COLLABORATIVE REFORM INITIATIVE

An Assessment of the San Francisco Police Department

OCTOBER 2016

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Letter from the Director

Dear Colleagues,

Decades of experience have taught us that law enforcement is a collaborative effort requiring honest, open, and positive relationships with the communities we serve. When we lose the people's trust, we lose their cooperation. Put simply: If people do not believe they are treated fairly, they will not work with us and we cannot maintain the safety of the public.

In response to community concerns regarding several controversial officer-involved shootings, San Francisco Mayor Ed Lee and former Police Chief Greg Suhr asked the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office) to assess the department's policies and practices through the Collaborative Reform Initiative for Technical Assistance (CRI-TA) process.

I applaud Mayor Lee and former Chief Suhr for responding to community concerns in such a strong way. It takes both courage and leadership to open your department to scrutiny. But we know that is the only way to identify our weaknesses, reinforce our strengths, and improve the relationship between police and the communities they serve.

As part of our assessment we conducted interviews, focus groups, observations, community engagement events, data analysis, and document review. We found a department with concerning deficiencies in every operational area assessed: use of force; bias; community policing practices; accountability measures; and recruitment, hiring, and promotion practices. We also found serious deficiencies concerning the San Francisco Police Department's (SFPD) data systems regarding the ability to collect, maintain, and analyze data. Overall, the DOJ identified 94 findings and provided 272 recommendations.

Notwithstanding the deficiencies noted, we also found a police department wanting to provide fair and unbiased policing while protecting the community. Throughout the process, the police department has been open, cooperative, and willing to make changes. For example, the SFPD established the Principled Policing and Professional Standards Bureau to work in a coordinated effort to increase transparency and accountability and to be a central contact for the COPS Office through the CRI-TA process.

We look forward to working with the department, the city, and the community in implementing the recommendations contained in the report. In closing, I want to again thank Mayor Lee, former Chief Suhr, and Interim Chief Toney Chaplin for having strong leadership to open the department up to an assessment of this nature. In the end, this will benefit the department and the community and will be a road map for other agencies moving forward.

Sincerely,

Ronald L. Davis
Director
Office of Community Oriented Policing Services

Collaborative Reform Team

The Collaborative Reform Team is composed of neutral, independent experts from a wide range of law enforcement–related fields and community advocacy.

The team

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Executive Summary

As a result of an extensive independent assessment of the San Francisco Police Department's (SFPD) activities and operations, the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office) presents findings and recommendations on how to address the agency's needs proactively in a long-term manner to improve trust between the SFPD and the communities it serves.

Background

San Francisco, California, is one of the country's most iconic cities, known as much for its hills and vistas as for its progressive political climate. Indeed, identification of counterculture movements can be invoked merely by naming some of the city's neighborhoods, including Haight-Ashbury and the Castro. Today, San Francisco and other Bay Area communities like Berkeley and Oakland are leading the nation's conversations around questions of police accountability, civic engagement, constitutional policing, police use of force, and individual rights.

These are timely conversations because police-community relations in the United States have reached a pivotal moment. Recent highly publicized events involving law enforcement officials, particularly officer-involved shooting incidents, have communities questioning the integrity of police, the rights of individuals, and the role of the community in ensuring that police practices align with community expectations.

The people of San Francisco are among the voices calling for urgency in police reform and building trust between law enforcement agencies and communities. A series of incidents involving the SFPD has raised questions about the department's use of force practices, accountability, and oversight of its practices. These incidents include the following:

- In 2015, the SFPD was involved in six fatal officer-involved shootings.[1]
- In a 2010 criminal investigation, a series of racist, sexist, and homophobic text messages was found to have been shared among a group of SFPD officers.[2] The public was not informed about this issue until February 2014.[3]
- In a similar incident made public in early 2016, prosecutors investigating an alleged sexual assault involving an SFPD officer discovered a series of racist and homophobic texts shared among the accused officer, his supervisor, and several additional SFPD officers in 2015.[4]

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1. City and County of San Francisco Civil Grand Jury, *Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer Involved Shootings* (San Francisco: City and County of San Francisco, 2016), http://civilgrandjury.sfgov.org/2015_2016/2015-16_CGJ_Final_Report_Transparent_Investigations_Fatal_SFPD_Shootings_7_6_2016.pdf.
2. "Government's Opposition to Defendant Furminger's Motion for Bail Pending Appeal," United States of America v. Ian Furminger, No. 3:14-CR-00102-CRB-1 N.D. Calif., filed March 13, 2015, https://assets.documentcloud.org/documents/1688121/sample-of-racist-homophobic-text-messages-from.pdf.
3. Vivian Ho, "Officers in Texting Case Win Key Ruling," San Francisco Chronicle, December 22, 2015, http://www.pressreader.com/usa/san-francisco-chronicle/20151222/281977491581708.
4. Tamara Aparton, "Bigoted Text Messages to Affect 200+ Cases," San Francisco Public Defender, last modified April 26, 2016, http://sfpublicdefender.org/news/2016/04/bigoted-text-messages-to-affect-200-cases.

These events have placed the city in the national spotlight regarding policing practices and opened a public and passionate conversation around the SFPD's community engagement, transparency, and accountability. As the *Final Report of the President's Task Force on 21st Century Policing* notes, trust is the key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.

Outreach

In response to community outcry after several officer-involved shootings and other high-profile incidents, San Francisco Mayor Edwin M. Lee and former SFPD Chief of Police Greg Suhr requested assistance from the DOJ to help address the significant community concerns regarding the status of policing in San Francisco. Specifically, they sought an independent assessment of SFPD through the DOJ's COPS Office Collaborative Reform Initiative for Technical Assistance (CRI-TA).

About Collaborative Reform

The DOJ COPS Office established the CRI-TA program in 2011 in response to requests from the law enforcement community for a proactive, nonadversarial, and cost-effective form of technical assistance for agencies with significant law enforcement–related issues. The COPS Office partners with law enforcement executives to assess agency needs and tailor an effective technical assistance approach. In San Francisco, the COPS Office offered CRI-TA, a long-term, holistic strategy to improve trust between police agencies and the communities they serve by providing a means to organizational transformation.[5]

As part of CRI-TA, the SFPD committed to providing the resources and access necessary to facilitate an in-depth look into its policies and practices to help identify areas for improvement and reform particularly as they relate to use of force. The SFPD and the city are to be commended for taking this important step.

Goal and objectives of Collaborative Reform

On April 29, 2016, the COPS Office and the City and County of San Francisco entered into a Memorandum of Agreement for CRI-TA (see appendix G on page 360 for a copy). The goal of CRI-TA with SFPD is to assess, monitor, and assist the department, in collaboration with the community, in the implementation and sustainment of reforms that increase public trust through improvements in community policing practices, transparency, professionalism, and accountability while taking into account national standards, promising practices, current and emerging research, and community expectations (see appendix H on page 363 for the full statement).

5. *Collaborative Reform Initiative for Technical Assistance* (Washington, DC: Office of Community Oriented Policing Services, 2016), http://www.cops.usdoj.gov/pdf/technical_assistance.pdf.

The CRI-TA program in San Francisco began with an assessment phase that addressed the following areas:

- Use of force policies and practices
- Policies, practices, and training to address issues of bias in policing
- Community policing strategies and protocols
- Policies and practices regarding complaint and disciplinary processes
- Recruitment, hiring, and personnel practices

Key findings

The COPS Office found a department that is committed to making changes and working with the community. On the other hand, the department has significant deficiencies in the operational systems assessed. Deficiencies were found ranging from outdated use of force policies to inadequate data collection and lack of accountability measures. We also found disparities in traffic stops, post-stop searches, and use of deadly force against African Americans. In addition, there are numerous indicators of implicit and institutionalized bias against minority groups. Focusing on the five objectives, we identified 94 findings and developed 272 associated recommendations. Following are key findings from each chapter.

Use of force

See chapter 2 for the full narrative.

- The majority of deadly use of force incidents by the SFPD involved persons of color (finding 1).
- The SFPD does not adequately investigate officer use of force (finding 18).
- The SFPD does not maintain complete and consistent officer-involved shooting files (finding 19).
- The SFPD has not developed comprehensive formal training specifically related to use of force practices (finding 6).
- Community members' race or ethnicity was not significantly associated with the severity of force used or injury arising from an officer's use of force (finding 21).
- The SFPD does not capture sufficient data on arrest and use of force incidents to support strong scientific analysis (finding 20)

Bias

See chapter 3 for the full narrative.

- The weight of the evidence indicates that African-American drivers were disproportionately stopped compared to their representation in the driving population (finding 30).
- African-American and Hispanic drivers were disproportionately searched and arrested compared to White drivers. In addition, African-American drivers were more likely to be warned and less likely to be ticketed than White drivers (finding 31).
- Not only are African-American and Hispanic drivers disproportionately searched following traffic stops but they are also less likely to be found with contraband than White drivers (finding 32).

- The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents (finding 24).
- The SFPD's failure to fully and adequately address incidents of biased misconduct contributed to a perception of institutional bias in the department (finding 28).
- Allegations of biased policing by community members have not been sustained against an officer in more than three years (finding 29).

Community policing practices

See chapter 4 for the full narrative.

- The SFPD does not collect data around community policing nor measure success within community policing functions and programs (finding 46).
- The SFPD engages in a range of successful activities, programs, and community partnerships that support community policing tenets, particularly those coordinated through the Youth and Community Engagement Unit (finding 43).
- There is a strong perception among community members that the SFPD is not committed to the principles of procedural justice finding 38).

Accountability

See chapter 5 for the full narrative.

- The SFPD is not transparent around officer discipline practices (finding 55).
- Evaluation of employee performance is not an institutionalized practice in the SFPD (finding 79).
- The SFPD's Internal Affairs Division does not have standard operating procedures or templates for investigation reporting (finding 61).
- The SFPD does not analyze trends in complaints, situations that give rise to complaints, or variations between units or peer groups in relation to complaints and misconduct (finding 67).
- The process to update Department General Orders is overly protracted and does not allow the department to respond in a timely manner to emerging policing issues (finding 70).

Recruitment, hiring, and personnel practices

See chapter 6 for the full narrative.

- Despite a relatively good record in hiring diverse candidates, perception remains in the community that the SFPD seeks to eliminate diverse candidates from its hiring pool (finding 81).
- Gender, racial, and ethnic minority recruits were terminated at a higher rate from recruit training as compared to White male recruits (finding 88).
- The SFPD does not have representative diversity within all its ranks in the organization, especially in the supervisory and leadership ranks (finding 90).

The complete list of findings and recommendations is contained in appendix A, starting on page 209.

Conclusions

The COPS Office found a department that is committed to making changes and working with the community. Although there are deficiencies, this report summarizes the full assessment including findings and recommendations that will help the department modernize its policing practices and enhance community trust. As the SFPD continues to address the challenges outlined in the CRI-TA assessment, it will need to take into account issues related to its leadership and vision, communication and accountability efforts, and technological infrastructure. Trust and collaboration between the SFPD and the community are needed to develop co-produced policing, an environment in which police practices and decisions are transparent, appropriate, understood, and supported. In turn, the SFPD must be willing to share decision-making authority over policing priorities and respond to community expectations and needs. This alignment of police and community interests can be served through effective, collaborative application of the principles of community policing.

This report and its recommendations need to be required reading for officers and supervisors of the SFPD. Further, the Police Commission and the Board of Supervisors should require the SFPD to adopt the recommendations contained in this report and to provide quarterly reporting from the chief on progress in meeting the reform goals contained in this assessment.

Part I. Introduction

Introduction

As a result of an extensive independent assessment of the San Francisco Police Department's (SFPD) activities and operations, the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office) presents findings and recommendations on how to address the agency's needs proactively in a long-term manner to improve trust between the SFPD and the communities it serves.

Collaborative Reform process

The COPS Office established the Collaborative Reform Initiative for Technical Assistance (CRI-TA) program in 2011 in response to requests from the law enforcement community for a proactive, nonadversarial, and cost-effective form of technical assistance for agencies with significant law enforcement-related issues.

In particular, the COPS Office developed CRI-TA to engage with law enforcement agencies on issues such as use of force, biased policing, and police legitimacy. Collaborative Reform is a long-term, holistic strategy that identifies issues within an agency that may affect public trust.[6] Under the CRI-TA model, requesting agencies receive comprehensive organizational assessment followed by a series of recommendations and a period of technical assistance and monitoring to help in the implementation of reforms.

Participating in CRI-TA is a sign of a modern, progressive police department that is committed to implementing and advancing procedurally just, impartial, and transparent policies, practices, and procedures throughout the organization.

Goal and objectives

The COPS Office's goal in San Francisco was to assess, monitor, and assist SFPD—in collaboration with the community—in the implementation and sustainment of reforms that increase public trust through improvements in community policing practices, transparency, professionalism, and accountability while taking into account national standards, promising practices, current and emerging research, and community expectations.

Three community listening sessions were held in San Francisco, and assessment team members conducted numerous interviews, observations, and contacts with various police officers and community members to gather insights and comments regarding the SFPD's policies, practices, and relationships with the community. Emerging from this process, the goal and objectives for the Collaborative Reform process were developed and presented to the SFPD.

6. COPS Office, *Collaborative Reform*.

The goal and objectives provide the framework for collaborative reform. Specifically, the DOJ and the SFPD agreed to collaborate in addressing the following technical assistance objectives:

- Assess the SFPD's use of force policies and practices as they relate to training, implementation, reporting, supervision, and oversight and accountability.
- Assess the SFPD's policies and operational practices to determine if there is biased policing with a specific focus on people of color, people with mental illness, the LGBTQ community, and the homeless.
- Assess the community policing, procedural justice, and community engagement protocols and practices across the SFPD in light of national and best practices.
- Assess whether the accountability, oversight policies, and practices related to community complaints and their investigation comport with national standards and best practices.
- Analyze recruitment, hiring, and personnel practices to evaluate diversity efforts in the SFPD to determine adherence with national standards and best practices.[7]

In the course of this assessment, the subject matter experts conducted numerous site visits. The COPS Office spoke with more than 400 individuals from the SFPD and the San Francisco community; attended numerous community meetings; conducted more than 50 observations of the SFPD's engagement with community members; observed Academy training; participated in more than 20 ride-alongs in seven district stations; conducted nine focus group sessions with SFPD officers; and reviewed, assessed, and analyzed hundreds of documents and data files.

Purpose and intent

This assessment report is aimed primarily at the SFPD and the San Francisco community. On the one hand, it is intended to help the SFPD understand the state of its relationship to the San Francisco community and provide a starting point for repairing, cultivating, and enhancing those relationships. On the other hand, this report is also intended to serve as a strategic, independent lens through which the residents of San Francisco can better understand the strengths, constraints, challenges, and limitations of their police department. For both of these audiences, the report's findings and recommendations provide specific, actionable guidance on improving the SFPD's practices in the area of use of force, bias, community policing, accountability, and diversity.

This report is also prepared to help educate, inform, and inspire members of the national audience who seek clear insights and examples on how to advance police-community relations in a positive, productive, collaborative, and sustainable manner. While this report is focused specifically on San Francisco, it contains observations, findings, and recommendations that will assist law enforcement executives, officers, community leaders, and community members across the United States understand and improve the state of policing where they live.

7. COPS Office, *Goal and Objectives Statement*.

The public release of this report serves as a road map for proactive organizational and cultural changes in law enforcement agencies across the United States. The recommendations can be easily replicated and modified to improve policing practices across the country.

This report reflects the first phase of CRI-TA and is intended to guide meaningful changes to the SFPD's policies, practices, and relationship with the San Francisco community. By identifying the SFPD's strengths and weaknesses, articulating models of emerging practice, and setting out a series of findings and recommendations, this report is a roadmap for the department to move forward in creating a consistent, transparent, and measurable policing strategy.

Stakeholders demonstrated openness to change and reform

The people of San Francisco are proud of their city, and they want to be proud of their police department. Throughout the assessment, community members, governmental representatives, and SFPD personnel engaged willingly and openly in conversation and action around reform and rebuilding trust. Community members engaged in dialogue during listening sessions, forums, and one-on-one interviews to share their points of view, interests, and needs with the assessment team. Many public agencies made staff and resources available to the assessment team, including the Office of the Mayor and other governmental representatives, the Police Commission, the district attorney, the public defender, the Office of Citizen Complaints, the Mayor's Office of Disability, the city attorney, the Human Resources Division, the DOJ United States' Attorney's Office, and the DOJ Community Relations Service.

SFPD personnel and officers worked collaboratively with the Department of Emergency Management, the Comptroller's Office, and the San Francisco Sheriff's Department to fulfill the assessment team's document and data requests. The whole of the SFPD participated cooperatively in interviews, focus groups, ride-alongs, and observations. The input of multiple persons across the range of San Francisco communities contributed immensely to the assessment process. Both former Chief Greg Suhr and Interim Chief Toney Chaplin demonstrated a commitment to the CRI-TA program, and the assessment team anticipates an engaged and productive collaboration with the SFPD during the implementation phase. Advancing reform in the SFPD is a shared priority.

1. Organization and Structure

This report is organized in thematic chapters. Each chapter begins with a statement of the methodology followed by a narrative detailing the observations from the assessment team as well as data analysis if any was done. Each chapter concludes with findings and recommendations for the San Francisco Police Department (SFPD).

Chapter 2 provides an analysis of the SFPD's use of force and deadly force practices and policies. Chapter 3 attends to questions of bias in policing. Chapter 4 focuses on community policing practices. Chapter 5 examines the SFPD's disciplinary process. Chapter 6 explores the SFPD's recruitment, hiring, and personnel practices.

In general, subject matter experts in each of the five objectives conducted voluntary, at-will interviews with sworn and civilian SFPD personnel, community members, and other stakeholders with a focus on one or more of the objectives; examined protocols and procedures across the SFPD and its divisions; and, where possible, used data to generate statistical trends and patterns that helped contextualize the SFPD's operations (see appendix C on page 266 for more about the assessment methodology).

For clarity, each chapter in this report addresses one objective of the assessment. However, as reflected in the findings and recommendations, such an isolation of objectives is impossible and counterproductive in practice. Questions of use of force and bias, community policing and accountability, and diversity in hiring practices necessarily and inevitably impact and influence one another. Therefore, the SFPD and the community it serves as well as police departments and communities across the country should understand this report as greater than the sum of its parts. Stakeholders should consider this report both a snapshot and a roadmap: an assessment of where the SFPD is today and where it can go with support and oversight from an engaged, informed public.

Chapter 7 draws conclusions based on the foregoing chapters, and chapter 8 concludes the report with a description of the SFPD's next steps in advancing reform. The appendices provide the full findings and recommendations; background on San Francisco; methodology of the assessment; datasets that informed the statistical analyses; and documentation of the Collabortive Reform Initiative for Technical Assistance (CRI-TA), the Office of Community Oriented Policing Services (COPS Office) response and identification of the goal and objectives, and the Memorandum of Agreement that launched the CRI-TA effort.

We identified a number of findings that are supported in detail. These findings and recommendations highlight the most important opportunities for residents of the City and County of San Francisco and the SFPD to address in order to guide the department along the path toward true community policing.

Part II. Assessment

2. Use of Force

The San Francisco Police Department (SFPD) has had several high-profile and controversial officer-involved shooting incidents. As seen in table 2.1, the SFPD was involved in nine deadly use of force incidents during the time frame of review for this assessment, 2013–2015. Between January 2016 and July 2016, the SFPD was involved in two other deadly officer-involved shooting incidents. However, during this same time frame, the SFPD also successfully resolved two highly charged situations with armed gunmen; neither resulted in any injuries, and neither devolved into an officer-involved shooting incident. All but one of the investigations referenced in table 2.1 remain open investigations, pending decision of the district attorney on whether the officers' actions were lawful. According to a civil grand jury report, the average length of time from the initiation by the district attorney of an officer-involved shooting case to the completion an investigation and issuance of a charging decision letter is 654 days.[8] From May 1, 2013 to May 31, 2016, nine out of the 11 individuals killed as a result of officer-involved shooting incidents were people of color.

Table 2.1. SFPD fatal officer-involved shooting incidents and declinations May 1, 2013–May 31, 2016

Date	Subject	District Attorney's Office Legal Review Decision
March 21, 2014	Mr. Alex Nieto	Lawful actions; district attorney declined to charge
September 25, 2014	Mr. Giovany Contreras Sandoval	Open
October 7, 2014	Mr. O'Shaine Evans	Open
January 4, 2015	Mr. Matthew Hoffman	Open
February 26, 2015	Mr. Amilcar Perez-Lopez	Open
March 17, 2015	Ms. Alice Brown	Open
October 15, 2015	Mr. Herbert Benitez	Open
November 11, 2015	Mr. Javier Lopez Garcia	Open
December 2, 2015	Mr. Mario Woods	Open
April 7, 2016	Mr. Luis Góngora	Open
May 19, 2016	Ms. Jessica Williams	Open

From the first community listening sessions through the conclusion of the Collaborative Reform Initiative for Technical Assistance (CRI-TA) assessment phase, we observed significant protest activity centered on the SFPD's officer-involved shooting incidents. The community voice was loud and consistent in expressing that the SFPD needs to be more transparent and accountable regarding its use of force practices.

