force was applied. If any discrepancies are identified, the analyst conducts research to determine the issue, and records the findings for reporting purposes. In the November 2023 data comparison sample, BAT Analyst [REDACTED] identified five outliers and concluded that subjects on whom force was applied were listed as "suspect," instead of being listed as an individual who was booked, cited or detained. **(Attachment #9A)**

In another situation, BAT Analyst [REDACTED] identified outliers listed as "-999" in the data comparison. BAT Analysts reached out to the Business Intelligence team to inquire about the matter to determine any potential data issue. See email correspondence **(Attachment #9B)**



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Supervisory Use of Force Evaluation Form. The Early Intervention Systems conducts a SUsFE audit on a quarterly basis for completeness and accuracy. This audit consists of 10 random SUsFE reports per quarter. In this audit, the auditor thoroughly reviews the incident report and the SUsFE for completeness and accuracy. In the event that discrepancies are identified, the EIS OIC sends a formal internal memorandum to the commanding officer of the evaluating Sergeant and approval Lieutenant for training and remediation.

(See EIS Unit Order and Internal Memo Attachment #10).



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Recommendation 22.1: The SFPD needs to improve data collection on use of force so that further analysis can be conducted to better understand this finding.

Compliance Measure #1: Improve data collection on use of force. Revise policy, procedures, and training accordingly.

Response: The recently implemented Supervisory Use of Force Evaluation Form signifies a noteworthy enhancement in the Department's data collection efforts concerning reportable use of force. This upgraded form incorporates additional data fields to facilitate a more comprehensive understanding of various aspects related to the use of force (**Attachment # 11**).

For more details, refer to (Attachment #5, Project Plan #1, Rec. 20.1, CM #1-2)

"Technology Guide: Supervisory UOF Evaluation Form", Issued April 29, 2021. (Attachment # 11)

 <h3 style="text-align: center;">Technology Guide</h3> <h3 style="text-align: center;">Supervisory UOF Evaluation Form</h3> <p style="text-align: center;">April 29, 2021</p> <p style="text-align: center;"><small>Contributors: TECHNOLOGY, ACADEMY & LEGAL</small></p> 	
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The below training was developed regarding the documentation of **use of force data**.
Electronic System Implementation and Training:

The transition from the digital PDF version of the Supervisory Use of Force Evaluation Form to an electronic system within CDW marked a significant advancement, as detailed in Department Notice (DN) 22-026, "Updated Data Collection for Use of Force and Firearm Drawn/Exhibited," issued on April 12, 2022 (**Attachment # 12**). Included in DN 22-026 is a technology guide (**Attachment # 11**) which instructs members on how to use the SUoFE form within CDW.

DN 22-026, Updated Data Collection for Use of Force and Firearm Drawn/Exhibited," (**Attachment # 12**)



Expanded Data Fields:

DN 22-026 introduced additional data fields, enhancing the Supervisory Use of Force Evaluation Form beyond the provisions of DB 18-171. These additions covered pre-population of data in various sections, including officer information, verbal commands and warnings, and specifics related to drawing/exhibiting a firearm. Notably in DN 22-026, the drawing/exhibiting of a firearm now requires a review and memorialization of the incident within the Firearm Drawn/Exhibiting Evaluation form, despite it not being considered as a use of force. The expanded data fields will be pulled from the associated incident report. In the event that the firearm drawn/exhibited occurrence did not require an incident report, the data will be pulled from Computer Aided Dispatch (CAD) system. Regardless of whether the data is being pulled from the incident report or from CAD, a Supervisory Firearm Drawing/Exhibiting evaluation still occurs. For additional information, please refer to SFPD Form 575C (12/22), "Supervisory Firearm Drawn/Exhibiting Evaluation" (**Attachment # 13**).



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"SFPD Form 575C (12/22), "Supervisory Firearm Drawn/Exhibiting Evaluation" (Attachment #13).