The *Final Report of the President's Task Force on 21st Century Policing,* published in May 2015, advocates the sanctity of life and use of force policies that emphasize de-escalation.[9] An officer's decision to use deadly force must be balanced with the recognition that it is more than a policy decision, directly impacting another human being.

8. City and County of San Francisco Civil Grand Jury, *Into the Open.*
9. President's Task Force on 21st Century Policing, *Final Report*.

Methodology used to assess this objective

To assess the SFPD's use of force and deadly force practices, we reviewed a range of documents, including Department General Orders (DGO), Department Bulletins, reports, forms, the recruit training curriculum, and various training documents. We interviewed a variety of individuals, including members or representatives of the following organizations:

- San Francisco Police Department (SFPD)
- Office of Citizen Complaints
- San Francisco Police Commission
- San Francisco City Attorney
- San Francisco District Attorney's Office
- San Francisco Public Defender's Office
- San Francisco Office of the Medical Examiner
- U.S. Attorney's Office for the Northern District of California
- San Francisco Police Officers Association
- San Francisco Board of Supervisors
- San Francisco Office of the Mayor
- San Francisco community members and stakeholders

In addition, the assessment team conducted many direct observations, including focus groups and ride-alongs. Last, we conducted qualitative and quantitative assessments on three years' worth of data and investigative files for the period from May 1, 2013, through May 1, 2016. In the qualitative review of use of force files, assessment team members used a random sampling methodology to determine overall investigative quality. Files were rated using a review process that used good practice benchmarks based upon the knowledge and experience of the subject matter experts.

During site visits in San Francisco, we observed a variety of activities centered on officer-involved shooting incidents. Assessment team members observed the SFPD's community outreach following the officer-involved shooting death of Luis Góngora on April 7, 2016. We attended the town hall meeting following the incident and observed firsthand the anguish and anger many in the community expressed regarding the SFPD's use of force practices. After the officer-involved shooting death of Jessica Williams on May 19, 2016, assessment team members observed the SFPD's initial response and on-scene investigative practices for an officer-involved shooting incident.

Use of force policies and processes

Policy provides officers with the framework and guidance for their actions and decisions. Understanding precisely how and when force can be used is a critical component of officer safety. It also has significant impact on the communities that are policed. DGOs are the official codified policies of the SFPD. However, given the challenges of updating DGOs, SFPD leadership often relies on Department Bulletins to

temporarily update or modify policies. Department Bulletins are issued by the police chief and are distributed across the department. Department Bulletins are distributed via e-mail to all SFPD staff members, who assume responsibility for knowledge of their content.

In San Francisco, the policies outlining responsibilities and procedures for officers and the use of force, including deadly force, are contained in DGO 5.01 – Use of Force and DGO 5.02 – Use of Firearms. Other critical orders include DGO 3.10 – Firearm Discharge Review Board; DGO 8.01 – Critical Incident Notification; DGO 8.04 – Critical Incident Response Team; and DGO 8.11 – Officer-Involved Shootings, which are specific subsets of use of force policies and practices.

DGO 5.01 – Use of Force, revised October 4, 1995, allows SFPD officers to use force in the following circumstances:

- To prevent the commission of a public offense
- To prevent a person from injuring him or herself
- To effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention
- In self defense or in the defense of another person

While officers are allowed to use force in these circumstances, they are permitted to use only whatever force is reasonable and necessary to protect others or themselves but no more.[10]

There are two types of use of force investigations in the SFPD: One addresses use of force generally and one addresses use of deadly force, namely officer-involved shooting incidents. The first use of force investigation generally is a less intensive investigation process. The second involves a variety of inputs and responses.

A variety of Department Bulletins also cover use of force. Each of these policies provides guidance on the variety of operational and administrative issues that arise when officers engage in the use of force against a member of the public.

The SFPD is to be commended for incorporating key concepts, such as de-escalation and sanctity of life, into its existing policies. Department Bulletin 15-106 states, "When an officer is able to decrease his/her exposure to a threat by creating time and distance, the officer will need less force to overcome the decreased-level of risk and thereby increase his/her level of safety."[11] Department Bulletin 15-155 – Response to Mental Health Calls with Armed Suspects, drafted July 16, 2015, stresses that officers need to request the response of a supervisor to the scene of an armed person who appears to be suffering from mental illness as a means to ensure appropriate response. These policies project tenets of de-escalation.

10. San Francisco Police Department, *Department General Order 5.01 – Use of Force*.
11. San Francisco Police Department, *Avoiding the "Lawful But Awful."*

Department Bulletin 15-106 also supports a sanctity-of-life approach in stating that the best scenario is "one where nobody gets hurt: civilian, suspect, or officer."[12] This is in keeping with the President's Task Force's support for a clearly stated sanctity-of-life philosophy reinforced through policy and training.[13]

However, the SFPD also uses Department Bulletins to repeat the same use of force provisions contained in a DGO. It is not clear whether these Department Bulletins were intended to reinforce key issues or were intended to be corrective. For example, Department Bulletin 15-051 – Use of Force Options: Reporting and Medical Assessment Requirements, published March 5, 2015, states the need to report force in certain instances as already outlined and required in DGO 5.01 – Use of Force. In addition, three Department Bulletins all essentially reiterate DGO 5.02, which states that an officer may not discharge a firearm at a person who presents a danger only to him or herself:

1. Department Bulletin 14-015 – Reminder Regarding General Order 5.02, Use of Firearms: Permissible Circumstances to Discharge Firearm
2. Department Bulletin 15-106 – Avoiding the "Lawful but Awful" Use of Force
3. Department Bulletin 15-155 – Response to Mental Health Calls with Armed Suspects

As outlined in this report, the process to update general orders for the SFPD is a cumbersome and lengthy. Nowhere is this more apparent than in the recent process undertaken by the Police Commission to draft new orders for use of force, as the existing DGOs on use of force are years old.

Starting in December 2015, the Police Commission engaged with community members and other stakeholders to update and modify the SFPD's use of force policies. The process of redrafting the SFPD's use of force policies entailed significant public and stakeholder discussion and input. Building trust and nurturing legitimacy on both sides of the police-community divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve.[14] Parties who participated in the draft review process described it positively to us.

The process has been remarkably transparent with the Police Commission posting on its website the various stages and inputs to the process.[15] The Office of Community Oriented Policing Services (COPS Office) developed a memorandum (see appendix I on page 365) with their comments on the draft order. These comments were posted on the Police Commission's website.

Assessment team members heard deeply held beliefs on what was considered the appropriate course of action regarding the use of force policies for the SFPD, from drafting participants and members of the community alike. Despite concerns, most felt the process was adequate if not perfect. Most community members focused on transparency and noted that, for the first time, they had a voice in policing decisions that affect their community. Participants in the review process felt that good work had been done and that the outcome, though not flawless, reflected many of the group's goals as a whole.

12. San Francisco Police Department, *Avoiding the "Lawful But Awful."*
13. President's Task Force on 21st Century Policing, *Final Report*.
14. President's Task Force on 21st Century Policing, *Final Report*.
15. City and County of San Francisco, "Use of Force Documents."

The overall process employed by the Police Commission bodes well for the transparency of the guidelines that direct police officers' actions in San Francisco.

The assessment team was also present for some of the public presentations and the subsequent frank and heartfelt public input regarding their perspective on the use of force by police officers and the new draft orders.[16] These observations; interviews of officers, community members, community leaders, and elected officials; and the review of policies and reports all informed our findings.

The assessment team is concerned with the SFPD's perception of the difficulty in drafting timely and appropriate DGOs to guide its officers. The public's knowledge and input into the policies of its police department is critical to effective and transparent policing. However, such input cannot come at the expense of the efficiency and effectiveness of police operations. The fact that some DGOs have not been updated since 1994 is concerning for a modern law enforcement agency. Policies are the framework for police decision and accountability.

At the time this report went to publication, the revised use of force orders had not yet been enacted. The San Francisco Police Officers Association (POA) has elected to take the draft orders through the collective bargaining process, identifying changes to the orders as an issue subject to collective bargaining under the agreement between the POA and the City and County of San Francisco. As a result, it is believed that the draft use of force orders will not move forward until the collective bargaining process is resolved. Therefore, the meet-and-confer collective bargaining process, currently underway between the City and County of San Francisco and the SFPD's POA regarding the provisions of the draft orders for use of force, has impact on the transparency and public support for the process and for the SFPD. As a matter of procedural justice and transparency, the assessment team believes the SFPD will need to quickly engage the stakeholders once there is an agreement and ensure the community understands its intent and what it allows regarding an officer's decision to use force.

Whether these draft orders are fully codified as SFPD policy and how they are implemented will be monitored during the CRI-TA implementation phase. In the interim, the existing patchwork of use of force policies, both DGOs and Department Bulletins, continue to guide officers' use of force decisions.

This assessment of the SFPD regarding its use of force and officer-involved shooting policies and practices should provide context and a road map for law enforcement agencies seeking to update their own use of force policies in keeping with the needs and interests of the communities they serve.

The majority of the CRI-TA assessment focused on the processes surrounding an officer-involved shooting incident given their significance and impact on the communities of San Francisco. However, an overview of the practices into a use of force investigation is also necessary, as it sets the policies and practices that provide the framework for an officer's decision to engage in force against an individual.

16. The revised DGO 5.10 – Use of Force, dated June 22, 2016, is currently under collective bargaining meet-and-confer and has not been formally enacted by the SFPD.

Reportable use of force

Not every incident of a use of force is reportable in San Francisco. Reportable use of force incidents include the following:

- Physical control, when the person is injured or claims to be injured
- Liquid chemical agent, when sprayed on or at the person
- Department-issued baton, when the person is struck or jabbed
- Strikes against a person with the officer's fist, a flashlight, or any other object
- Carotid restraint
- Firearm against a person[17]
- Firearm intentionally pointed at a person[18]

Documenting use of force incidents

San Francisco does not have a stand-alone use of force report to document the specific actions and events for a use of force incident. The SFPD documents these incidents within the narrative of the incident report recording the initiating incident.

Use of force is recorded on a Use of Force Log and has 12 categories for reporting the type of force used:

1. Carotid
2. Extended range impact weapons
3. Firearm—officer-involved discharge
4. Firearm—officer-involved shooting
5. Impact weapon
6. K-9
7. Oleoresin capsicum (pepper spray)
8. Physical control
9. Pointing of firearm
10. Strike by object or fist
11. Vehicle deflection
12. Other

The Use of Force Log captures basic information about use of force incidents. The information captured includes the following:

- The name and star number of the officer
- The subject's name, age, race, and sex
- Whether the subject complained of pain
- Whether the subject was injured
- The category of force used by the officer

17. San Francisco Police Department, *Department General Order 5.01 – Use of Force.*
18. San Francisco Police Department, *Pointing of Firearms.*

Each district maintains a Use of Force Log. Supervisors are responsible for ensuring the reportable use of force information is entered into the Use of Force Log. Use of Force Logs are stored on a clipboard in district stations.

Twice monthly, the commanding officer forwards the log and one copy of any related incident reports to the Training and Education Division. Pursuant to DGO 5.01, a copy of the Use of Force Log is sent to the commanding officer of the Training and Education Division to be reviewed for "number, types, proper application and effectiveness of uses of force reported by members" to help inform training needs for the SFPD.[19] Interviews with SFPD members identified that this does not routinely occur.

The second copy of the Use of Force Log and related incident reports are forwarded through the officer's chain of command to the appropriate deputy chief, who is responsible for reviewing the Use of Force Log and reports and then forwarding them to the Internal Affairs Division (IAD). The IAD commanding officer is responsible for assuring all unit logs are received and reviewed to determine if any individual officers are having problems with use of force. However, in practice, the Early Intervention System Unit enters the log information into the early warning system used by the SFPD. The early warning system identifies potential performance issues pursuant to the Early Intervention System protocols, as further discussed in chapter 5.

For the period from May 1, 2013, through November 30, 2015, SFPD officers did not consistently document the types of force used on the Use of Force Log. For example, for the period from May 1, 2013 through December 31, 2013, the SFPD had only five reports that categorized the type of use of force used by the officer out of more than 500 reported incidents of use of force. Department Bulletin 14-111 – Documenting Use of Force, drafted April 4, 2014, required officers to document the type and amount of force used, including the use of impact weapons, with supervisors responsible for ensuring compliance with the policy. However, through 2015, we found that force data remained incomplete. The overall lack of consistent data collection is indicative of limited oversight of force reporting.

As of January 1, 2016, the SFPD began listing the category of force used on all reported use of force incidents. We learned that this occurred because of an initiative wherein report data were being verified and cleaned by a team of people attached to the Early Intervention System Unit.

We heard from SFPD members that the information contained in the Use of Force Log was limited and not supportive of good analysis. These comments have been borne out by the analysis conducted by us and reported in the following sections and in appendix D beginning on page 270. Assessment team members reviewed use of force reporting forms that had been discontinued years earlier that required far more descriptive information than the current Use of Force Log. The capacity for capturing detailed information on use of force incidents existed at one time and was significantly scaled back in the current Use of Force Log version.

19. San Francisco Police Department, *Department General Order 5.01 – Use of Force.*

At a time when most law enforcement agencies are moving to greater transparency through better, more comprehensive data collection, such an anomalous practice limits the organizational ability to analyze and learn from use of force incidents. Use of Force Logs and incident reports need to be analyzed soon after a given incident to allow for the timely discovery of emerging officer safety issues or identification of potential problems in the policing response.

Use of force training

Developing an officer's capacity to decide how and when to use force begins with an officer's initial training at the San Francisco Police Academy. The minimum training requirements for recruits are established by the California Commission on Peace Officer Standards and Training (POST), which requires 60 hours in use of force. The SFPD provides significantly more training on use of force to its recruits, including the following courses as identified in table 2.2.

Although we did not observe the classroom presentation for recruits on use of force training during the assessment period, its review of the curriculum revealed that the general requirements associated with standard use of force training are sufficiently covered and comport with California POST requirements.

Table 2.2. Use of force recruit courses at the academy

Training topic	Number of hours
Use of force policy	20
Defensive tactics	129
Use of force scenario training	40
Firearms	140
Crisis intervention and de-escalation	103

Source: San Francisco Police Department, *Use of Force Training and Policy Review*.

As part of Continuing Professional Training, every peace officer must complete 24 or more hours of POST training during every two-year cycle. As part of this requirement, peace officers must complete a minimum of 12 hours of training for perishable skills, which are driving training and awareness, arrest and control, and tactical firearms or a Force Options Simulator program.[20] Continuing Professional Training often focuses on refreshing skills or providing critical policy and physical skills updates. California POST identifies two perishable topic areas that are specific for use of force incidents: (1) arrest and control and (2) tactical firearms. Therefore, POST requires a minimum of eight hours of training for each of these two components in a two-year training cycle.

The SFPD provides ongoing Continuing Professional Training to update officers on policies related to use of force and qualifications on firearms. The training provides context for understanding when use of force is appropriate. Current curriculum needs to be enhanced and integrated across the training environment for the appropriate regard for sanctity of life and de-escalation principles that are being invoked in the new policy.

20. Commission on POST, "Required Updated or Refresher Training Requirements."

SFPD Officer-Involved Shooting Course: Incidents & Investigations is offered as peer training on investigating officer-involved shooting incidents. In this course, a lieutenant and sergeant with experience on the Internal Affairs shooting investigation team offer insights into investigating shooting incidents. We noted that the training provides supervisors with a fairly broad background on officer-involved shooting incidents. In addition, this course advises the use of a public safety statement card by supervisors to obtain statements post-incident, a practice assessment team members noted in the file review of officer-involved shooting incidents. We were informed that this class is being expanded beyond supervisors to all officers.

The Academy is adapting its training modules to more realistically reflect the conditions that officers face with a focus on mental health and de-escalation to minimize deadly or use of force encounters. Use of a Force Options Simulator training is a way to advance comprehensive use of force decisions, as the simulators are scenario-based. Assessment team members observed this training and found the scenarios to be well-developed and presented.

From written policies to training, the SFPD was not consistent in its guidance on use of force policies and training. The SFPD introduced Department Bulletins that incorporated the key concepts of de-escalation and sanctity of life, but it did so without supportive training. Effecting this type of culture change requires rigorous, practical, and ongoing training in a nonjudgmental atmosphere where views are shared safely with fellow officers about how they behaved in use of force situations.[21] Training must also reinforce de-escalation and identifying alternatives to arrest or summons in situations where appropriate.[22] Absent an understanding of the concepts and how to employ them, officers do not have sufficient guidance to meet the policy goals.

However, overall training on use of force is not as strong as it could be in the emerging practice areas. Given that policy exists that supports key fundamental concepts—including de-escalation, sanctity of life, and the need for time, distance and cover—the SFPD should continue to develop and provide training on these principles.

Poor internal communication on use of force developments

The Department Bulletin process reveals additional internal challenges related to communication around policy development and implementation. For example, Department Bulletin 16-071, published on April 30, 2016, requires all officers to carry a 36-inch baton as part of their daily uniform requirements. The assessment team was concerned that the Training Academy staff did not have advance knowledge of the baton policy change. During our visit, Training Academy staff members were drafting training guidelines for use of the 36-inch baton after the policy had already been issued. There must be good communication before and following the publication of orders that affect daily activities or provide for a change in organizational focus. This would allow for smoother implementation and ensure that appropriate training is available, particularly for key orders.

21. President's Task Force on 21st Century Policing, *Final Report*.
22. President's Task Force on 21st Century Policing, *Final Report*.

Ensuring policy is effective and reflects SFPD values requires supervision, training, and accountability. If the SFPD is going to continue using Department Bulletins to address key risk areas such as use of force, ensuring that officers read and acknowledge policy must be accompanied by training, supervision, and consistent reinforcement of the intended purpose of the policy.

Operational and training coordination

One area requiring improvement is the coordination and sharing of information on use of force incidents. SFPD members responsible for training said that they generally do not identify trends by reading the Use of Force Logs in any structured manner and instead read them only for information. A timely, consistent, and robust data collection practice around use of force data would contribute to a better training environment. Such data would allow for more effective analysis of use of force incidents and the eventual inclusion of the findings into training scenarios and safety training for officers.

The assessment team was informed that training the entire staff on mandatory policy changes takes up to eight months to complete, given the number of officers in the SFPD and the time that training takes. As a result, developing and providing a training response to policy changes is a continuing challenge for the SFPD. Given this potential training-related lag time, it is important to develop clear policies to guide officers in a structured, coordinated fashion.

We did not see a consistent focus on developing a training needs assessment for the SFPD. Rather, POST-mandated training consumes most of the Continuing Professional Training conducted by the SFPD. Lieutenants in each district support Continuing Professional Training, but their roles are primarily administrative because they control training requests and ensure mandatory training is completed. Training records are not fully automated, so training data are not easily accessible. For example, there is no efficient way to identify training completion rates for the organization, to determine the training completion for specific categories of officers, or to conduct an organizational analysis of the training provided and its effect on subsequent performance. We tried to identify how many officers had completed bias training and were told that the records were not easily retrievable. A search of the data SFPD provided to assessment team members revealed that data were not organized nor easily classified by training type and completion date. The lack of easily digestible and robust data creates significant barriers to effective management of training in the SFPD, particularly as it relates to use of force.

Unique factors to the SFPD, such as effective engagement with the homeless community, need to become part of the training needs assessment and delivery of training. Homelessness is a factor in several officer-involved shooting incidents as is mental health crisis. The responsibility of responding to the homeless population is shared among multiple city agencies and should not fall solely to the SFPD. However, the SFPD needs to ensure that its officers are better equipped to deal with specific issues facing homeless individuals.

Use of force investigations

Pursuant to DGO 5.01, following a use of force incident the officer involved notifies his or her supervisor and documents on the report the supervisor's name, rank, star number, and time notified of the use of force in addition to his or her own name. They are also supposed to document the type of force used and the reason for the force.

Supervisors are authorized to use their discretion in responding to reported use of force incidents other than those listed on page 10. If the supervisor does not respond to the scene, the officer includes in the incident report the reason why his or her supervisor was not able to respond. However, in the event a use of force incident results in injuries serious enough to require immediate medical treatment, supervisors are required to respond to the scene. Whenever supervisors respond to a scene, they are to conduct observations of witnesses, the scene, and injured parties.

Supervisors review the incident report and any other reports documenting the use of force incident. Supervisors are tasked with determining whether the force used appears reasonable and within SFPD guidelines. We learned through discussions with SFPD members that use of force incidents are normally treated as final investigations upon the supervisors' review.

Officer-involved shootings

Officer-involved shooting incidents are a unique subset of use of force. DGO 5.02 – Use of Firearms, revised March 16, 2011, provides the policy circumstances in which it is allowed for an officer to discharge his or her firearm. DGO 8.11 – Officer Involved Shootings and Discharges, revised September 21, 2005 provides for the investigation and reporting requirements.

SFPD officers are allowed to use their firearms in the following circumstances:

- In self defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
- In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
- To apprehend a person when both of the following circumstances exist:
    - The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; and
    - The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

- To kill a dangerous animal; or to kill an animal that is so badly injured that humaneness requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission.
- To signal for help for an urgent purpose when no other reasonable means can be used.

Pursuant to DGO 8.11, officers need to notify the Emergency Communications Division, which has transitioned to the Department of Emergency Management, and his or her immediate supervisor of the shooting. Therefore, an officer-involved shooting is initially recorded in the intake and dispatch system for the Department of Emergency Management, an independent agency that manages the dispatch and radio system for the SFPD as part of its response portfolio.

Once recorded, the Department of Emergency Management notifies the SFPD's Department Operations Center, which is responsible for initiating the callout for agencies to the scene. An officer from the Operations Center contacts people individually from a list of on-call personnel from the following: Homicide Detail, Crisis Incident Response Team, IAD, District Attorney's Office, Office of Citizen Complaints (OCC), and various SFPD command staff members. Included as part of the callout are the commanding officer of the member(s) involved, chair of the Firearm Discharge Review Board (FDRB), captain of the Risk Management Office, secretary of the Police Commission, and the Police Officers Association.

Agencies that respond to officer-involved shootings

San Francisco has a multiagency response to officer-involved shootings, and various SFPD functions and components are potentially involved in an incident of police use of force—especially officer-involved shooting incidents. At an agency level, the Police Commission is charged with policy oversight of the SFPD. The District Attorney's Office, OCC, Department of Emergency Management, SFPD Department Operations Center, and medical examiner's office all have independent responsibilities during an officer-involved shooting incident.

When an SFPD officer is involved in a shooting, there are five distinct investigative processes that are initiated.

SFPD Homicide Detail

The first investigative process is that of SFPD's Homicide Detail, situated in the Investigations Division under the Operations Bureau. The Homicide Detail is the lead investigative unit for fatal officer-involved shootings. The Homicide Detail conducts criminal investigations into the underlying criminal activity that precipitates incidents and the actions of the officer to ensure the officer's actions were consistent with legal requirements.

SFPD Internal Affairs Division

The second investigative process is that of SFPD's IAD and its Officer-Involved Shooting Team, situated in the Risk Management Office under the chief of staff. The Officer-Involved Shooting Team responds to the scene of an officer-involved shooting to conduct an administrative investigation. The role of IAD is to determine whether the officer's action comported with SFPD policy.

Because of the nature of employment law and an individual's right to avoid self-incrimination, the IAD and Homicide Detail investigations run in parallel, but each has a distinct focus and maintains an internal firewall around the investigation. The reason is that unlike with respect to most criminal investigations, when it comes to investigations of its employees the SFPD not only has its traditional investigative role but is also their employer. As such, it has the authority to compel a statement from an officer. If the officer refuses to give a statement when so ordered, the officer could be subject to termination of employment. However, compelled statements are generally not admissible in the event of a criminal trial regarding the officer's actions. Therefore, the criminal investigation into an officer's act of misconduct, particularly if criminal charges are anticipated, is kept separate from the administrative investigation.

San Francisco District Attorney's Office

The third investigative process is that of the San Francisco District Attorney's Office, which makes the final decision as to whether the officer's actions complied with the law. Its investigation is independent of the SFPD and the OCC. The SFPD's investigation into the officer-involved shooting is not deemed complete until the district attorney provides a letter, either of declination of charges or of a decision to charge, which informs the SFPD whether charges will be entered against the involved officer.

Office of Citizen Complaints

The fourth investigative process is that of OCC, which responds to the scene. However, until June 8, 2016, OCC did not have the authority to investigate use of force incidents, including officer-involved shootings, without a member of the public lodging a complaint. On June 7, 2016, the voters of San Francisco passed Proposition D, which mandates OCC to investigate all San Francisco-based incidents in which a uniformed police officer discharges a weapon resulting in injury or death.[23] Proposition D did not specify an effective date, but under California Constitution, art. 2, §10(a), "an initiative statute or referendum approved by a majority of the votes thereon takes effect the day after the election unless the measure provides otherwise."

As of the submission of this report, OCC has begun developing anticipated protocols and preparing for this mandated review. The assessment team has concerns over the change in role for OCC. It is not clear whether the SFPD's IAD will cease investigating officer-involved shootings and cede jurisdiction to OCC, if it will be a shared authority between IAD and OCC, or if the roles will essentially continue as they operate presently. Under the newly granted authority, it would be duplicative to have two administrative investigations. The intention of the voters is clear: They seek a greater level of independence in the investigation of officer-involved shootings.

We will monitor the coordination between the SFPD and OCC for investigation information as well as the overall systemic support for the new role assumed by the OCC as part of the CRI-TA implementation phase.

23. Ballotpedia, "San Francisco, California, Citizen Complaints Office."

San Francisco Office of the Medical Examiner

The fifth investigative process is that of the medical examiner's office, which responds when an officer-involved shooting results in a fatality. The medical examiner's office responds to the scene to collect the body of the deceased and notifies the family or next of kin. The medical examiner then performs an autopsy and collects evidence from the deceased and reports the findings to the SFPD. Unlike in many other jurisdictions, SFPD officers are not present during the autopsy. The SFPD does receive the evidence collected by the medical examiner's office and inventories it at an SFPD facility.

Response to officer-involved shooting incidents

The assessment team's review of randomly selected officer-involved shooting files (more details in "Assessing the SFPD's use of force files and data" beginning on page 26) demonstrated that the SFPD's approach to the initial response of officer-involved shooting incidents is appropriate. Pursuant to the SFPD's response protocols, an on-duty supervisor is dispatched to the location upon notification of a shooting involving injury or death to a person. Upon the supervisor's arrival, officers assist in setting up the appropriate perimeters. The SFPD ensures there are resources to secure the scene, assists in identifying witnesses, and canvasses the area for additional evidence or witnesses. SFPD practice ensures that involved officers are supported yet separated to guard against undue influence from one another. We found that at this stage of the investigation, the SFPD maintains the integrity of the scene and provides the initial structure, something that many law enforcement organizations continue to struggle to achieve.

A review of one investigation documented how officers from a neighboring patrol district were rotated into the district where the officer-involved shooting incident occurred to ensure that the SFPD's response to calls for service and assistance was not unnecessarily delayed as a result of the unavailability of district officers. Viewed from this perspective, the SFPD ensures that these incidents are thoroughly investigated with a focus on ensuring continued service delivery.

We heard from members of the District Attorney's Office and OCC that the SFPD occasionally fails to provide timely notification to its agencies of officer-involved shooting incidents. Protocols for an officer-involved shooting require notification by the Department of Emergency Management to the SFPD's Department Operations Center. The Department Operations Center is then tasked with manually placing telephone calls to notify key individuals of the officer-involved shooting. Representatives of both agencies said that at all times, the SFPD controls the contact information of the persons requiring telephonic notification when an officer-involved shooting occurs. Members of the SFPD's IAD also raised concern over untimely notification of officer-involved shootings.

The parties raising this issue feel that this is not intentional impropriety on the part of the SFPD. Some are frustrated to learn that response is delayed in some cases because the SFPD called the wrong contact number or called during hours when someone could not reasonably be expected to answer. Members of the SFPD acknowledged that there are occasionally notification delays because of administrative issues and the time it takes to notify required parties of an incident. Regardless of the reason, delayed notification to key partners means that those partners are not present at the earliest stages of an officer-involved shooting investigation. Notifying external oversight partners promptly allows for timely arrival on the scene

and facilitates effective and transparent external oversight of officer-involved shooting investigations. This issue was also noted in the review of officer-involved shooting incidents in the report of the City and County of San Francisco Civil Grand Jury.[24]

The SFPD's crime scene management is to be commended. In the file review and as observed by assessment team members, the SFPD does a good job of securing a scene and preserving evidence. Investigations reflected proper action early on by responding officers and supervisors. In one incident, a supervisor made an early call to have all of the municipal buses on the route of the location queried for their video recording, signs of good scene management. Crime logs are maintained, completed, and inventoried in the district of occurrence.

Members of the SFPD who were involved in the investigation of officer-involved shootings cited the need to preserve the integrity of the crime scene as one factor in limiting access to the inner perimeter. However, this explanation does not suffice when SFPD command staff and others who have no investigative role are allowed into the inner perimeter while members of the District Attorney's Office and OCC occasionally wait for access.

When we observed the active investigation into an officer-involved shooting incident, access was made available to investigators from the District Attorney's Office and OCC. Access to the crime scene during the early stages of an investigation is appropriate for agencies with official responsibilities, and the SFPD needs to ensure that protocols are in place to support transparency at all stages of the investigation.

Independent investigations and external review

The Police Commission and government officials are sensitive to concerns over transparency and the need for external review of officer-involved shooting investigations, as demonstrated in discussions with various institutional partners regarding the issue. The assessment team was told that the modification of the memorandum of understanding between the District Attorney and the SFPD regarding the investigation of officer-involved shootings is under consideration, including expanding the investigative role of the district attorney. Another proposal being discussed by community stakeholders is developing a special team of investigators working jointly for the state attorney general and the San Francisco District Attorney to handle all SFPD officer-involved shooting investigations. The District Attorney's Office and OCC have also publicly sought stronger roles in the investigation of officer-involved shooting incidents.[25] As of August 1, 2016, a decision has not been made regarding external criminal investigations of SFPD officer-involved shootings.

24. City and County of San Francisco Civil Grand Jury, *Into the Open*.
25. Currently, the District Attorney's Office investigates officer-involved shootings pursuant to a Memorandum of Understanding with the SFPD.

There is room for improvement in San Francisco regarding the investigation of officer-involved shootings. The *Final Report of the President's 21st Century Task Force* notes that external and independent criminal investigations in cases of police use of force resulting in death assure the community of the integrity of the process.[26] No matter who ultimately investigates such incidents, the focus has to be on conducting a fair and impartial investigation with transparency for the community.

Administrative status

When an officer-involved shooting incident occurs, the officer is removed from field duty and placed on administrative leave. Within five business days of the officer-involved shooting incident, the police chief convenes a panel to discuss whether it is appropriate for the involved member to return to duty.

Pursuant to DGO 8.11, this panel consists of the following:

- A representative of the Behavioral Science Unit
- The officer in charge of the Homicide Detail
- The deputy chief, commander, and captain overseeing the involved officer's unit
- The officer in charge of the Management Control Division (now known as IAD)
- The deputy chief of Investigations
- The officer in charge of Risk Management

The panel's decision is forwarded to the Police Commission for final review. Prior to returning to duty, the officer must attend refresher training at the Academy and meet with Behavioral Science Unit personnel for assessment and to be cleared for return to duty. The IAD Officer-Involved Shooting Team member assigned to the given investigation tracks compliance with these requirements.

Police Commission

Although it is part of the initial notification list for an officer-involved shooting incident, the Police Commission does not respond to the scene or have an investigative role. Rather, the Police Commission plays an active role in the event that the SFPD or OCC finds misconduct by the involved and recommends discipline in excess of 10 days' suspension. The Police Commission is responsible for adjudication of the recommendation for such discipline. For findings of misconduct that recommend discipline of 10 days' suspension or less, the police chief has the authority to impose the suspension. Further, in its role of oversight of the SFPD, the Police Commission needs to be informed of critical events.

26. President's Task Force on 21st Century Policing, *Final Report*.

Firearm Discharge Review Board

The FDRB is an oversight board that also conducts reviews of officer-involved shooting incidents. The FDRB assesses officer-involved shooting investigations and makes findings on whether the discharge is consistent with SFPD policy.

Pursuant to DGO 3.10 – Firearm Discharge Review Board, the FDRB is composed of SFPD personnel and representatives from OCC and the Police Commission, including the following:

- Deputy chief of the Administration Bureau, Chair
- Deputy chief of the Field Operations Bureau
- Deputy chief of the Airport Bureau
- Deputy chief of the Investigations Bureau
- Range master, Advisory
- Commanding officer of Risk Management, Advisory
- Member of the Police Commission, Advisory
- Director of OCC, Advisory

The last four, as advisory members, do not have the right to vote on the FDRB's findings.

Pursuant to DGO 3.11, the FDRB will convene within 30 calendar days following the receipt by the board of the investigatory reports from Homicide Detail and IAD. Under current practice, the IAD sergeant who conducts the administrative investigation presents his or her findings to the FDRB. If the discharge is deemed to be within policy, the investigation may be closed without additional substantive review. If the discharge is considered inconsistent with department policy, the review continues and the involved officer may receive a variety of interventions, including disciplinary action. The FDRB issues its findings to the Police Commission.

We attended a FDRB session and reviewed several of the officer-involved shooting investigative files under review by the board. The findings of the FDRB during the observed sessions as to whether the discharge was within policy were appropriate. However, with respect to the cases considered to be within policy, the assessment team believes that the FDRB's limited review of factors other than policy compliance resulted in missed opportunities to consider the degree to which policy, training, or tactics contributed to the officer-involved shooting event.

One case under review involved an officer who was off duty and calling from his cell phone to report the incident. There were significant issues with the manner in which the operator at the Department of Emergency Management handled the call. The FDRB did not discuss or review the dispatch issues that contributed to confusion in assigning officers, and the FDRB noted no action or decision. Members of the FDRB told assessment team members that the Department of Emergency Management was an independent agency. We took this to mean that the FDRB could not do anything about the incident.

Instead of addressing how the call was handled by the dispatcher and what improvements would assist the response to such calls, the FDRB singularly focused on whether the shooting incident was within SFPD

policy. Considering the current emphasis on de-escalation and other alternatives to the use of deadly force, this narrow focus is inappropriate. The FDRB should determine what policy, training, communication, and tactics contributed to the use of force incident. Rather than reiterate a finding of within policy, the FDRB has the opportunity to determine if alternative options would have resulted in de-escalating or resolving the incident without harm or injury to the officer or individual. A good review process is one in which police departments pay attention to the officers' and involved persons' behaviors immediately before the firearm discharge.[27] The FDRB did not give adequate consideration to these factors. In one of the cases, a nighttime search warrant was executed wherein it was subsequently found that two children lived on the premises. Despite an OCC inquiry, the FDRB never answered as to whether a pre-warrant surveillance was conducted or measures were taken to mitigate the inherent safety issues. These types of questions advance safety for all concerned.

The FDRB does not broadly consider the events that immediately precede an officer-involved shooting from an institutional perspective. One FDRB member repeatedly sought guidance on the training implications of an incident being discussed; however, specifics as to when and the type of training conducted was not provided. Another member of the board inquired whether an officer's continued assignment to a specialized unit should be re-evaluated in light of the employee's unintentional discharge of a weapon. This issue was not addressed by the board.

Because a board secretary keeps a record of FDRB deliberations, it is possible these items may be acted on by others in the SFPD subsequent to the hearing. However, from the perspective of the assessment team it appeared unlikely, as there was no reporting to or from the board regarding such actions from the prior month's hearing.

An FDRB member was asked whether review of the unanswered issues raised by board members occurred elsewhere in the department. The member was not aware of an established protocol for such actions to occur. If the sole responsibility of the board is to determine whether the officer's use of force was consistent with policy, it is duplicative of other processes, including that of OCC; the San Francisco District Attorney's Office; and the chief's return to duty panel, which makes the decision on whether to return an officer to duty shortly after the incident. Pursuant to policy, the FDRB has a greater authority than it exercises and should review an incident beyond whether an officer discharged his or her firearm in accordance with policy.

Although SFPD policy gives the impression that a comprehensive review does occur, the assessment team's review of officer-involved shooting files and its observation of the FDRB's deliberations determined that the process of considering a range of factors is not institutionalized within the department. We have concerns over the direction and efficacy of the board in light of the narrow focus on the officer's actions to determine whether the incident was compliant with policy, excluding numerous other factors that contribute to the incident, such as training, tactics, equipment, and policy.

27. IACP, *Officer-Involved Shooting Guidelines*.

Crisis Intervention Training

Some of the officer-involved shooting incidents involved persons who were of altered mental health status because of alcohol or drug consumption or mental health disability. Despite this, we did not find any consistent review of officer use of force incidents that allowed the SFPD to alter or adapt its response. In part, as identified in appendix D beginning on page 270, this is because the data are not conducive to such examination. However, the SFPD has been expanding its training on crisis intervention for officers, and this is to be commended. Crisis Intervention Team (CIT) training instructs officers how to effectively manage behavioral crisis situations in the field. The training is designed to teach officers how to manage individuals in behavioral crisis using de-escalation techniques and time, distance, and cover for the safety of all individuals. As of March 2016, 593 members, or 27 percent of the department, have received crisis intervention training.[28]

Since August 2015, all recruits complete the 40-hour CIT training before they leave the Academy. This training is intended to foster a more informed response to persons in mental health crisis—one that focuses on de-escalation and sanctity of life.[29] This should expand the knowledge and understanding of issues facing persons in mental health crisis in the SFPD.

However, although there is a policy that supervisors are to be requested at the scene of an incident where a member of the public in mental health crisis is armed, more must be in place to address such situations.[30] Department Bulletin 14-143 requires that the SFPD move towards a practice of assigning a CIT-trained officer to calls for service that identify persons in mental health crisis. CIT-trained officers are not routinely identified as such on rosters. Rather, the officers self-identify after responding to an incident by entering a designated code into the report.[31] The Department of Emergency Management maintains the dispatch protocols. The assessment team was informed that CIT-trained officers are not pre-identified to facilitate their assignment to calls related to persons in mental health crisis. However, given the data issues facing the SFPD, the ability to clearly track and confirm policy adherence for identifying CIT-trained officers remains an issue.

Community interaction and communication

The SFPD engages with the community after officer-involved shooting incidents primarily through media reporting. However, the chief, lead SFPD investigators, and the district captain also host a town hall meeting near the officer-involved shooting incident to inform the community about the facts known about the investigation and to provide the community an opportunity to have input. The team observed one such meeting and found it to be challenging for the SFPD as a result of vociferous community protest.

28. City and County of San Francisco, "SFPD Crisis Intervention Team (CIT)."
29. San Francisco Police Department, *Use of Force Training and Policy Review*.
30. San Francisco Police Department, *Response to Mental Health Calls with Armed Suspects*.
31. San Francisco Police Department, *Response by Crisis Intervention Trained Officers.*

The opportunity to inform the community about the facts known about the incident is critical to police accountability and demonstrates the SFPD's willingness to share information and facts. However, the SFPD does not keep as active an engagement during the investigative process, and consideration should be given to publishing findings once an investigation is completed to ensure community closure.

In addition, some force options remain contentious with the community. For example, in San Francisco, there is community concern over the use of electronic control weapons (ECW) and the carotid restraint as force options.

Electronic Control Weapons

ECWs are not an authorized force option for SFPD officers. As part of the revision of the draft orders, however, the use of ECWs was initially put forth as a force option. These tools are less-lethal weapons that are meant to help control persons who are actively resisting authority or acting aggressively.[32] Many police agencies use these tools and identify that they have helped reduce injury to officers and individuals. Despite their widespread use in other jurisdictions, community stakeholders had very disparate views on their use by the SFPD.

ECWs tend to raise concerns about negative medical effect on some individuals and appropriate oversight and control of their use in police departments.[33] The COPS Office provided comment on the use of ECWs in its original submission of comments to the Police Commission, as referenced in appendix I on page 365. However, ECWs have been removed from the draft orders currently posted on the Police Commission's website.[34]

Carotid restraint

The carotid restraint is a vascular restraint that employs compression of the carotid arteries and jugular veins at the sides of the neck. This bilateral compression decreases blood flow to the cerebral cortex and thereby leads to unconsciousness.[35] Assessment team members observed a clear consensus among community stakeholders that this use of force option should be prohibited.