San Francisco Police Department	
Supervisory Firearm Drawn/Exh Evaluation	
INCIDENT NUMBER:	Date:
DEM Radio Code:	Time: On View <input type="checkbox"/> Dispatch <input type="checkbox"/>
Location of Occurrence:	
District of Occurrence:	
SFPD CAD#:	CAD Advised Armed? Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>
Weapon CAD Advised: Simulated Weapon <input type="checkbox"/> Blunt Object <input type="checkbox"/> Knife/Other Edged Weapon <input type="checkbox"/> Firearm <input type="checkbox"/> Other <input type="checkbox"/>	
Critical Incident/Special Event:	
Supervisory Officer Rank, Name & Star#:	
Did Supervisor Respond to Scene: Y <input type="checkbox"/> N <input type="checkbox"/> If No, why?	
OFFICER	Officer Name: BWC Available: Y <input type="checkbox"/> N <input type="checkbox"/>
Station/Assignment:	Unit ID: Identification: Uniform <input type="checkbox"/> Plainclothes <input type="checkbox"/>
Plainclothes ID: Display of Star <input type="checkbox"/> Raid Jacket <input type="checkbox"/> Verbally <input type="checkbox"/> None <input type="checkbox"/>	Injured: Y <input type="checkbox"/> N <input type="checkbox"/>
Injuries Description:	
Photo: Y <input type="checkbox"/> N <input type="checkbox"/>	Photo Taken By:
Death: Y <input type="checkbox"/> N <input type="checkbox"/>	Assessment (Paramedic/EMT): Y <input type="checkbox"/> N <input type="checkbox"/> Med Eval (By Doctor): Y <input type="checkbox"/> N <input type="checkbox"/>
Medical Treatment: Y <input type="checkbox"/> N <input type="checkbox"/> Admitted <input type="checkbox"/>	
DRAWING/EXHIBITING FIREARM Officer:	
Reason for Drawing/Exhibiting Firearm (DGO 5.01): <input type="checkbox"/> Search for suspect <input type="checkbox"/> High-risk pedestrian stop <input type="checkbox"/> High-risk vehicle stop <input type="checkbox"/> Subject believed to be armed with a firearm <input type="checkbox"/> Subject believed to be armed with other deadly weapon <input type="checkbox"/> Warrant Service <input type="checkbox"/> Critical Incident <input type="checkbox"/> Designated lethal cover officer for ERIW deployment per DGO 5.01 <input type="checkbox"/> Other: _____	Type of Firearm Used: <input type="checkbox"/> Department Issued Handgun <input type="checkbox"/> Department Issued Shotgun <input type="checkbox"/> Department Issued Rifle <input type="checkbox"/> Other: _____ Position Firearm Held: <input type="checkbox"/> Firearm Pointed Down <input type="checkbox"/> High Ready <input type="checkbox"/> Long Gun Port Arms <input type="checkbox"/> Other <input type="checkbox"/> Firearm Low Ready
Was Drawing/Exhibiting Firearm within Department Policy? Y <input type="checkbox"/> N <input type="checkbox"/> Determination Pending Investigation <input type="checkbox"/> (Any UOF incident referred to an investigative unit)	
If No or Determination Pending Investigation, notify a superior officer. Submit for Commanding Officer's approval prior to reporting off-duty.	

The augmented data fields not only capture information regarding the severity of force applied by officers, the level of resistance exhibited by the subject, and the chronological sequence of the subject's resistance and subsequent control by the officer(s), but also encompass details pertaining to the severity of sustained injuries sustained by the subject.



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This refined data collection process has empowered the FTFO Unit, in collaboration with the Business Analysis Team (BAT) Unit, to engage in quantitative analysis complemented by qualitative research. The primary objective is to utilize this data for the purpose of evaluating training programs, implementing updates, and effecting improvements in the protocols governing the use of force.

In addition to its utility for internal analysis and training development, the Department now possesses a robust data collection tool. This tool not only facilitates the generation of substantial datasets but also serves as an effective resource for external research partners and academic institutions. This, in turn, enables the provision of comprehensive and scientifically rigorous data sets to support external entities in their research endeavors that will improve our use of force policies.

Significant Update to SFPD High Level Use of Force Review:

DGO 3.10 [Firearm Discharge Review Board (eff. 9/21/05)] has been revised and will be called the Serious Incident Review Board (SIRB). The new policy has been drafted, reviewed by the Department of Police Accountability, and is currently in simultaneous concurrence. It is expected to take effect in early 2024. The purpose of the SIRB is to review the analysis and conclusion from investigations of designated use of force and critical incidents and to make corresponding recommendations to the Chief of Police. The SIRB will opine upon policy findings, training, tactics, decision-making, procedures, trends and/or other issues identified by the SIRB **(Attachment #14)**.