Contemporary policing discussions regarding use of force suggest that police agencies should carefully weigh any perceived benefit of the use of carotid restraint against potential harm. It is challenging to maintain the appropriate leverage and placement in close-encounter struggles, thereby increasing the risk on an unintended, harmful outcome.[36] It is also critical that continued training be available for officers to gain proficiency in the use of vascular holds to ensure that the holds are properly applied. Improperly applying the holds may cut off an individual's air supply and produce other unintended consequences.

32. PERF, *Electronic Control Weapon Guidelines*.
33. PERF, *Electronic Control Weapon Guidelines*.
34. San Francisco Police Department, *DRAFT Department General Order 5.01*.
35. Martinelli, "Reconsidering Carotid Control."
36. AELE, "Use of Force Tactics."

Members of the SFPD identified that carotid restraint worked effectively with minimal struggle. When asked to consider the potential harm that could occur from the improper use of carotid restraint, SFPD officers reported that they have not had a use of force incident involving the carotid restraint result in injury. When discussing this use of this force option, officers did not give weight to the community perspective. What mattered was that the outcome, from their perspective, was successful. We believe that these hard-working officers were engaged with us in a meaningful and productive way. However, their awareness of the tenets of procedural justice was limited. However, as identified by the President's Task Force on 21st Century Policing, the public legitimizes those whom they believe are acting in procedurally just ways. To maintain the public trust, particularly as it relates to decisions around use of force, the SFPD needs to become more willing to listen to the community and cede some authority to the public it serves to develop co-produced policing strategies.

As it relates to the carotid hold, absent an effective ongoing training program, there is significant potential for unintended harm. Most large law enforcement agencies have eliminated the use of the carotid hold for risk reasons and because it is highly disfavored in their communities. The pending revision of DGO 5.01 – Use of Force would prohibit the use of carotid restraint.

Honest, open conversation, predicated upon mutually shared concerns and outcomes, is needed to bridge the divide within the San Francisco communities. Many SFPD officers interviewed by the assessment team do not believe the department has a problem with how it engages with use of force. SFPD officers, including supervisors of various ranks, consistently expressed this sentiment during interviews with the team. While recognizing that the use of force policy needed to be updated, the majority of officers did not believe major modifications were necessary.

As identified throughout this chapter, the communities of San Francisco have a different opinion. The assessment team notes a significant disconnect between the community concerns around use of force by SFPD officers and the perspective of officers and their use of force decisions. The SFPD needs to engage the community in constructive dialogue and truly listen to their concerns. It also needs to educate the public on its use of force practices and policies so that there is an understanding of the issues facing officers and how their decisions are made. Use of force decisions do not occur in a vacuum and have significant impact on the communities served by the SFPD and the officers involved. The SFPD can only become a procedurally just policing organization—one that has the trust and support of the community it serves—by giving the community a voice in its use of force policies and practices

Assessing the SFPD's use of force files and data

To assess the department's use of force and deadly force practices, the team conducted qualitative and quantitative assessments on three years' worth of SFPD data and investigative files.

Qualitative review of officer-involved shooting files

The team conducted a qualitative review of officer-involved shooting case files for the period May 1, 2013, through May 31, 2016, for overall investigative quality using a review process that used good practice benchmarks based on the knowledge and experience of the subject matter experts. The case files were also subject to an in-depth review for overall quality, transparency, comprehension, and clarity in their respective investigations and processes.

For the time frame of the data review, there were 22 SFPD officer-involved shooting incidents. Only one of the 11 investigations into officer-involved shooting incidents in which the individual was killed had been completed at the time of the review, as noted in table 2.1 on page 5. This is concerning to the assessment team because these incidents are of the highest concern for the community and police alike.

Officer-involved shooting incidents result in two investigative processes: one through IAD and one conducted by the Homicide Detail. Both have distinct protocols and practices, and each maintains a separate record of the investigation. However, members from both units assisted the team and were open with answers to questions and interested in ensuring that the files requested were present.

Homicide Detail is the lead investigative unit. IAD observes the process in its entirety, such as the questioning of all witnesses, including officers. In addition, IAD can compel a statement by right of administrative investigation and does so after the Homicide Detail investigation is completed. Neither unit closes its investigation until the district attorney's letter of declination is received. Once the units receive the letter of declination, the Homicide Detail closes its investigation into the criminal aspect of the officer-involved shooting. This is then followed by the IAD closing the administrative investigation.

For both types of investigations, the assessment team reviewed files that were not consistently organized and did not have a master index as to what should have been in the file. Although the SFPD has an investigations manual, it does not have a specific protocol for the investigation into officer-involved shootings. Most of the files had a chronological log that was fairly well-maintained in the early stages of the investigation but was not updated as the investigation progressed, leaving gaps in the knowledge of where the investigation was at that later stage. Team members found no indication of consistent supervisory review during the pendency of the investigations.

In addition to incomplete files, assessment team members found no templates to guide the report structure. The SFPD did provide a guide document on the tabulations in the file but provided none on what should be in the tabulations. Team members encountered a lack of consistency as to the investigations as well. The fact that some investigative evidence is digital while other evidence is still in paper format may contribute to this inconsistency.

Because Homicide Detail and IAD do not share protocols or standards for investigations of officer-involved shooting incidents, there is a likelihood for evidence not to be properly identified or assessed, particularly with dual investigative approaches. Photos, crime scene logs, and video collection were referenced in many reports. However, these items were inventoried elsewhere without copies in the investigative files. In order to review or obtain evidence, investigators would need to request the evidence be sent to their unit or travel to the location of storage.

Some pictures were available in most of the files, and both IAD and the Homicide Detail had digital records of photos. However, most were not labelled nor was there an index describing the vantage point or location. When assessment team members examined the digital photographs, they found that many were just a progression of photographs of the scene. Team members did not see consistent evidentiary photographs of officers, their uniform status, the condition of their vehicles, or their weapons within the files. There was not an index or other document to track the photographs and what they were depicting.

In an officer-involved shooting investigation, the statements of officers are critical. As observed by IAD, the Homicide Detail has an established process for conducting a formal interview that is videotaped and audiotaped. The district attorney's investigator also participates in this interview. SFPD investigations both in IAD and in Homicide Detail summarized officers' statements in reports. However, the practice of summarizing statements presents a challenge for subsequent review. Reviewers do not view the video or listen to the audio tape of the full interview but rely upon the paper summary as contained within the investigation. Some of the summaries inappropriately bolded or highlighted portions of officer statements, such as a statement that they were in fear of their life.

Consistently, the IAD investigations had a transcribed copy of the shooting officer's statement but did not interview any witnessing officers or responding supervisors. The officer's statement was not isolated within the file to ensure that no impact occurred on the criminal matter. Although IAD files are secured, it is good practice to isolate an officer's statement in situations where criminal charges have not been fully resolved.

In addition, assessment team members found that interviews were not always conducted with open-ended questions. In some interviews, questioning was not well-structured or approached in a manner to develop a sense of what the officer saw and did independent of the leading questioning that occurred at times. Inconsistencies in statements, either at an earlier stage or within the interview, were not always followed up.

Investigative files did not contain preliminary finding reports or draft reports—even those that were years old. In Homicide Detail, many contained an initial summary report but did not document basic records of who was called to attend the scene or who was on scene. Such details may be captured in the closing

investigative report in the Homicide Detail, but the team reviewed only one such report, which did not have that detail. IAD reports contained information about the administrative processes, including the chief's return to duty panel and the evaluation of the Behavioral Sciences Unit.

Overall, the case files reviewed were not truly investigations. Instead, investigators documented a series of events, collected appropriate evidence, and took statements. Witnesses were not always interviewed in depth. There was not a sense of using factual support or the absence of facts to make an investigative summary. Inconsistencies in statements were often not pressed.

A principal concern of the assessment team is that no single source aggregated all of the parts of the investigation. Team members were initially told that the complete record would be at IAD, but this was not the case. As team members subsequently discovered, the shooting investigations for the time frame requested were open, and therefore the records were contained in Homicide Detail. As noted, IAD and the Homicide Detail maintained separate files focused on investigation, but the SFPD could not produce a complete file—one that documented initiation through the FDRB's determination—of any officer-involved shooting incident. Furthermore, there was not any clear indication of ongoing supervisory review of the progression of the investigation for either unit.

Finally, it is unacceptable for officer-involved shooting investigations to remain open for years. Unnecessarily long investigations can cause undue distress to everyone involved.[37] The SFPD must work with the City and County of San Francisco to develop a process that provides for timely, transparent, and factual outcomes for officer-involved shooting incidents.

Qualitative review of use of force files

The assessment team used a random sampling methodology to identify investigations as part of the expert assessment of the overall investigative quality of the SFPD's investigative files for the period May 1, 2013, through May 1, 2016. Team members began with the review of the case files for 2015. The team validated its conclusions regarding the investigative quality of these files against 2014 and 2013 case files. A sample of the case files was also subject to an in-depth review for overall quality, transparency, comprehension, and clarity in the investigation and its processes. There were 287 files in the sample, and 40 were selected for review.

Use of force incidents in San Francisco are not treated as prioritized investigations. Assessment team members found the files to be primarily perfunctory, with basic level reporting. The officer is responsible for completing the incident report and recording the use of force incident in the narrative, and there is a Use of Force Log entry. An investigative file for use of force essentially is the incident report documenting the incident and the Use of Force Log. In the SFPD these are not stored together but rather are distinct reporting mechanisms. In fact, none of the investigative files reviewed for officer-involved shooting incidents contained the Use of Force Log as identified in the case file review on officer-involved shooting incidents.

37. IACP, *Officer-Involved Shooting Guidelines*.

As identified in the sample a significant number of use of force cases did not have the Use of Force Log adequately filled out. From an oversight perspective, these reports did not have any tracking specific to the use of force incident that allowed tracking other than by associating the incident back to the Use of Force Log. The log is the only independent record of the use of force, underscoring its importance.

Overall, most officers did sufficiently document their use of force within the incident report. Some did not fully explain the circumstances, and some did not explain the actual force used. However, these incidents were not accompanied by evidence of any true investigation. There was a tendency to use SFPD jargon, which can obscure details and affect clarity for internal and external review of these incidents. Although the summary of the incident was generally sufficient it often lacked effective descriptive detail.

Where sergeants responded to the scene, it is not always clear what, if any, action they took regarding interview of witnesses, documentation of injury, or decisions relative to the use of force. This lack of clarity was routinely noted by assessment team members. Information regarding the specific actions of supervisors was not consistently identified within the use of force investigations in the majority of the files reviewed.

Given the poor quality of the use of force data and the types of documents that constitute a use of force report, it would appear that the routine investigation does not exist. Rather, officers document their use of force and supervisors approve the report.

A few case files did identify that photos were taken, but they were not included in the case files. In addition, the files reviewed did not identify any follow-up investigation or supply any Department of Emergency Management call data. Absent a complaint being raised at the time of the incident, the investigation ended with the sergeant's approval. There was no indication of any further supervisory review subsequent to the submission of the incident report.

The assessment team recommends the SFPD employ a stand-alone use of force report. Inherent in that recommendation is the requirement that use of force incidents be investigated. At present, the level of investigations in the SFPD is not sufficient as it relates to officer use of force. There is minimal documentation of witnesses, no separate or summarized interview of witnesses, no routine collection of photographic evidence, and no analysis of the event from an evidentiary standpoint. If a supervisor does not respond, then it falls to the officer who used force to complete the investigation, which is unacceptable.

Quantitative review of use of force data

The data analysis for use of force consisted of data review for the period from May 1, 2013, through May 1, 2016, to ensure the most recently available data. For the time frame identified the number of use of force incidents reported was as shown in table 2.3 on page 30.

Table 2.3. Use of force incidents reported by the SFPD by year, May 1, 2013–May1, 2016 (N = 2,578)

Period	Number of use of force incidents
May 1–December 31, 2013	558
January 1–December 31, 2014	790
January 1–December 31, 2015	765
January 1–May1, 2016	465
Total	2,578

The full context of the data used, the research theory, and the analysis used to inform this section are contained in appendix D beginning on page 270.

Use of force reporting

As part of the assessment, team members conducted a scientific analysis of use of force data.[38] The analysis used a sample of 548 use of force cases recorded by the SFPD over a three-year period (May 2013–May 2016) to investigate the following:[39]

- Whether members of racial or ethnic minorities (or both) in San Francisco were subjected to greater (or more severe) levels of force compared to White people
- Whether minority individuals were more likely than White individuals to be injured during a use of force encounter with the police

Unfortunately and because of limitations in the manner in which use of force and arrest data were collected by the SFPD,[40] assessment team members were unable to perform a multivariate frequency analysis, which would have shed light on whether minority individuals were subjected to force more often than White individuals during an arrest.

Overall, as demonstrated in table 2.4 on page 31, African Americans constituted the largest racial group against whom force was used (37 percent) followed by White (35.4 percent) and Hispanic (18.4 percent) individuals. Persons of other races, including Asian, constituted 8.4 percent of the use of force sample.[41] Although it is tempting to compare these percentages to the census populations of these groups in San Francisco, such comparisons do not take into account the nature of the underlying offenses associated with the use of force incidents or the levels of resistance offered by the individuals, among other important factors.

38. The findings of this entire analysis are reported and contained in appendix D beginning on page 270.
39. See appendix D beginning on page 270 for more information on sampling.
40. The research team was unable to match 1,674 (out of 2,578) of the SFPD use of force–related incident numbers to the incident numbers that appear in the San Francisco Sheriff's Department's arrest database. As a result, the team could not reliably account for arrests that resulted in the use of force and those that did not, which is essential to determining whether minorities were more or less likely than non-minorities to be the subjects of force during an arrest. We strongly recommend that the SFPD collect use of force data in a manner that will allow future researchers to accurately assess which arrests involved the use of force and which did not so that a multivariate frequency analysis of the factors that predict force during an arrest (including suspect race) can be conducted.
41. These percentages have a margin of error of 3–4 points at a confidence level of 95%.

Table 2.4. Racial or ethnic makeup of the use of force sample (N = 548)

Individual race or ethnicity	N	Percent
White	194	35.4%
African American	203	37.0%
Hispanic	101	18.4%
Other	46	8.4%
Unknown	4	0.7%
Total	548	100.0%

Review of the district data

Table 2.5 presents the racial or ethnic breakdown of use of force incidents by SFPD district. It reveals that a majority of officer force in Bayview (54.7 percent) and Tenderloin (56.1 percent) was used against African-American individuals, while Hispanic individuals were most frequently involved in use of force incidents in the Mission (30.0 percent) and Taraval (27.6 percent) districts. White individuals were most often the targets of force in the Central (52.0 percent), Park (61.5 percent), and Richmond (50.0 percent) districts. Again, caution must be used in concluding that force was used disproportionately against a particular racial or ethnic group based solely on that group's representation in the population of a particular district.

Table 2.5. Racial or ethnic makeup of the use of force sample by district

District	White	African American	Hispanic	Other	Missing	Total
Bayview	9	35	12	7	1	64
Percent of Bayview total →	14.1%	54.7%	18.8%	10.9%	1.6%	100.0%
Central	26	12	5	7	0	50
Percent of Central total →	52.0%	24.0%	10.0%	14.0%	0.0%	100.0%
Ingleside	14	18	15	6	0	53
Percent of Ingleside total →	26.4%	34.0%	28.3%	11.3%	0.0%	100.0%
Mission	34	24	27	4	1	90
Percent of Mission total →	37.8%	26.7%	30.0%	4.4%	1.1%	100.0%
Northern	23	19	9	3	0	54
Percent of Northern total →	42.6%	35.2%	16.7%	5.6%	0.0%	100.0%
Park	16	6	3	0	1	26
Percent of Park total →	61.5%	23.1%	11.5%	0.0%	3.9%	100.0%
Richmond	7	2	1	4	0	14
Percent of Richmond total →	50.0%	14.3%	7.1%	28.6%	0.0%	100.0%
Southern	38	33	7	7	1	86
Percent of Southern total →	44.2%	38.4%	8.1%	8.1%	1.2%	100.0%
Taraval	9	8	8	4	0	29
Percent of Taraval total →	31.0%	27.6%	27.6%	13.8%	0.0%	100.0%
Tenderloin	18	46	14	4	0	82
Percent of Tenderloin total →	22.0%	56.1%	17.1%	4.9%	0.0%	100.0%
Total	194	203	101	46	4	548
Percent of cumulative total →	35.4%	37.0%	18.4%	8.4%	0.7%	100.0%

Table 2.6. Highest level of force used by officers

	N	Percent (%)
Verbal command	4	0.7
Pointing firearm	52	9.5
Soft hand control	287	52.4
OC spray	26	4.7
Hard hand control	123	22.5
Baton	43	7.9
Less lethal munition	11	2.0
K-9	2	0.4
Gunshot	0	0.0

The numbers in table 2.6 represent the highest level of force used during the incident. The data showed that a majority of the force used by SFPD officers involved soft hand control or hard hand control. A firearm was pointed at an individual in 9.5 percent of the incidents, and a baton was used against 7.9 percent of the individuals. Verbal commands, OC spray, less lethal munitions, and K-9s were relatively rare types of force in the sample data. No individual was shot at in this random sample of use of force incidents.[42]

Table 2.7 on page 33 presents the racial makeup of the use of force incidents across the different types of force. The table reveals no significant differences in the highest levels of force used across racial or ethnic groups. Soft hand controls were the most common use of force for both White individualss and African Americans; 11.3 percent of African Americans had a firearm pointed at them as the highest level of force applied, while White and Hispanic individuals were almost equal with firearms being pointed at them 8.8 and 8.9 percent of the time. Again, one must be cautious when interpreting such findings because this descriptive analysis did not account for factors that may explain any racial disparities observed.

One of the strongest predictors of police use of force is the level of individual resistance. Table 2.8 on page 34 provides a frequency distribution of the highest levels of resistance offered by individuals in the sample. The most common form of resistance was defensive. However, a sizable portion of the use of force incidents involved passive resistance or active aggression resistance. Verbal noncompliance was the highest level of resistance offered by 6 percent of individuals. Aggravated active aggression was the least common form of resistance offered by individuals.

More than 9 percent of incidents in the sample involved no resistance on the part of the individual. No large disparities in the levels of resistance offered by individuals across the racial and ethnic groups. However, 11.8 percent of African Americans and 9.3 percent of White individuals offered no resistance during the use of force incidents. A higher percentage of White individuals than of African Americans offered defensive resistance.

42. Note that this does not mean there were no officer-involved shootings over this three-year period; rather, our random sample did not include any such incidents.

Table 2.7. Highest level of force used by officers by individual race or ethnicity

Level of force	White	African American	Hispanic	Other	Unknown	Total
Verbal command →	2	2	0	0	0	4
Verbal command as percent of total UOF against individuals of each racial group	1.0%	1.0%	0.0%	0.0%	0.0%	0.7%
Pointing firearm →	17	23	9	3	0	52
Pointing firearm as percent of total UOF against individuals of each racial group	8.8%	11.3%	8.9%	6.5%	0.0%	9.5%
Soft hand control →	105	103	51	25	3	287
Soft hand control as percent of total UOF against individuals of each racial group	54.1%	50.7%	50.5%	54.4%	75.0%	52.4%
OC spray →	9	10	3	3	1	26
OC spray as percent of total UOF against individuals of each racial group	4.6%	4.9%	3.0%	6.5%	25.0%	4.7%
Hard hand control →	45	44	24	10	0	123
Hard hand control as percent of total UOF against individuals of each racial group	23.2%	21.7%	23.8%	21.7%	0.0%	22.5%
Baton →	12	16	10	5	0	43
Baton as percent of total UOF against individuals of each racial group	6.2%	7.9%	9.9%	10.9%	0.0%	7.9%
Less lethal munition →	3	5	3	0	0	11
Less lethal munition as percent of total UOF against individuals of each racial group	1.6%	2.5%	3.0%	0.0%	0.0%	2.0%
K-9 →	1	0	1	0	0	2
K-9 as percent of total UOF against individuals of each racial group	0.5%	0.0%	1.0%	0.0%	0.0%	0.4%
Gunshot →	0	0	0	0	0	0
Gunshot as percent of total UOF against individuals of each racial group	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total →	194	203	101	46	4	548
Total UOF against individuals of each racial group	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The team conducted a multinomial logistic analysis that regressed the highest level of force onto race or ethnicity and a variety of statistical control variables. Resistance by an individual had the largest impact on level of force used by the SFPD. For every one-unit increase on the resistance scale (which ranged from 0 to 5), individuals were 5.74 times more likely to have experienced high force relative to low force.[43] Similarly, the risk of being in the medium force category[44] compared to the low force category increased by a factor of 3.35 for every one-unit increase on the individual resistance scale. An important fact is that the results demonstrate that there were no racial or ethnic disparities in the severity of force experienced by individuals in this random sample. African American, Hispanic, and individuals of other races received similar levels of force as White individuals.