Compliance Measure #2: Conduct further analysis to understand how the use of force is used and the factors that contribute to this finding.

Response: Internal analysis of use of force data was completed by FTFO for 2023 by using CPE research methodology and for the purpose of demonstrating the ability to do so as well as validity and quality of data collected. The future goal is to have an external research/academic entity partner with our department to perform such analysis independently and periodically. All data comes from the SFPD's Business Intelligence databases which are populated with data on the Supervisory Use of Force Evaluation form. In 2023, there were a total of 1061 use of force incidents that were analyzed.

The following reports are included in this Memorandum:

1. The Effects of Officer Race on Use of Force Severity **(Attachment #15)**
2. The Effects of Subject Race on Use of Force Severity **(Attachment #16)**
3. The Effects of Officer Race on Use of Force Outcomes **(Attachment #17)**
4. The Effects of Subject Race on Use of Force Outcomes **(Attachment #18)**



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#1: The Effects of Officer Race on Use of Force Severity:

The analysis found that the previously researched findings that minority officers are more likely to use more severe force no longer applies.

The analysis found:

"The "Asian," "Hispanic," "White," and "Other" categories were not significantly different from each other. The comparison between Black and Asian with a p value of 0.186 was the most significant comparison with the indication that Black officers use of force was comparatively less severe than their Asian peers. This finding is counter to the 2016 USDOJ report's findings that minority officer's Use of Force is more severe than their peers."

#2: The Effects of Subject Race on Use of Force Severity:

The analysis found:

"Previous findings by the DOJ in the collaborative reform process indicated that a subject's race did not influence the severity of force used by officers. This paper confirms that the previously researched findings hold up even when accounting for the threat level of the subject.

The Cursory Graham Factor Model may be a useful tool for detecting bias in use of force. However, it may have more utility in tracking the effects of de-escalation training being embarked upon by agencies that do not currently have robust de-escalation training programs."

#3: The Effects of Officer Race on Use of Force Outcomes:

The analysis found that the previously researched findings that minority officers are more likely to cause greater injury when using force no longer applies.

The analysis found:

"An ANOVA of the data yielded a p value that is not significant and the null hypothesis that the officer's race is not significantly correlated with the severity of outcome in a Use-of-Force event is not rejected."

#4: The Effects of Subject Race on Use of Force Outcomes:

The analysis found:

"An ANOVA of the data yielded a p value that is not significant and the null hypothesis that the subject's race is not significantly correlated with the severity of outcome in a use of force incident is not rejected."



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Compliance Measure #3: Conduct periodic audits/review of use of force data collection to continue to monitor this finding. (see Conclusion below).

Response: As of now, the SFPD is capturing sufficient data on the use of force incidents to support strong scientific analysis.

The SFPD Business Analysis Team (BAT) analyst conducts a comparative analysis between SFPD UOF EVAL Analytics and SFPD Persons data marts, and performs an exact match, a strategy that matches only records that are identical between different data sources, to identify potential discrepancies or data outliers in regard to individuals on whom force was applied. If any discrepancies are identified, the analyst conducts research to determine the issue, and records the findings for reporting purposes.

For more details, refer to (Attachment # 5, Project Plan #1, Rec 20.1 CM #4-5; Rec 20.2 and Rec 20.3).

Conclusion:

Our current refined data collection process has empowered the FTFO Unit, in collaboration with the Business Analysis Team (BAT) Unit, to engage in quantitative analysis complemented by qualitative research. **The primary objective is to utilize this data for the purpose of evaluating training programs, implementing updates, and effecting improvements in the protocols governing the use of force.**

In addition to its utility for internal analysis and training development, the Department now possesses a robust data collection tool. This tool not only facilitates the generation of substantial datasets but also serves as an effective resource for external research partners and academic institutions, such as CPE. **This, in turn, enables the provision of comprehensive and scientifically rigorous data sets to support CPE in their research endeavors that will not only improve our use of force policies, but put us in compliance with those specific findings.**