43. See appendix D on page 270. High force is defined as hard hand control, baton use, less lethal projectiles, and K-9 bites. Low force is defined as verbal commands or pointing a firearm.

44. See appendix D on page 270. Medium force is defined as soft hand control and OC spray.

Table 2.8. Level of resistance by individual race or ethnicity

Level of resistance	White	African American	Hispanic	Other	Unknown	Total
No resistance →	18	24	6	2	1	51
No resistance as percent of total resistance by individuals of each racial group	9.3%	11.8%	5.9%	4.4%	25.0%	9.3%
Verbal noncompliance →	10	14	7	2	0	33
Verbal noncompliance as percent of total resistance by individuals of each racial group	5.2%	6.9%	6.9%	4.4%	0.0%	6.0%
Passive →	31	33	17	8	1	90
Passive resistance as percent of total resistance by individuals of each racial group	16.0%	16.3%	16.8%	17.4%	25.0%	16.4%
Defensive →	91	80	51	24	2	248
Defensive resistance as percent of total resistance by individuals of each racial group	46.9%	39.4%	50.5%	52.2%	50.0%	45.3%
Active aggression →	39	47	17	8	0	111
Active aggression as percent of total resistance by individuals of each racial group	20.1%	23.2%	16.8%	17.4%	0.0%	20.3%
Aggravated active aggression →	5	5	3	2	0	15
Aggravated active aggression as percent of total resistance by individuals of each racial group	2.6%	2.5%	3.0%	4.4%	0.0%	2.7%
Total →	194	203	101	46	4	548
Total resistance by individuals of each racial group	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

None of the offense characteristics had statistically significant effects on the highest level of force, but several officer characteristics emerged as meaningful. Individuals in use of force incidents that involved all minority officers were 5.85 times more likely to have experienced the highest level of force compared to incidents involving all White officers. This suggests that among this sample of use of force incidents, groups of all minority officers were more likely to use higher amounts of force compared to incidents that involved all White officers.[45] This was an interesting finding and worthy of further analysis. Given that minority officers are distributed fairly evenly throughout SFPD districts, it does not appear that district assignment of minority officers explains this finding. Minority officers are not disproportionately assigned to higher crime districts where higher levels of force might be expected.

Taken as a whole, the results demonstrate that there were no racial or ethnic disparities in the severity of force experienced by individuals in this random sample. African Americans, Hispanic individuals, and individuals of "other" races or ethnicities received similar levels of force as White individuals. Use of force

45. This troubling finding is consistent with that from other studies that have examined factors predicting the use of deadly force by police (Ridgeway, "Officer Risk Factors;" White, "Identifying Situational Predictors;" White, "Hitting the Target (Or Not);" Sorensen, Marquart, and Brock, "Factors Related to Killings of Felons by Police Officers;" Fyfe, "Who Shoots?;" Geller and Karales, "Shootings of and by Chicago Police").

incidents in parts of San Francisco with higher concentrations of Hispanic residents involved less severe force on average. Finally, lower levels of force were used against individuals when more SFPD officers were present during the incident.

Individual injuries

Out of the 548 use of force incidents analyzed in this report, 51.8 percent (N = 284) resulted in injury of some type. Complaints of pain or discomfort (17.2 percent) and scrapes (18.8 percent) were the most common types of injuries sustained by individuals in the use of force sample. In fact, these types of injuries accounted for 69.4 percent of the 284 incidents involving some type of injury. About 6 percent of all use of force incidents resulted in bruising or swelling or a laceration, respectively. Eight individuals sustained a broken or dislocated bone and two suffered internal bleeding. Overall, these results indicate that a significant majority of use of force incidents resulted in either no injury or only minor injuries to individuals. From a purely descriptive standpoint, African American, Hispanic, and individuals of other racial or ethnic groups were no more or less likely to be injured compared to their White counterparts.

The assessment team also conducted a logistic regression analysis predicting whether a member of the public was injured during an incident. Consistent with the aforementioned analyses, race or ethnicity was not significantly associated with being injured during a use of force incident. African American, Hispanic, and individuals of other racial or ethnic groups were no more or less likely to be injured compared to their White counterparts. However, an individual's resistance was highly correlated with injury. The likelihood of a person being injured during a use of force incident increased by 114 percent for every one-unit increase in the resistance scale. In addition, men were 68 percent less likely to be injured than women, and age was positively associated with the risk of injury.

None of the offense characteristics measured was associated with the risk of injury, but several officer characteristics were. Consistent with the findings on the severity of force used, use of force incidents involving all minority officers were 2.20 times more likely to result in injury compared to similarly situated incidents involving all White officers. None of the district-level characteristics was associated with the risk of injury to a member of the public.

The data collected by the SFPD in regard to use of force are inadequate. The SFPD should begin collecting use of force information in a manner that is linkable to its arrest data so that a multivariate frequency analysis can be conducted to determine whether minority individuals are more likely than White individuals to have force used against them during an arrest. This analysis should also more fully explore the effect that the race of an officer has on the outcome and frequency of force incidents.

Summary of data analysis

This analysis used a sample of 548 use of force cases recorded by the SFPD over a three-year period (May 2013–May 2016) to investigate whether racial or ethnic minorities in San Francisco were subjected to greater (or more severe) levels of force compared to White individuals and whether minority individuals were more likely than White individuals to be injured during a use of force encounter with the police. Overall, African Americans constituted the largest racial group against whom force was used (37 percent) followed by White (35.4 percent) and Hispanic (18.4 percent) individuals. Persons of other races, including Asian, constituted 8.4 percent of the use of force sample. These percentages have a margin of error of 3–4 points at a confidence level of 95 percent. While it is tempting to compare these percentages to the census populations of these groups in San Francisco, such comparisons should not be made because they do not take into account the nature of the underlying offenses associated with the use of force incidents or the levels of resistance offered by the individuals, among other important factors. Unfortunately and because of limitations in the manner in which use of force and arrest data were collected by the SFPD, the team was unable to perform a multivariate frequency analysis, which would have shed light on whether minority individuals were subjected to force more often than White individuals during an arrest.

The results do indicate, however, that minority individuals were not subjected to higher or more severe levels of force than White individuals. This is an important finding and suggests that higher levels of force are not being applied in a racially disproportionate manner by the SFPD. Instead, the level of individual resistance was by far the strongest predictor of the severity of force used by the police across the use of force sample. However, the presence of all minority officers (compared to all White officers) during a use of force event was associated with an increase in the severity of force used. Although a plausible explanation for this finding is that a greater concentration of minority officers may be assigned to higher crime districts where force may be used at higher levels, this does not appear to be the case. Minority officers are, in fact, distributed fairly evenly throughout SFPD districts and are not disproportionately assigned to higher crime districts. This finding regarding higher force levels and the presence of minority officers warrants further examination and analysis in the future.

In addition, officers did not disproportionately use greater force relative to individual resistance against minority individuals when compared to White individuals. This mirrored the severity analysis and reinforces that compared to White individuals, SFPD officers did not use higher levels of force against minorities (African Americans and Hispanic individuals) relative to the resistance offered by those individuals. Again, though, when force was used by only minority officers (singularly or in groups), more force relative to individual resistance was evident when compared to force used by only White officers.

Finally, minority individuals were not injured at the hands of the police more often than White individuals. Rather, the presence of only minority officers was the strongest predictor of individual injury followed by the level of individual resistance. As noted, the consistent finding of increased force and individual injury when only minority officers were present requires further examination in future use of force analyses.

Findings and recommendations

Findings follow the flow of the narrative within the chapter.

Finding 1

The majority of deadly use of force incidents by the SFPD involved persons of color.

Nine out of the 11 deadly use of force incidents from May 1, 2013, to May 31, 2016, involved persons of color.

Recommendation 1.1

The SFPD must commit to reviewing and understanding the reasons for the disparate use of deadly force. Specifically, SFPD needs to

- *partner with a research institution to evaluate the circumstances that give rise to deadly force, particularly those circumstances involving persons of color;*
- *develop and enhance relationships in those communities most impacted by deadly officer-involved shootings and monitor trends in calls for service and community complaints to ensure appropriate police interaction occurs as a matter of routine police engagement;*
- *provide ongoing training for officers throughout the department on how to assess and engage in encounters involving conflict with a potential for use of force with a goal of minimizing the level of force needed to successfully and safely resolve such incidents.*

Finding 2

The SFPD has closed only one deadly use of force incident investigation for the time frame 2013 to 2015.

The SFPD has been involved in nine deadly use of force incidents during the time frame of review for this assessment, 2013–2015. All but one remains open, pending a decision by the district attorney on whether the officers' actions were lawful. It is unacceptable for officer-involved shooting investigations to remain open for years.

Recommendation 2.1

The SFPD must work with the City and County of San Francisco to develop a process that provides for timely, transparent, and factual outcomes for officer-involved shooting incidents.

Finding 3

The SFPD and the Police Commission collaboratively worked with community stakeholders to update Department General Order 5.01 – Use of Force policy.

Department General Order 5.01 was last revised in 1995. The draft revision, dated June 22, 2016, reflects policy enhancements that progressive police departments across the country have implemented, including incorporating recommendations from the *Final Report of the President's Task Force on 21st Century Policing*. However, because of collective bargaining practices, the policy has not yet been implemented by the Police Commission as of the date of this report.

Recommendation 3.1

The Police Commission, SFPD leadership, and elected officials should work quickly and proactively to ensure that the department is ready to issue these use of force policies and procedures to all department employees immediately following the collective bargaining meet-and-confer process. The process should not be drawn out, because the goal should be immediate implementation once it has been completed.

Recommendation 3.2

The SFPD should work with the Police Commission to obtain input from the stakeholder groups and conduct an after-action review of the meet-and-confer process to identify ways to improve input and expedite the process in the future for other policy development.

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 4.1

The SFPD needs to create an electronic use of force reporting system so that data can be captured in real time.

Recommendation 4.2

In developing an electronic reporting system, the SFPD must review current practice regarding reporting use of force, including reporting on level of resistance by the individual, level and escalation of control tactics used by the officer, and sequencing of the individual's resistance and control by the officer.

Recommendation 4.3

In the interim, the SFPD should implement the use of force report that is under development within the Early Intervention System Unit and require that it be completed for every use of force incident. The assessment team identified this report to be a good start to a robust reporting system for use of force incidents in the SFPD. The SFPD should eliminate the Use of Force Log (SFPD 128 (Rev. 03/16)).

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.

Recommendation 4.5

The SFPD should continue the manual entry of use of force data until the electronic use of force report is operational. To ensure consistency and accuracy in the data, this entry should be conducted in a single unit rather than in multiple units.

Recommendation 4.6

The SFPD should audit use of force data on a quarterly basis and hold supervisors accountable for ongoing deficiencies.

Recommendation 4.7

The SFPD should assign the Training and Education Division to synthesize the issues emerging from the use of force reports and create announcements for roll call on emerging trends. The announcements can include scenarios from incidents that were troubling or complicated in some way and encourage officers to discuss with one another in advance how they would communicate and approach such situations.

Finding 5

The SFPD does not consistently document the types of force used by officers.

Out of a sample of more than 500 reported incidents of use of force, only five had documented the type of use of force on the Use of Force Log. Department Bulletin 14-111 – Documenting Use of Force, drafted April 4, 2014, requires officers to document the type and amount of force used, including the use of impact weapons, with supervisors responsible for ensuring compliance with the policy. However, through 2015, the team found that force data remained incomplete. The overall lack of consistent data collection is indicative of limited oversight of force reporting.

Recommendation 5.1

The SFPD needs to develop and train to a consistent reporting policy for use of force.

Recommendation 5.2

The SFPD needs to hold supervisors and officers accountable for failure to properly document use of force incidents.

Finding 6

The SFPD has not developed comprehensive formal training specifically related to use of force practices.

A number of training issues on emerging operational practices in the SFPD and those highlighted in the *Final Report of the President's Task Force of 21st Century Policing,* such as de-escalation, have not been adequately addressed.

Recommendation 6.1

The Training and Education Division should adopt and implement a formal Learning Needs Assessment model that identifies and prioritizes training needs and should subsequently design and present them in the most effective and efficient ways possible.

Recommendation 6.2

To support policies mandated through recent Department Bulletins, as well as to ensure implementation of best practices and policies outlined in the Final Report of the President's Task Force of 21st Century Policing*, the SFPD's Training and Education Division should prepare training on the following topics at minimum:*

- *Enhanced de-escalation*
- *Sanctity of life*
- *Enhanced service-oriented interactions with homeless individuals*
- *Improved dispatch protocols for cases requiring Crisis Intervention Team response*

Recommendation 6.3

SFPD training records should be fully automated and training data easily accessible.

Finding 7

SFPD officers have not been trained on operational field use of the mandated 36-inch baton.

Department Bulletin 16-071, which was published on April 30, 2016, requires all officers to carry a 36-inch baton as part of their daily uniform requirements. The assessment team was concerned that the Training Academy staff did not have advance knowledge of the baton policy change. During the team's visit, Training Academy staff members were drafting training guidelines for use of the 36-inch baton after the policy had already been issued. There must be good communication before and following the publication of orders that affect daily activities or provide for a change in organizational focus. This would allow for smoother implementation and ensure that appropriate training is available, particularly for key orders.

Recommendation 7.1

The SFPD must develop a policy on the use of the 36-inch baton for the use of interacting with individuals with edged weapons. The policy should also dictate the proper handling of the baton, and the policy should dictate when it is appropriate to use a two-hand stance and when a one-hand approach is needed.

Recommendation 7.2

The SFPD must develop training on the use of the 36-inch baton for the use of interacting with individuals with edged weapons. Once developed, the training should be deployed to all officers.

Recommendation 7.3

The SFPD should prohibit the use of the 36-inch baton until all officers are properly trained in its intended field use.

Finding 8

SFPD supervisors are not required to respond to the scene of all use of force incidents and are not required to fully document their actions.

Supervisors are not appropriately tasked in relation to use of force incidents. Supervisors are required to respond to the scene for use of force incidents only when injuries are reported injuries and are not required to document their actions in the incident report. Furthermore, during the review period officers and supervisors continued to inconsistently complete use of force reporting forms.

Recommendation 8.1

The SFPD should immediately require supervisors to respond to events in which officers use force instruments or cause injury regardless of whether there is a complaint of injury by the individual. This will allow the department greater oversight of its use of force.

Recommendation 8.2

Supervisors should be held accountable for ensuring accurate and complete entry for all use of force data reporting.

Recommendation 8.3

Supervisors should be required to document their actions regarding the investigation of the use of force incident within the incident report. As recommended in this section (recommendation 3.2), a stand-alone use of force report should be developed and, when completed, should contain a section for supervisory actions relative to the incident and signature.

Finding 9

The SFPD is inconsistent in providing timely notifications to all external oversight partners following an officer-involved shooting.

Members of the SFPD acknowledged that there are occasionally notification delays because of administrative issues and the time it takes to notify required parties of an incident. Regardless of the reason, delayed notification to key partners means that those partners are not present at the earliest stages of an officer-involved shooting investigation. Notifying external oversight partners (including the district attorney and Office of Citizen Complaints [OCC]) promptly allows for timely arrival on the scene and facilitates effective and transparent external oversight of officer-involved shooting investigations.

Recommendation 9.1

The SFPD should work with the Department of Emergency Management to provide it with primary responsibility for timely notification to all stakeholders on the call-out list used immediately after an officer-involved shooting incident.

Recommendation 9.2

Until the Department of Emergency Management protocol is established, when activating the protocols for notification following an officer-involved shooting incident the Operations Center should notify representatives of IAD, the District Attorney's Office, and OCC with no lag time occurring in any of the notifications. The Operations Center log for notifications should be included as part of the investigation report case file to accurately and fully depict notifications.

Recommendation 9.3

All notified responders should be required to notify the Department of Emergency Management of the time of their arrival. This will create a comprehensive permanent record of the time of notifications and responses of the units to the scene.

Recommendation 9.4

The SFPD should explore the option for timely electronic notification to all oversight partners.

Finding 10

There is a lack of coordination and collaboration for responding to and investigating an officer-involved shooting.

The SFPD's investigative protocols are comparable to those followed by other professional major city police departments. However, IAD staff members, along with some of SFPD's partners such as members of the District Attorney's Office and the OCC assigned to respond to such incidents, are not as integrated.

Lack of collaboration and cooperation in investigating officer-involved shooting incidents can undermine procedural justice and transparency for the department. The SFPD needs to develop protocols and memoranda of agreement to ensure the highest level of cooperation and oversight into the investigation of officer-involved shooting incidents. Joint training protocols ensuring all parties are appropriately trained and working to the highest professional standards should become a matter of routine practice. These protocol agreements and practices will become more important as OCC assumes its responsibility to independently investigate SFPD officer-involved shooting incidents. The team will monitor the implementation of the new law during the CRI-TA implementation phase.

Recommendation 10.1

The SFPD should establish a formal protocol to ensure that a representative of the Homicide Detail provides OCC and District Attorney's Office investigators a timely briefing about the facts of the case and to make arrangements for a formal walk-through or gain investigative access to the incident scene as soon as possible. The highest-ranking officer on the scene should be responsible for ensuring compliance with this recommendation.

Recommendation 10.2

The SFPD should work with its accountability partners the OCC and the District Attorney's Office in officer-involved shootings to develop a formal training program in which representatives of the District Attorney's Office, SFPD Homicide Detail, and the OCC engage in regular training regarding best practices for investigating such cases. This training should be developed and implemented within 120 days of the issuance of this report.

Finding 11

The Firearm Discharge Review Board is limited in scope and fails to identify policy, training, or other tactical considerations.

The FDRB is a good practice but has devolved to essentially determining whether the shooting officer's actions were consistent with policy. However, several other layers of authority also conduct this determination. The FDRB is better served following its policy mandate to ensure that the department is continually reviewing its training, policy, and procedures as they relate to officer-involved shooting incidents.

Recommendation 11.1

The SFPD should update the Department General Order 3.10 – Firearm Discharge Review Board to require written evaluation of policy, training, and tactical considerations of discharge incidents, specifically identifying whether the incident was influenced by a failure of policy, training, or tactics and should include recommendations for addressing any issues identified.

Recommendation 11.2

The SFPD should update existing programs and develop training to address policy gaps and lessons learned. The Training and Education Division should work with the FDRB and Homicide Detail to create a presentation to inform department personnel about key issues that contribute for officer discharge incidents and to help mitigate the need for firearm discharge incidents.

Recommendation 11.3

The SFPD should update the DGO to ensure that the FDRB is staffed with a Training and Education Division representative as an advisory member to ensure an appropriate focus on development of responsive training protocols.

Recommendation 11.4

Officer-involved shooting events need to be reviewed in a more timely fashion as they relate to policy, training, and procedures. The FDRB should review incidents at the conclusion of the IAD investigation rather than waiting for the district attorney's letter of declination for charging of an officer-involved shooting incident, which can take up to two years.

Finding 12

The SFPD has significantly expanded its Crisis Intervention Team (CIT) training program; however, the SFPD does not have a strong operations protocol for CIT response.

Crisis Intervention Team training instructs officers how to effectively manage behavioral crisis situations in the field. Since February 2015, all recruits complete the 40-hour Crisis Intervention Team training before they leave the Academy. As of March 2016, 593 members—27 percent of the department—have received crisis intervention training.

Although there is a policy that supervisors are to be requested at the scene of an incident wherein a member of the public in mental health crisis is armed, more must be in place to address such situations. The team learned that CIT-trained officers are not pre-identified to facilitate their assignment to calls related to persons in mental health crisis. However, given the data issues facing the SFPD, the ability to clearly track and confirm policy adherence for identifying CIT-trained officers remains an issue.

Recommendation 12.1

The SFPD should work with the Department of Emergency Management to ensure sound CIT protocols, namely the following:

- *Ensure that dispatchers are notified at the beginning of each shift which units have CIT-trained officers assigned so they are appropriately dispatched to calls for persons with mental health disabilities.*
- *Develop protocols to ensure that mental health crisis calls for service are answered by intake personnel at the Department of Emergency Management and the information is appropriately relayed to field personnel.*

Recommendation 12.2

The SFPD should ensure an appropriate distribution of CIT-trained personnel across all shifts in all districts.

Recommendation 12.3

Newly promoted supervisors should also receive CIT training as part of their training for their new assignments.

Finding 13

The SFPD engages with the community following an officer-involved shooting incident through a town hall meeting in the community where the event occurred.

The town hall meetings following an officer-involved shooting in the relevant neighborhood is a promising practice.

Recommendation 13.1

The practice of hosting a town hall meeting in the community shortly after the incident should continue with a focus on releasing only known facts.

Finding 14

The SFPD does not have a strategy to engage with the broader community following a fatal officer-involved shooting until its conclusion.

The SFPD does not keep as active an engagement during the investigative process, and consideration should be given to publishing findings once an investigation is completed to ensure community closure.

Recommendation 14.1

The SFPD should develop an ongoing communication strategy for officer-involved shootings.

Recommendation 14.2

The SFPD should ensure that media outreach is immediate and that information conveyed is succinct and accurate.

Recommendation 14.3

The SFPD should use social media as a tool to relay critical and relevant information during the progression of the investigation.

Finding 15

The SFPD does not adequately educate the public and the media on issues related to use of force and officer-involved shootings.

Recommendation 15.1

The SFPD needs to create outreach materials related to educating the public and the media on use of force and officer-involved shooting investigations and protocols. These materials should be disseminated widely through the various community engagement events and district station meetings.

Recommendation 15.2

The SFPD should host town hall presentations to educate the public and the media on use of force and officer-involved shooting investigations and protocols.

Finding 16

Currently, SFPD officers are not authorized to carry electronic control weapons (ECW, i.e., Tasers).

These tools are less-lethal weapons that are meant to help control persons who are acting aggressively.[46] Many police agencies use these tools and report that they have helped reduce injury to officers and community members and lead to fewer officer-involved shootings. Promising practices suggest that the use of ECWs can result in less use of force.

Recommendation 16.1

Working with all key stakeholders and community members, the SFPD and the Police Commission should make an informed decision based on expectations, sentiment, and information from top experts in the country.

Recommendation 16.2

The City and County of San Francisco should strongly consider deploying ECWs.

Finding 17

Currently, the SFPD authorizes personnel to use the carotid restraint technique.

This technique poses a significant risk in the community and is not a routinely adopted force option in many law enforcement agencies. Contemporary policing discussions regarding use of force suggest that police agencies should carefully weigh any perceived benefit of the use of carotid restraint against potential harm. It is challenging to maintain the appropriate leverage and placement in close-encounter struggles, thereby increasing the risk on an unintended, harmful outcome.[47] The department's pending draft order on use of force would eliminate the use of the carotid restraint.

Recommendation 17.1

The SFPD should immediately prohibit the carotid restraint technique as a use of force option.

46. PERF, *Electronic Control Weapon Guidelines*.
47. AELE, "Use-of-Force Tactics."

Finding 18

The SFPD does not adequately investigate officer use of force.

At present, the level of investigations in the SFPD is not sufficient as it relates to officer use of force. There is minimal documentation of witnesses, no separate or summarized interview of witnesses, no routine collection of photographic evidence, and minimal analysis of the event from an evidentiary standpoint. If a supervisor does not respond, then it falls to the officer who used force to complete the investigation, which is unacceptable.

Recommendation 18.1

The SFPD needs to develop a policy for investigation standards and response for all officer use of force.

Recommendation 18.2

The SFPD should create an on-scene checklist for use of force incidents.[48]

Recommendation 18.3

The SFPD needs to develop a protocol for proper development and handling of officer statements.

Finding 19

The SFPD does not maintain complete and consistent officer-involved shooting files.

The SFPD maintains two separate officer-involved shooting files, one with the Homicide Detail and one with IAD. The files are incomplete with no consistent report structure. The team encountered a lack of consistency as to the investigations as well. The fact that some investigative evidence is digital while other evidence is still in paper format may contribute to this inconsistency.

Because Homicide Detail and IAD do not share protocols or standards for investigations of officer-involved shooting incidents, there is likelihood that evidence will not be properly identified or assessed, particularly with dual investigative approaches. Photos, crime scene logs, and video collection were referenced in many reports. However, these items were inventoried elsewhere without copies in the investigative files.

Investigative files did not contain preliminary finding reports or draft reports—even files that were years old. Within Homicide Detail, many files contained an initial summary report but did not document basic records of who was called to attend the scene or who was on the scene.

Recommendation 19.1

The SFPD needs to develop a standard officer-involved shooting protocol within 90 days of the release of this report.

48. IACP, *Officer-Involved Shootings*.

Recommendation 19.2

The SFPD needs to create a template for all officer-involved shooting files. This template should detail report structure and handling of evidence. SFPD should refer to Officer-Involved Shootings: A Guide for Law Enforcement Leaders.[49]

Recommendation 19.3

The SFPD should ensure that all officer-involved shooting investigations are appropriately reviewed by all levels of supervision.

Finding 20

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

Because of limitations in the manner in which use of force and arrest data were collected by the SFPD, assessment team members were unable to perform a multivariate frequency analysis, which would have shed light on whether individuals who are members of racial minorities were subjected to force more often than White individuals during arrests.

Recommendation 20.1

The SFPD needs to develop reliable electronic in-custody arrest data. It needs to ensure that these arrest data accurately reflect the incident number from the event, and the number should be cross-referenced on both the booking card and the use of force reporting form.

Recommendation 20.2

The SFPD needs to audit arrest data and use of force data monthly to ensure proper recording of use of force incidents related to arrest incidents. An audit of these data should occur immediately upon publication of this report and monthly thereafter.

Recommendation 20.3

The SFPD needs to advocate for better coordination with the San Francisco Sheriff's Department to ensure that the recording of SFPD arrest data is accurate and corresponds with SFPD incident report and arrest data.

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.

49. IACP, *Officer-Involved Shootings*.

Finding 21

Community members' race or ethnicity was not significantly associated with the severity of force used or injury arising from an officer's 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.

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.

Finding 23

The SFPD allows members to shoot at moving vehicles under certain circumstances pursuant to Department General Order 5.02 – Use of Firearms.

SFPD policy provides for a variety of exceptions that allow officers to shoot at a moving vehicle, which effectively nullifies the general statement that officers are prohibited from discharging their firearm at the operator or occupant of a moving vehicle. The department's pending draft order on use of force allows shooting at vehicles when there is an immediate threat of death or injury by means other than the vehicle.

Recommendation 23.1

The SFPD should immediately implement this provision of the draft policy.

Recommendation 23.2

The FDRB should be tasked with review of all prior officer-involved shooting and discharge incidents in which firearms are discharged at a moving vehicle to

- *evaluate and identify commonalities with recommendations for policy and training as a result of the review;*
- *oversee training and policy development aimed at eliminating the need for such actions;*
- *report to the Police Commission about the outcomes of the review and the actions taken to overcome those situations that contribute to such incidents.*

3. Bias

San Francisco Police Department (SFPD) members of all ranks are responsible for ensuring a procedurally just organization, one that is free from the negative effects of biased policing. The SFPD's vision statement reads, in part, "San Francisco has an international reputation for its commitment to human values: compassion, fairness, diversity, human rights, and justice. These values must be at the forefront of [the] SFPD as it fulfills its public safety mission."[50]

Procedural justice can be external to an agency or internal. External procedural justice focuses on the ways officers and other legal authorities interact with the public and how the characteristics of those interactions shape the public's trust of the police.[51] By contrast, internal procedural justice involves the relationship between officers and their superiors. Studies indicate that officers who "complain that their superiors do not listen to them, do not explain their policies and are not concerned about the issues that matters to officers are less likely to follow department rules on the street, and less willing to cooperate with their superiors in the department's efforts to manage social order."[52]

A commitment to fair and impartial policing starts with how the SFPD recruits and hires, continues through all facets of training, and is reinforced through policies and accountability for acting in accordance with the values and standards of the department. Furthermore, impartial policing requires proactive effort by all SFPD members to identify and eliminate the negative impact of implicit bias in their interactions with the San Francisco community and with their fellow employees.

Methodology used to assess this objective

The assessment team conducted a mixed methodology review of data to determine whether bias influences the policing practices of the SFPD. First, the team conducted a document review of policies, procedures, and training curriculum related to bias. As part of the document review, team members examined how community complaints regarding potential bias are addressed. Team members evaluated the SFPD's practices and organizational approach to addressing bias and conducted analyses of the SFPD's arrests, traffic stops, uses of force, and pedestrian encounters to identify trends or patterns of bias.

In addition to the document review, the assessment team conducted a variety of interviews with staff from the Office of Citizen Complaints (OCC), the Police Commission, partner governmental agencies, and elected officials. Team members also conducted interviews and focus group sessions with SFPD personnel at all levels including recruits, line officers, supervisors, and command staff. The team also met with a variety of and community organizations and community members throughout San Francisco.

Third, members of the assessment team participated in ride-alongs and foot patrols to observe officers during their routine interactions with community members.

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50. City and County of San Francisco, "The San Francisco Police Department Vision Statement."
51. President's Task Force on 21st Century Policing, *Final Report*.
52. PERF, *Legitimacy and Procedural Justice*.

Fourth, the assessment team conducted a rigorous scientific analysis of quantitative data predicated upon known factors that reflect potential bias in policing decisions to determine if they indicate disparate practices in the SFPD. Team members requested numerous data sets, including data on stops, arrests, officer characteristics, reported crime, traffic collision, and deployment and U.S. Census results.

Anti-bias policies and practices

The SFPD addresses intolerance for bias in its value statement and a written policy regarding anti-bias requirements for officers. The guiding policy on bias is Department General Order (DGO) 5.17 – Policy Prohibiting Biased Policing, revised May 2011. The SFPD defines biased policing as the use, to any extent or degree, of actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in determining whether to initiate any law enforcement action in the absence of a specific suspect description.[53] DGO 5.17 states that the SFPD maintains a commitment to treat all people with dignity, fairness, and respect as a guiding principle. It also recognizes that to maintain community trust, members of the department must carry out their duties in a manner free from bias and strive to eliminate any perception of policing that appears biased.[54]

Public complaints about biased policing are addressed pursuant to DGO 2.04 – Citizen Complaints Against Officers, issued July 1994, which outlines the procedures the SFPD is to follow when receiving, investigating, and processing community complaints against officers. If a complaint is received at an SFPD location, the supervisor is to prepare a Citizen Complaint Form (SFPD/OCC 293), route the original complaint form to OCC, and forward a copy to the commanding officer.[55] OCC is tasked with conducting investigations into officers accused of bias-based policing by members of the public.

Improving practices and policies

The SFPD has demonstrated a willingness to advance practices aimed at reducing bias behavior. In particular, the SFPD has established policies and training around bias in policing with the goal of identifying, reducing, and holding accountable those who engage in biased policing. However, the SFPD's efforts in setting rules, while a promising start, remain in developmental stages and have had little measurable impact.

Most of the SFPD's efforts to eliminate bias in policing do not seem to take into sufficient consideration past recommendations for improvement or garner the necessary organizational vision. A 2007 reportrecommended stronger community engagement and ongoing department-wide training.[56] It also identified strategies for leadership to help overcome bias and bring transparency, including the following:

- Examine patterns in arrest and other enforcement action for potential disparities.
- Provide informal training through frank discussions at the command level regarding racially biased policing.

53. San Francisco Police Department, *Department General Order 5.17 – Policy Prohibiting Biased Policing*.
54. San Francisco Police Department, *Department General Order 5.17 – Policy Prohibiting Biased Policing*.
55. San Francisco Police Department, *Department General Order 2.04 – Citizen Complaints Against Officers*.
56. Fridell, *Fair and Impartial Policing*.

- Conduct ongoing review of how police are deployed and the outcome of such deployments to ensure that police personnel are working where they are needed coupled with strong community policing practices to safeguard against being seen as an occupying force.
- Hold officers to account for explicitly biased actions and build a cultural intolerance of bias.
- Engage communities to help co-produce public safety, help reduce community mistrust, and expand officers' perceptions of all the communities in San Francisco.[57]

The recommendations arising out of this report have not been significantly advanced. These recommendations, drafted in 2007, remain valid and are supported by the findings of the present assessment. As part of the Collaborative Reform Initiative for Technical Assistance (CRI-TA) implementation phase, the team will monitor the work underway to address and reduce the potential for biased policing as well as those efforts associated with the recommendations contained herein.

Training

Eliminating bias in policing decisions requires policy support through appropriate training and development of officers. Training is the primary mechanism to ensure officers are aware of the potential for implicit bias and its impact on their policing decisions and the communities they serve. An effective training program should be multidimensional and include recruit training, Continuing Professional Training, and remedial training. Education and training to address police bias and racially discriminatory tactics are key tools in ensuring a procedurally just policing approach that goes beyond accountability. Education and training should be part of a routine and ongoing organizational focus such as that provided through roll-call training and informally through day-to-day supervision.

The SFPD provides 136 hours of training to recruits related to bias in policing through a range of training modules, including the following:

- Racial profiling, hate crimes, and cultural competency
- Equal Employment Opportunity and discrimination
- Community group interaction, including homeless and transgender community groups
- Youth interaction
- Procedural justice
- Body-worn camera policy and operation

Recruit training on bias has two tracks: One focuses on use of force theory and the second focuses on biased policing. The SFPD's training in both of these tracks exceeds that required by the California Commission on Peace Officer Standards and Training (POST).

For Continuing Professional Training, there is a range of mandated training modules for bias. POST requires that officers complete 24 or more hours during every two-year cycle, of which two hours must be focused on biased policing. As it relates specifically to racial profiling, once the mandatory recruit training module on Racial and Cultural Diversity Training: Racial Profiling is completed, officers must refresh their training

57. Fridell, *Fair and Impartial Policing*.

every five years, pursuant to legislative mandate.[58] Currently pending legislation would require POST to develop guidelines and training for officers to conduct training within their own agencies to address procedural justice and implicit bias beginning in June 2017.[59]

The SFPD has also collaborated with City and County of San Francisco Human Resources (City HR) to develop and implement anti-bias training for all members as part of training delivered through the City and County of San Francisco's anti-bias program.

Addressing bias through institutionalized training

The SFPD's willingness to address bias in policing through training has been positive, and in general the organization has demonstrated a willingness to explore the issue. However, its operational approach and execution of the training has been disjointed. The SFPD has not significantly institutionalized training on bias or ensured that it is a part of an overall strategy aimed at reducing bias.

Recognizing that the issue of bias was a key factor in the state of police-community relations in San Francisco, the assessment team identified early on the importance of department-wide training on bias in policing. Beginning in March 2016, the Office of Community Oriented Policing Services (COPS Office) worked with the SFPD to provide technical assistance for the training of trainers in Fair and Impartial Policing. The training program is a comprehensive initiative aimed at helping officers identify and understand the role of bias in their decision making, as well as its impact on communities. The COPS Office assumed all costs associated with providing the nationally recognized training program.

Numerous conversations and planning occurred between the team, SFPD command, and other SFPD members in which priorities and goals were established for the training session. Despite stated support for the program and the hard work of personnel assigned to coordinate the training session, the execution of the program fell short. The team encountered bureaucracy issues related to ownership of the training and scheduling that impeded selection of the site and personnel who would attend. Although the class was scheduled months in advance, the SFPD was still calling officers to attend the training the weekend before the event.

The team observed the training and noted the class was engaged and participatory. However, during the first day of the training, it became apparent that a significant number of attendees did not realize they were there to learn how to be trainers; rather, they thought they were being trained on the subject. At the conclusion of the training, comments on some of the evaluation forms, which praised the training program and suggested it be provided to others in the SFPD, revealed a lack of understanding of their reason for attending the training. Furthermore, at least three of the class members anticipated retirement within the next 12 months. As such, their value to providing ongoing training in the SFPD is limited at best.

58. Commission on POST, "Basic Course Training Requirements."
59. California Legislature, *AB-2626 Commission On Peace Officer Standards and Training*. At the time this report, this bill is in committee and held under submission.

Independent of the COPS Office–sponsored training-of-trainers session, the SFPD has explored other training avenues. For example, two officers attended a training-of-trainers session in the Fair and Impartial Policing program before the training was offered to the SFPD in July 2016. The goal of attending Oakland's training-of-trainers session was for these individuals to assist in developing training for SFPD members. However, this assistance did not progress in any identifiable manner.

Another example of an organizational disconnect as it relates to bias training occurred early in the assessment phase when the SFPD announced publicly that bias training was going to be provided for all SFPD personnel before the year's end. When assessment team members questioned what this training was and where it would be delivered, personnel within the Professional Standards and Principled Policing Bureau as well as the Training Academy did not have sufficient information or knowledge to respond. It remains unclear what training this announcement referenced.

During this assessment, the COPS Office sponsored the Command and Community Training for Fair and Impartial Policing. Eleven SFPD command and 12 community members attended. The assessment team observed that participants were engaged, and robust discussion occurred regarding bias and its impact on perceptions by both SFPD command and community partners. Team members noted that during breaks good dialogue and interaction ensued among police and community members, something that does not always occur at police trainings. It is the team's belief that reinstituting the Chief's Advisory Forum, as recommended in chapter 4, would be a good mechanism for developing SFPD's bias-free policing strategy, based in part upon this training.

The SFPD is working with City HR as it creates its bias training for the whole of city government. This program was not fully developed as of the submission of this assessment report. It was encouraging to note that the person from City HR responsible for the training development attended the training-of-trainers session provided by the COPS Office and has been in discussions with the Training Academy on how to incorporate the SFPD into the citywide training approach.

Although the SFPD has provided or developed a variety of programs, there has not been a consistent, measured approach to the goals and objectives of training. The assessment team is concerned that bias training is not part of an overall strategic plan and has not fully taken root in the SFPD. A review of SFPD training records indicates that other than recruit training, just over half of the department's officers and sergeants have received the training entitled Bias Based Policing: Remaining Fair and Impartial during the time period June 2015 to June 2016. The future development of an organization-wide curriculum and training delivery plan will be observed as part of the CRI-TA implementation phase.

As outlined in greater detail in chapter 4, there are emerging pockets of good practice in addressing bias within the SFPD. However, the team found that the department has been slow to fully enact training and clear protocols to mitigate bias in police practices.

The SFPD has been stalled in progressing toward a comprehensive strategy to address bias. For example, the Not On My Watch program was introduced to help create an internal and external message that bias is not tolerated in the SFPD.[60] Consistent with other bias initiatives undertaken by the SFPD, the program is not robust or fully embraced, and SFPD leadership has not driven participation in or visibility around the program. The team was told many officers have not pledged, and assessment team members observed little evidence of the program's vitality during interviews and ride-alongs.

Responding to community complaints and concerns over police bias

Biased policing is misconduct and can significantly impact police-community relations. Therefore, a robust accountability system is central to ensuring procedural justice and earning community trust. Behaviors that reflect explicit bias or those that do not adjust despite training and correction should be met with discipline. This report addresses officer misconduct investigations in more detail in chapter 5, but for purposes of clarity, the key components of the discipline process are briefly outlined here.

As identified earlier in this chapter, both the SFPD and OCC have authority and jurisdiction to investigate complaints of bias. As a result, sometimes there are areas of overlapping jurisdiction, but the organizations do not share protocols or policies. The negative impact of the lack of protocols was revealed during a criminal investigation into a police officer during the texting scandal. Internal Affairs Division (IAD) retained the investigation because its nexus was a criminal investigation. However, OCC told assessment team members that it was never informed of the bias investigation until it became a matter of public record in the media. The team is concerned that there are no de-confliction practices in place between OCC and IAD for these types of situations. Because there are no shared protocols and minimal communication between OCC and the SFPD, either agency could retain authority for the noncriminal aspect of the investigation. The need for protocols between the SFPD and OCC is also covered in chapter 5.

SFPD DGO 5.17 – Policy Prohibiting Biased Policing explicitly prohibits biased policing. However, the team did not find any meaningful accountability arising out of the policy. During the period from January 1, 2013, to December 31, 2015, there has not been a sustained complaint of bias against any SFPD officer. OCC reported anecdotally that complaints of biased encounters initiated against police officers almost always involve minorities. The assessment team recognizes the challenge of such cases because they are often perception-based and difficult to establish under an evidence-based approach. However, law enforcement agencies have the ability to identify bias and discipline officers for misconduct related to biased behavior. The SFPD's lack of accountability measures to identify evidence of bias—or their inability to issue discipline to officers for biased behaviors—reinforces the perception that police officers are not held accountable and undermines police-community relations.

60. City and County of San Francisco, "SFPD Confronts Prejudice."

The role of leadership

Counteracting bias and biased policing relies heavily on the presence and predictability of accountability. The powers authorized to police officers require that law enforcement organizations hold officers to account for acting legally and in accordance with procedural justice.[61] The community must be able to trust that those with the powers of arrest and the ability to use force will do so impartially and within the law.

To date, the SFPD has had a mixed record regarding its institutional approach to rooting out and reducing biased behavior within the department. For example, the department's response—on two separate occasions—to racist, sexist, homophobic, and transphobic texts among a large group of officers was merely to investigate the incident and discipline the officers who were directly involved. Given the nature of the officers' open and flagrant behavior, the SFPD should have considered that this may be an institutionalized problem and taken steps to address the behavior from an organizational perspective. It is not enough to investigate complaints of bias in a vacuum without clearly denouncing the behavior and openly recognizing its impact on the larger group of officers who do not hold such views and its effect on the San Francisco community.

However, discipline is but one component of ensuring organizational integrity, particularly as it relates to matters of bias in policing. Ensuring a bias-free organization is ultimately a function of leadership. It is up to the chief to establish, develop, and direct the SFPD in developing cultural competency and procedurally just policing practices. The team did not observe conscious organizational focus on avoiding bias during its ride-alongs and interviews. In particular, the department has not developed any routine roll-call training to address biased behavior, performance reviews are not completed, and there are no easily accessible data relative to performance or complaints.

Along with the chief's leadership, effective organizational accountability requires a framework that establishes responsibilities and consequences. Supervisors play a critical role in addressing the impact of bias in a policing organization because they are responsible for observing officers' behaviors and for mentoring and correcting inappropriate actions. In effective organizational accountability systems, supervisors invoke discipline and corrective action ranging from coaching and employee improvement plans through termination of employment and criminal charges, as appropriate, to abate biased conduct. Preemptive and corrective action through Continuing Professional Training, roll-call training, supervisory oversight, audits of department messaging platforms, and command engagement around the issue of bias are ways to advance a cultural imperative beyond the discipline of individuals.

61. Kelling, Wasserman, and Williams, *Police Accountability and Community Policing*.

Steps to mitigate bias

Auditing communications for bias

The SFPD does not employ a routine, ongoing institutional audit or review of practices regarding biased policing practices. The team was unable to find any evidence of reviews of department-issued computers or electronic devices to identify or limit biased language, and the department confirmed that there has been no ongoing audit of communication systems.

The texting scandals involving SFPD officers revealed that at least some officers are comfortable having explicitly biased conversations through electronic means. Officers would not have used such hateful and intolerant language if it were culturally unacceptable.

Given that no internal audits followed the texting scandals, the team recommended early in the assessment phase that the SFPD conduct an audit of its electronic systems to ensure bias-free communications. SFPD leadership stated it was going to engage in an audit of department-owned communications systems to begin assessing for bias.

However, the SFPD has not significantly advanced this process. In interviews, SFPD members who were tasked with advancing the audit did not display appropriate understanding of the importance of such an audit. Members were more focused on explaining why such an audit was not a good idea. In fact, some members tasked with building the infrastructure for the audit indicated that the audit was not technically feasible, despite publicly available technology and promising practices that have been developed to conduct such an audit. This type of disconnect between policy and action is unacceptable. The SFPD must be willing to become more transparent and accountable to the public it serves. Ensuring that communications equipment used by officers, which is paid for with public funds, is not used to transmit biased statements is a step toward developing the public's trust and reassuring them that the SFPD is an organization committed to transparency, accountability, and procedurally just policing practices.

Beyond communications, the team identified a level of ambivalence on behalf of the SFPD in developing a robust data-led approach to mitigate and root out bias. Ongoing review of diversity data, traffic stop data patterns, public complaints, and enforcement actions with a lens for biased or disparate treatment is the hallmark of good management. The team was informed that data collection practices for complaints limit the department's ability to collect and analyze data. The department has not conducted a routine analysis of complaint data to identify trends in complaints and other policing activity that would assist in identifying interactions or behaviors that could be construed as biased.

Improved data collection, technological advances like body-worn cameras, and data audits can position the SFPD and the community to take action when SFPD officers fall short of the standards and goals set for them. The absence of technology and robust data collection practices including in-car cameras, global positioning satellite (GPS) tracking modalities, and body-worn cameras contributes to the lack of evidence needed to ensure proper behavior and to prove or disprove complaints of bias against members of the SFPD.

On June 1, 2016, the Police Commission approved DGO 10.11 – Body-Worn Cameras. The SFPD is currently pilot testing body-worn camera technology and is poised to implement it citywide. The Administration Bureau is in charge of the rollout. DGO 10.11 contains guidelines for when an officer should turn on the equipment, including pedestrian and vehicle stops, which often give rise to complaints of bias. The policy demonstrates good practice in requiring the Risk Management Office to conduct periodic audits for members' compliance with the policy. However, the policy is missing a clear statement of accountability for failure to record.[62] The assessment team will evaluate the progress of the body-worn camera program and how the SFPD audits the adherence to the DGO as part of the CRI-TA implementation phase.

Addressing institutional practices

Actions undertaken by the SFPD to date to address bias in institutional practice have been tepid when they need to be a cultural imperative. True focus on community impact arising out of the actions of the department and its members needs to become part of the rubric of the department's daily decision-making process.

External procedural justice encompasses fair and impartial policing, which requires an understanding and acknowledging of human biases both explicit and implicit.[63] To advance police-community relations, the SFPD must acknowledge bias and its implication for and impact on certain communities. In particular, the SFPD must examine external procedural justice: the ways officers and other legal authorities interact with the public and how the characteristics of those interactions shape the public's trust of the police.[64]

In areas where biased policing is at issue, adherence to existing policies is necessary to ensure the SFPD acts with procedural justice. SFPD policy does not allow non-uniformed officers to conduct vehicle stops unless "witnessing an aggravated situation requiring immediate action to protect life or property."[65] Nonetheless, the assessment team was consistently informed by community members, members of OCC, and SFPD officers that non-uniformed officers conduct traffic stops. Community members felt these officers engaged in biased policing in that many of these stops involved individuals who are African American or Hispanic. Interviews with SFPD members revealed that non-uniformed officers do engage in stops outside the constraints of policy. It is a sign of a lack of institutional accountability when practices violate policy and are not addressed with corrective action or when policies that do not align with organizational needs are not modified.

The team conducted a review of incidents in which non-uniformed officers made traffic stops and the reasons for these violations of policy. Adherence to policy does not appear to be an organizational priority because uniform status is not a field on the form used to document vehicle stops. Particularly where the community believes the actions are rooted in bias, institutional practices that do not reinforce policy or fail to document policy nonconformity contribute to mistrust between the community and police.

62. San Francisco Police Department, *Department General Order 10.11 – Body Worn Cameras*.
63. President's Task Force on 21st Century Policing, *Final Report*.
64. President's Task Force on 21st Century Policing, *Final Report*.
65. San Francisco Police Department, *Department General Order 5.08 – Non-Uniformed Officers*.

Repeatedly, assessment team members observed a lack of awareness among SFPD officers of the impact that bias and the perception that it exists have upon the communities of San Francisco. For example, during the assessment, the San Francisco Police Officer's Association (POA) printed a picture in its journal that parodied the protests surrounding the issue of race and police shootings.[66] This publication contributed to significant community discussion on how the SFPD does not understand the issues facing members of the community. SFPD leadership was silent on the issue despite the uproar. The challenge for the SFPD is that unlike most other law enforcement agencies, in San Francisco all of the officers through the rank of captain are represented by a single collective bargaining agent, the POA. Therefore, regardless of the reality, in the view of the community, the actions by the POA are understood to represent the beliefs of the organization.

The role of the POA is to advocate for its membership, and the role of SFPD leadership is to ensure the department engages in procedurally just policing practices. Where the actions of the POA do not comport with the beliefs of SFPD leadership, they should be vocal in their reasons for not supporting the POA actions, particularly in the area of community relations and perceptions of bias.

Numerous comments were made to assessment team members by member from all ranks within the SFPD that protesters were not from San Francisco, intimating that the San Francisco community understands its officers are well-intentioned. Such comments disregard the real frustration of the communities of San Francisco as observed and heard by team members during the assessment phase. Given this disconnect, SFPD leadership must actively engage with the community to address this police-community divide, particularly as it relates to perceptions of bias.

The impact of biased policing in San Francisco

The City and County of San Francisco has an international reputation for its commitment to progressive human values: compassion, fairness, diversity, human rights, civil activism, and justice.[67] However, there also exists a long-held and deep-seated belief in segments of San Francisco's communities, especially poor communities of color and people experiencing homelessness, that there is bias in the way the SFPD engages with disenfranchised communities.

Incidents of explicit bias have impacted the community's trust and confidence in the SFPD. The assessment team heard from community members about their belief and experience that the SFPD's treatment of individuals is biased and that communities are disconnected from policing practices and decisions. In addition, team members heard the community's concern over what it perceived as biased policing practices in its neighborhoods.

At community meetings and in interviews with community members, the assessment team was told that the SFPD officers regularly profile young people and stop them without adequate cause. Several teens gave specific examples of biased behavior. Community members reported that SFPD personnel made disparaging comments directed at the homeless population as well as about people with mental illness

66. POA Journal, "Journal End Point."
67. City and County of San Francisco, "The San Francisco Police Department Vision Statement."

and sometimes unnecessarily seized belongings such as tents, clothing, and vehicles. A number of community members expressed a belief that SFPD officers exercise disproportionate arrest authority over people with mental illness, people who use drugs, and people experiencing homelessness.

Although there was substantial commentary on the SFPD's use of force and other authority during these sessions, it was apparent to the assessment team that many members of the San Francisco community had another clear message: Treat people of color with respect and dignity.

As with the national discourse on the issue, biased policing has long been a concern in San Francisco. More than a decade ago, in 2005, the SFPD discovered a series of videos posted online by department officers that depicted racist, sexist, homophobic, and transphobic views.[68] The discovery of these "Bayview videos" ultimately resulted in the suspension of 20 officers.[69] Shortly thereafter, in a 2006 investigative report by a local media outlet, it was reported that the proportion of arrests of African-American individuals compared to individuals of other racial groups was higher in San Francisco than in other cities, including Oakland, Los Angeles, and Sacramento, which had larger populations of African Americans.[70]

This disparity was validated shortly thereafter, in 2006, when the mayor, police chief, and Police Commission contracted for a scientific review of bias in the SFPD. The outcome of that review, published in 2007, found that "San Francisco is relatively high in the rate at which the police department arrests African Americans."[71] In the intervening years, community members have continued to voice concerns on the issue of bias, especially regarding what they perceive to be the SFPD's targeted policing of specific populations, seemingly without significant resolution.[72]

The assessment team believes that the behaviors that reflect implicit bias can be identified, changed, and eliminated through training, awareness, accountability, leadership, and cultural transformation in the SFPD. The department must not tolerate bias. Officers who continue to act with bias and officers who manifest explicit bias must be disciplined or terminated. Discipline must be swift, appropriate, and consistent if it is to be of value in addressing biased behavior, particularly that of explicit bias.

Overall, the assessment team felt that a number of officers throughout the SFPD demonstrated an understanding of diversity and bias. Those officers were able to speak to team members with nuance about ethnic and racial diversity and displayed a level of comfort with the LGBTQ community that is sometimes absent among law enforcement officers.

Many SFPD members were able to apply these understandings in their policing practices. On multiple occasions, the assessment team observed officers engaging groups of homeless persons who were sitting or lying on the sidewalk obstructing the right of way, technically a legal violation, in a compassionate and procedurally just manner. Specifically, the officers exited their vehicles, approached the subjects on foot, and informed them in a professional manner that they could not obstruct the sidewalk. The officers waited

68. Van Derbeken, Gordon, and Byrne, "Video Scandal Rocks S.F. Police."
69. Van Derbeken, Gordon, and Byrne, "Video Scandal Rocks S.F. Police."
70. Sward, "High Black Arrest Rate."
71. Fridell, *Fair and Impartial Policing*.
72. City and County of San Francisco Human Rights Commission, *Community Concerns of Surveillance*.

patiently while the subjects moved, engaged them in conversation, and asked several individuals if they needed assistance. These officers demonstrated procedural justice in that they exercised discretion while also offering assistance.

However, the assessment team also observed the use of biased language, which is particularly salient to the SFPD's relationship with the community. Often, the SFPD is the primary responder to calls for service involving individuals who use drugs, are experiencing homelessness, or have mental health disabilities. While most SFPD officers did not identify particular behavioral patterns among racial groups that may generate bias, many held beliefs about individuals based upon socioeconomic status or whether they were under the influence of drugs, were experiencing homelessness, or had mental health disabilities. During interviews and focus groups with the team, SFPD officers demonstrated implicit bias through their word choice and language use.

Disparities in stop, arrest, and search data between ethnic or racial groups in the city and county of San Francisco persist. The assessment team's analyses of the SFPD's traffic stop data reveal disparities related to the SFPD's issuance of warnings, citations, arrests, and searches based upon racial and ethnic categories. The SFPD's data demonstrate that African-American drivers are more likely to be warned, arrested, and searched than White drivers, and Hispanic drivers are more likely to arrested and searched than White drivers, as reflected in table 3.5 on page 74.

While data alone do not prove bias, issues of explicit and implicit bias continue to challenge the SFPD. A small percentage of SFPD officers demonstrate clear indications of explicit bias, as evidenced in the two separate text messaging scandals from 2012 and 2015 where multiple SFPD officers used racist and homophobic language as a matter of routine discussion. For some community members, the texting scandals revived concerns over the 2005 Bayview video scandal. These texting scandals confirm that explicit bias exists, at least among some members of the SFPD.

During ride-along observations and in interviews, the assessment team witnessed some SFPD personnel demonstrate implicit or institutionalized bias in their actions regarding the decision to question African-American youth and their method of questioning as well as through statements and word choice during interviews.

Local government also seeks answers as to whether there is bias in policing. After the shooting incident involving Mario Woods, an African-American man, Mayor Edwin M. Lee acknowledged:

> "In the past few weeks, our city has grappled with a crisis all too common in so many other American cities—the dissolution of trust between communities of color and law enforcement—following the death of a young African-American man shot and killed by police officers. We want to throw our doors open, inviting transparency and accountability. We seek answers, not just to the facts

> of Mr. Wood's case, but also answers about how as a police department and a city we can build deeper, stronger trust between law enforcement and the communities they're sworn to protect."[73]

The Blue Ribbon Panel on Transparency, Accountability and Fairness in Law Enforcement, which San Francisco's district attorney convened in early 2015, determined that the SFPD needs to pay greater attention to issues of bias against people of color as a matter of public engagement and internally with its own officers.[74]

Furthermore, San Francisco community members continue to protest and register formal complaints against police bias. The number of community complaints and investigations into SFPD personnel for bias demonstrates a perception that SFPD members engage in biased behavior. As reported in the OCC Annual Reports for 2013, 2014, and 2015 and demonstrated in table 3.1, OCC received 219 bias-related allegations in that three-year period, and none of them were sustained.[75] While bias is often an issue of perception, data collection matters as well. In this case, OCC has several intake categories that could lend themselves to bias, including complaints about racially and sexually derogatory comments or behavior. Intake protocols should ensure that complainants are properly interviewed about bias, as many of the aforementioned categories could conceivably involve bias, as could other behaviors not predicated upon racial or sexual comments.

Table 3.1. OCC complaints alleging biased policing

	2013	2014	2015
Racial bias	52	74	74
Gender bias	4	2	3
Racial and gender bias	5	3	2
Total	61	79	79

Source: OCC, *The Office of Citizen Complaints 2013 Annual Report*; OCC, *The Office of Citizen Complaints 2014 Annual Report*; OCC, *The Office of Citizen Complaints 2015 Annual Report*.

Most concerning is that the community believes there is bias in the fact that persons of color have been overrepresented in fatal officer-involved shooting incidents. For the period of January 2014 through July 2016, SFPD officers were involved in 11 fatal officer-involved shooting incidents, the majority of which involved minorities, some of whom were homeless or had mental health issues.

Finally, despite the ongoing public interest in biased policing in the SFPD, there has been little response by the department. As discussed further in this chapter, while there has been a commitment to engage in training there has been minimal internal action to root out and address bias and its perception.

Taken as a whole, these factors led the assessment team to conclude there is bias in the SFPD that is demonstrated in the activities of its officers and, at times, the organization. Implicit biases are human

73. Barba, Sabatini, and Lamb, "Mayor Ed Lee Requests Federal Investigation;" Lee, Letter to U.S. Attorney General.
74. Cordell, Reynoso, and Tevrizian, *Report of the Blue Ribbon Panel*.
75. OCC, *The Office of Citizen Complaints 2013 Annual Report*; OCC, *The Office of Citizen Complaints 2014 Annual Report*; OCC, *The Office of Citizen Complaints 2015 Annual Report*.

behaviors that have been learned and subconsciously assimilated. However, there is no evidence that explicit bias is widespread. On the contrary, the team observed a law enforcement agency that for the most part showed genuine compassion, caring, and professionalism toward the people of San Francisco.

SFPD stop data

Across the United States, law enforcement agencies are collecting more data and generating greater awareness in their policing practices around procedural justice. The SFPD is no different from any other agency in this regard and has undertaken collection of traffic stop data since 2001. The SFPD is distinct in comparison to other law enforcement agencies in terms of how it maintains accountability controls over data collection and how it analyzes data to inform policing practices and training.

Pursuant to California Penal Code 849(c), an arrest is to be deemed a detention, and a record of release is required if an officer releases a person from an arrest made without an arrest warrant.[76] To meet this requirement, SFPD issues a Certificate of Release 849(b) form. According to the SFPD Field Training Manual, an 849(b) form is issued when a person is moved a substantial distance, detained a significant amount of time, or physically restrained or taken to a police facility and then subsequently released without further law enforcement action.[77] In addition, the manual states that if an officer has doubts about whether to issue this form, the officer shall always issue one.[78] An 849(b) form is not to be issued when an individual is briefly detained or moved a short distance for safety, convenience, or privacy.[79] As such, this form is not used for routine pedestrian encounters.

In addition, the SFPD's data collection practices are governed by additional local and state regulations. In September 2015, the San Francisco Board of Supervisors passed Ordinance #166-15, which established Administrative Code 96A requiring data collection for all "encounters" and regular analysis and reporting of data.[80] An encounter is defined as a detention or traffic stop in which an officer initiates activity based solely upon the officer's observations and does not include dispatch assignments or requests from members of the public. If officers conduct a vehicle stop and have reasonable suspicion to detain, then they are required to collect data including the race or ethnicity, age, and sex of the driver and all passengers.

Officers must also document the reason for the encounter; the individual's behavior that led to it; whether a search occurred; and the stop type, the disposition of the encounter, and the star and unit numbers of any officers involved. The SFPD provided its first quarterly report as required under Administrative Code

76. San Francisco Police Department, *Peace Officer Field Training Manual*.
77. San Francisco Police Department, *Peace Officer Field Training Manual*.
78. San Francisco Police Department, *Peace Officer Field Training Manual*.
79. San Francisco Police Department, *Peace Officer Field Training Manual.*
80. City and County of San Francisco Board of Supervisors, *Ordinance No. 166-15*.

96A on July 26, 2016.[81] In October 2015, the California State Legislature passed the Racial and Identity Profiling Act of 2015, which requires law enforcement agencies in California to begin collecting and reporting annually certain specified information on all stops of individuals made by their officers.

SFPD data collection practices around bias issues

Nationally, policies and data collection practices that measure police encounters with members of the public are directly related to concerns over biased policing. These data in themselves are neither proof of bias nor justification of proper practice. However, data can help illuminate trends in activities or officer behavior that serve as indicators of potential bias that should be reviewed, monitored, and corrected. The SFPD requires data collection on traffic stops pursuant to Department Bulletin 14-059, issued March 3, 2014. The SFPD uses the E-585 traffic stop incident report to record all vehicle stops, including those that result in citations made by SFPD officers, for the following categories:

- Moving violations, including those involving bicycles and pedestrians
- Municipal Police Code (MPC) violations
- Penal Code violations
- Mechanical or nonmoving violations
- Driving Under the Influence (DUI) investigations
- Traffic collisions
- Assistance to motorists
- Criminal alerts and wanted persons (including Be On the Lookout/All Points Bulletins/warrants)

When officers make a stop for one of these circumstances, they are required to complete the E-585 traffic stop incident report. Required data fields on E-585 traffic stop incident reports are listed in table 3.2 on page 66.

Bicycle stops are eligible for recording on E-585 traffic stop incident reports, but SFPD officers documented so few bicycle stops they were essentially a nonrepresented sample.[82] Interviews with SFPD officers confirmed that encounters with cyclists are not normally recorded on E-585 traffic stop incident reports. Officers may also use a Field Interview (FI) card, as approved in Department Bulletin 15-150 – Field Interview Cards. Pursuant to policy:

> "Any time an officer conducts a consensual encounter or detains a suspect, and an incident report is not required, an FI card should be filled out for each subject. This is particularly important when officers encounter multiple subjects together, i.e., several gang members in a car during a traffic stop."[83]

81. San Francisco Police Department Crime Analysis Unit, *Administrative Code 96A.3 2016 Quarter 1 Use of Force Report*.
82. See appendix E on page 292.
83. San Francisco Police Department, *Field Interview Cards*.

Pedestrian stops

The SFPD does not routinely collect pedestrian stop data. FI cards capture certain information about a person who is stopped in a pedestrian stop, but the use of this card is deemed to be discretionary by officers rather than required, and therefore the FI card is not used systematically. The Gang Task Force appears to make the most frequent use of the FI card to document stops of suspected gang members. The assessment team learned that the Gang Task Force's investigations are generally centered on gangs according to racial backgrounds because that is how most gangs in San Francisco are aligned. The team was advised that access to the database that holds FI information is not available for general policing purposes or routinely populated, which also discourages its use. The FI card does not appear to be a source of good data given its limited and sporadic use.

Table 3.2 provides a comparison of data the SFPD currently collects and data the Racial and Identity Profiling Act of 2015 requires for annual reporting. As noted earlier, Administrative Code 96A will expand the local City and County of San Francisco collection practices for encounters—including traffic stops—that are not dispatched or requested by a member of the public.

Table 3.2. Current and future data collected by the SFPD

SFPD required data for FI cards	SFPD required data for E-585 traffic stop incident reports	SFPD required data for 849(b) Certificate of Release Form	Racial and Identity Profiling Act of 2015 requirements
• Name • AKA-Moniker • Race • Country of origin • Sex • Birthdate • Height • Weight • Hair • Eyes • Hair style • Driver's license or identification number • Social security number • SFNO • Complexion • Clothing • Beard, mustache, glasses, tattoos, peculiarities • Home address • Home phone • Work address or school/grade • Gang • Location of interview • All vehicle information • Vehicle peculiarities • Additional information or associates • Investigative category • Circumstance of FI stop • Officer and star number • Return card to • FI number	• Date and time of stop • District of stop • Location of stop (address or intersection) • Officer Star number • Race of driver • Sex of driver • Age of driver • Reason for stop • Whether a search was conducted • Type of search conducted (consent, without consent, incident to arrest, inventory, probation or parole condition) • Result of search (negative or positive result) • Result of stop (custody arrest, citation, warning, incident report, no further action) •	• Date and time of stop • Releasing Agency • Name of driver • Officer name, title, unit and star number	• Date, time, and location of stop • Reason for stop • Result of the stop, (no action taken, warning, citation, property seizure, arrest) • Nature of the warning or citation violation provided • Offense charged if an arrest was made • Perceived race, ethnicity, gender, and age of the person stopped • Whether a consent search was requested and whether consent was granted • Whether a search was conducted, basis for the search, and type of contraband or evidence recovered • Whether property was seized and the basis for seizure

As table 3.2 reflects, the SFPD meets most of the requirements for data collection for stops of persons required by the Racial and Identity Profiling Act of 2015. However, the SFPD can improve upon its data collection protocol by adding more detail to the E-585 traffic stop incident report to meet state requirements. For example, if the result of the stop was an arrest, the E-585 traffic stop incident report should include data on the arresting offense charge. Instead of simply listing whether a citation or warning was issued, the SFPD should document its nature. Similarly, the SFPD reports on the results of a search (negative or positive result), but going forward the department should detail the basis for the search, if any property was seized, and the basis for that seizure. In addition, the SFPD should require demographic

information on Certificate of Release 849(b) forms, analyze the data from 849(b) forms and FI cards, and issue a certificate of detention to anyone detained and released in accordance with California Penal Code 849(c).[84]

It is clear that the SFPD has the capacity to capture good data with the E-585 traffic stop incident reports. However, its policy and practices on collecting data during stops and for stops other than vehicle stops could be improved. In particular, the assessment team has concern over the policy and practice supporting the use of the FI card. The policy does not identify for what purposes a FI card should be completed.[85] This lack of specificity can result in inconsistent practices and recording. Furthermore, the policy does not address the duration of retention of such data or who can access the information and for what purposes. These are significant gaps in an information-collection system, especially one that is not predicated upon articulable criminal activity.

What data should be collected?

Determining what data police agencies should collect is often based on balancing two competing interests: collecting enough information for meaningful analyses while not overburdening officers or inadvertently encouraging officer disengagement.[86] Initially, the most important consideration for data collection is to determine in which situations data should be gathered. Law enforcement personnel interact with the public in a variety of situations. Therefore, specifying the instances in which data are to be recorded is central to ensuring accurate and complete data collection.

The first decision is whether to collect data on traffic stops, pedestrian stops, or both. The purpose of collecting information on stops is that these actions are often officer-initiated (i.e., not the result of a member of the public's request for service). The potential for bias is greatest where discretion is greatest, and high discretion stops can also result in the perception by community members or other stakeholders that the stop was motivated by an individual's race, ethnicity, or other characteristic. Given the concern of possible officer bias, many agencies specify that data collection efforts be restricted to officer-initiated stops. As a result, for example, encounters with individuals during traffic accidents would not be recorded. It is also important to note that data must be collected on all stops of interest, regardless of the disposition; in other words, regardless of the resulting law enforcement action taken by officers. Finally, agencies must decide if information will be collected on vehicles' passengers or pedestrians' associates.

Given community concerns of possible racial or ethnic bias by SFPD officers, the assessment team recommends that the SFPD continue to collect data on all traffic stops and that it begin collecting data on all pedestrian stops, even though state legislation does not require annual reporting of such data until April 2019. For data clarity and analysis purposes, the team also recommends that stops of persons riding

84. Cal. Pen. Code § 849(c), http://codes.findlaw.com/ca/penal-code/pen-sect-849.html.
85. San Francisco Police Department, *Field Interview Cards*.
86. Fridell et al. *Racially Biased Policing*; Ramirez, McDevitt, and Farrell, *A Resource Guide on Racial Profiling Data Collection Systems*.

nonmotorized conveyances (e.g., bicycles, skateboards, scooters) be captured as pedestrian stops. Appendix F beginning on page 343 contains the team's recommended items for data collection of the SFPD's traffic and pedestrian (including nonmotorized conveyance) stops.

Assessing the SFPD's stop data

The assessment team sought to assess the decision-making practices of SFPD officers over a three-year period, May 1, 2013, to May 1, 2016. In particular, two decision points were examined. First, the team assessed whether there were any racial or ethnic disparities in the composition of the initiation of a traffic stop by an officer. The second area of interest was the actions taken by an officer once a traffic stop had been initiated. These include the issuance of a warning or citation, an arrest of the individual, or a search of the individual or vehicle. The full context of the data used, the research theory, and the analysis used to inform this section are contained in appendix E beginning on page 292. In addition, appendix F beginning on page 343 provides specific recommendations to improve data collection in the SFPD.

These two decision points were examined using a variety of analytic methods, and data to inform these analyses were drawn from a range of sources including the E-585 traffic stop incident reports completed by the SFPD. The data on all SFPD officers who initiated traffic stops during the study period, such as officer characteristics, were provided by the SFPD. Finally, the 2010 American Community Survey, compiled by the U.S. Census Bureau, provided contextual information such as district characteristics.

Stop data

SFPD officers are required to complete an E-585 traffic stop incident report each time they make a self-initiated traffic stop. Officers capture demographic information on the driver involved in the stop including gender, race or ethnicity, and age. The reason for the stop and the resolution of the stop, including whether it resulted in a warning, citation, arrest, or search, is also captured. Finally, the SFPD district where the stop took place is recorded on the form. The data are entered on the officer's mobile computer in his or her vehicle or on a hand-held device in the case of motorcycle officers assigned to the Traffic Unit.

White drivers constituted a plurality (37.7 percent) of the stops, with male drivers accounting for nearly three-quarters (71.8 percent) of the stops. The average age of drivers stopped by the SFPD was 39 years. The majority of stops were initiated because of moving (68.3 percent) or non-moving (30.5 percent) violations. These stops most frequently resulted in a traffic citation (72.6 percent), with searches occurring in approximately 3.9 percent of all stops and arrests occurring in less than 1 percent of all stops (0.8 percent). Finally, Southern (18.4 percent) and Taraval Districts (12.6 percent) represented the most active locations. See the Patrol District Map in appendix B on page 263.

The team studied data describing the demographic characteristics of the officers involved in the traffic stops across the three-year period. On average, 50.4 percent of traffic stops were conducted by a White officer, 9.5 percent by an African-American officer, 17.4 percent by an Asian officer, and 15.3 percent by an officer of Hispanic ethnicity. Approximately 93 percent of all traffic stops were conducted by a male officer

with an average age of 39.7 years and 9.9 years of experience in law enforcement. A majority of the traffic stops (93.1 percent) were initiated by an officer assigned to patrol. Almost three-quarters of stops (72.9 percent) were conducted by an officer assigned as a "district officer" and 24.2 percent by a "traffic officer."

City characteristics

San Francisco's population of 824,834 residents is composed of 49.3 percent White, 5.8 percent African American, 33.7 percent Asian, and 11.2 percent residents from another racial group. Approximately 15 percent of the population self-identified as Hispanic. As with any other major city, these numbers swell during the day for working commuters and as a result of tourism.

These population characteristics vary across the 10 police districts. The largest district (Taraval) had 159,647 people, whereas the smallest district (Tenderloin) had 23,941 residents. With respect to racial composition, Park district had the highest percentage of White residents (71.2 percent). In comparison, Bayview had the highest percentage of African-American residents (20.1 percent). Taraval district had the highest percentage of Asian residents (48.8 percent), while Mission had the largest proportion of Hispanic residents (30.1 percent). Approximately 10 percent of the residents are between the ages of 15 and 29 (See table E.3 on page 296 in appendix E). Like that of many large cities, the population of San Francisco swells during the workday and during sporting events, festivals, and other special events. The traffic stop benchmarks discussed in the following sections do not depend upon and are not affected by such changes in the residential population of the city.

Collision data benchmark

The initial question to be addressed was whether African-American, Hispanic, and Asian drivers were more likely to be stopped compared to White drivers or drivers of other races.

The assessment team's first benchmarking method used traffic collision data for comparison to SFPD traffic stop data. The team used information about drivers in two-vehicle collisions to estimate the driving or at-risk (violating) populations in a given area. In order to benchmark the racial composition of at-fault and not-at-fault drivers involved in two-vehicle crashes against the racial composition of traffic stops made by the SFPD, team members obtained 36 months of San Francisco traffic collision data reported to the California Highway Patrol by either California Highway Patrol or the SFPD.[87] These data involved more than 10,000 two-vehicle crashes that occurred from January 1, 2013, through December 31, 2015. Traffic crash data were compared to police stop data both citywide and by police district. Not-at-fault drivers served as an estimate of the driving population in the city, while at-fault drivers served as an estimate for those who violate traffic laws. If SFPD officers disproportionately stop minority drivers, a higher percentage of minority stops would be expected compared to the percentage of minority drivers involved in traffic collisions.

87. Both law enforcement agencies have jurisdiction to investigate traffic collisions in the city of San Francisco, and both report their collision data to the California Highway Patrol.

Veil of darkness benchmark

The second benchmarking approach compares the racial composition of stops made under conditions where police reasonably could identify the race of the driver before the stop against the racial composition of stops where the police might be unable to determine the race of the driver before initiating the stop. In 2006, Grogger and Ridgeway pioneered this approach, which they labeled the "behind the veil of darkness" method for identifying racial disparities in police traffic stop practices.[88] The method makes use of natural changes in lighting as well as Daylight Saving Time, which occur over the course of a year.

Following Grogger and Ridgeway's "behind the veil of darkness" approach, the team examined stops that took place during the "intertwilight" hours (roughly from 5:00 p.m. to 9:30 p.m.) to determine whether a greater proportion of those stops made before sunset involved minority drivers than stops made following the end of civil twilight when full darkness sets in. If racial profiling is occurring, one would expect to see a higher percentage of minority stops during the day when an officer could more readily identify race or ethnicity before making a stop.

Distribution of stops by driver race

Table 3.3 provides the distribution of traffic stops conducted by the SFPD across the three-year observation period by driver race. In total, there were 331,829 traffic stops conducted during this time period. About 14.8 percent of the stops involved African-American drivers, whereas 37.7 percent involved White drivers. Nearly 18 percent of the stops were conducted on an Asian driver and 13 percent involved a Hispanic driver. Although it appears that a higher percentage of African-American residents (14.8 percent) were stopped compared to their representation in the city population (5.8 percent), it is critical to understand that this does not necessarily imply that racial profiling exists in SFPD stops.

A comparison of the racial composition of stops to the residential census population is naïve to variation in the racial distribution of African-American drivers on the road and officers in locations with higher crime rates, among other factors. The assessment team reports these figures merely to describe the racial distribution of traffic stops made by the SFPD and to set the stage for the benchmarking analyses that follow.

Table 3.3. Distribution of stops by driver race

Driver race	Number of stops (N)	Percent of stops (%)
African American (non-Hispanic)	49,133	14.8
White (non-Hispanic)	124,898	37.7
Hispanic*	43,079	13.0
Asian	59,018	17.8
Other	55,523	16.7
Missing	178	<0.1
Total	331,829	100

* Includes Hispanic individuals of any race

88. Grogger and Ridgeway, "Testing for Racial Profiling."

Next the team examined the same racial breakdown of traffic stops but this time across each of the 10 police districts (see table 3.4). Not surprisingly, there is variation across the districts with respect to the percentage of traffic stops in each racial or ethnic category. While 14.8 percent of all traffic stops citywide were of African-American drivers, more than 42 percent of such stops in Bayview involved African-American drivers. Conversely, only 5.2 percent of stops in Richmond involved African-American drivers.

Table 3.4. Distribution of stops by driver race by SFPD district*

District	Percent of African-American stops	Percent of White stops	Percent of Hispanic† stops	Percent of Asian stops	Percent of other stops
Bayview (N =34,298)	42.4%	18.7%	17.3%	13.8%	8.0%
Central (N = 31,701)	11.3%	38.1%	9.6%	17.2%	23.8%
Ingleside (N = 33,521)	11.7%	29.1%	26.4%	21.4%	11.3%
Mission (N = 28,457)	15.5%	39.6%	24.8%	9.0%	11.1%
Northern (N = 28,078)	13.3%	48.3%	9.4%	14.4%	14.6%
Park (N = 22,196)	9.2%	54.2%	8.5%	16.1%	12.1%
Richmond (N = 32,917)	5.2%	38.5%	5.4%	19.5%	31.3%
Southern (N = 60,819)	12.6%	41.0%	11.4%	13.4%	21.7%
Taraval (N = 41,895)	6.0%	39.1%	7.4%	35.3%	12.1%
Tenderloin (N = 17,196)	28.8%	32.5%	10.6%	12.0%	16.1%

*751 cases were excluded from the collision benchmarking analysis because of missing district and/or race information.
† Includes Hispanics of any race.

These analyses provide a snapshot of the distribution of traffic stops across districts and racial and ethnic groups. It is important to note, however, that these statistics reveal little about whether race is a contributing factor in officers' decisions to conduct traffic stops or whether drivers of certain racial or ethnic groups are stopped disproportionately to their estimated representation in the driving or violating populations.

Traffic collision benchmarking

Results from the analyses using traffic-collison benchmarking indicates that citywide, African-American drivers were 24 percent more likely to be stopped by the police than their estimated representation in the driving population, and they were 9 percent more likely to be stopped given their estimated representation among potential traffic violators. There was considerable variation across police districts in the likelihood that African Americans would be stopped disproportionately to the traffic crash estimates. The greatest disparities between stops and the estimated driving population of African Americans occurred in the Bayview and Mission districts, which contain the highest (22.2 percent) and lowest (2.7) proportion of African-American residents, respectively, in the city. The Tenderloin district, which contains the second-highest proportion (10.5 percent) of African-American residents in San Francisco, also showed evidence of significant disparity for stops of African-American drivers relative to their estimated proportions in the driving and potential violating populations.

The findings for Hispanic drivers were diametrically opposed to the findings for African-American drivers. Citywide, Hispanic drivers were 20 percent less likely to be stopped by the police than their estimated

representation among drivers, and they were 37 percent less likely to be stopped given their estimated representation among potential traffic violators. Only in the Mission district were Hispanic driverss stopped more often than expected given their estimated driving population in the district. The findings for Asian drivers were similar to those for Hispanic drivers citywide.

The degree of overrepresentation of African-American drivers stopped in San Francisco compared to the estimated proportion of African-American drivers and potential traffic violators derived from the traffic collision data suggests that race may play a role in the initial stop decisions of SFPD officers. It is important to note that these findings do not prove racial bias by officers of the SFPD or by the agency as a whole. Certainly the SFPD's official policies, specifically DGO 5.17, explicitly prohibit the use of race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity as a basis for conducting stops or detentions. Moreover, analyses such as these cannot prove discriminatory motive or intent on the part of individual officers, nor can they prove the presence of implicit or explicit bias on the part of individuals.

Daytime versus nighttime stops

The second technique for examining possible racial disparities in the initial decision to make a traffic stop compared the racial composition of stops made by the SFPD during the daytime to those made at night. Citywide, the assessment team found no differences in the rate at which minority drivers were stopped during the day versus the night. By district, African-American drivers were more likely to be stopped during the day in four districts, two of which (Bayview and Mission) were districts where they also were overrepresented in stops according to the traffic collision benchmarks. At least with respect the Bayview and Mission districts, these two sets of findings are consistent and provide support for the hypothesis that race may play a role in the initial stop decision by officers in those districts.

In the Tenderloin district, African American drivers were actually less likely to be stopped during the day compared to White drivers, which is inconsistent with the traffic collision benchmark finding in the Tenderloin, where African American drivers were significantly overrepresented among stops. Also inconsistent were the findings for Hispanic drivers. Although Hispanic drivers were underrepresented in stops in most districts according to the traffic crash benchmarks, they were more likely to be stopped during daylight hours in the Bayview, Park, and Southern districts.

Post-stop data

The post-stop portion of the analysis was designed to explore the types of outcomes that stemmed from SFPD traffic stops. Specifically, the assessment team explored the following question: Do African-American, Hispanic, or Asian drivers receive disproportionate sanctions and other negative outcomes related to traffic stops?

The post-stop analysis followed a series of steps. First, the racial or ethnic group distribution was examined across all post-stop outcomes: no action, incident report, warning, citation, and in-custody arrest. Second, the distribution of search types (consent and high discretion) was explored across the racial or ethnic groups. These steps provided a snapshot of whether race or ethnicity is associated with any of the post-stop outcomes. The third stage of the post-stop analysis focused on hit rates—the percentage of searches

that resulted in found contraband—across the racial or ethnic groups. This analysis allowed an exploration of whether hit rates differed among driver races or ethnicities.

Post-stop analysis results

Table 3.5 on page 74 presents a cross-tabulation of driver race with five mutually exclusive stop outcomes: no action, incident report, warning, citation, or in-custody arrest. Among the 331,829 stops that occurred during the course of this three-year period, the most common outcome (72.6 percent) was a traffic citation. Officers issued warnings to roughly one in four drivers. Incident reports and in-custody arrests were far less frequent: Each outcome occurred in less than one percent of all stops, respectively.

In terms of race, the experience of White drivers closely approximated that of the sample as a whole: 73.2 percent of stopped White drivers received a citation, and 25.7 percent were dismissed with a warning. Less than 1 percent of White drivers were placed under arrest. Hispanic, Asian, and other[89] drivers also experienced outcomes fairly similar to the sample as a whole. The experience of African-American drivers, however, was quite different: 56.3 percent of African-American drivers received a citation, while 39.5 percent were issued a warning.

Thus, African-American drivers were less likely to be cited and more likely to be warned relative to each of the other racial or ethnic groups. African-American drivers also were more likely to be placed under arrest: 2 percent of all stops of African-American drivers resulted in an in-custody arrest, while 0.5 percent of stops involving White drivers resulted in an arrest. In fact, although far fewer stops were made of African-American drivers (49,123) than White drivers (124,854), more African-American drivers (963) were arrested than White drivers (669). Here again, the raw numbers suggest racial disparity in post-stop outcomes, but other relevant factors must be considered.

Warnings

The assessment team examined whether the stop resulted in a warning, citation, or arrest. The multivariate model examining the issuance of a warning indicates that across the city African-American drivers were 49 percent more likely to receive this outcome than White drivers when considering all other available factors. The results suggest that African-American drivers were approximately 49 percent more likely than White drivers to have been released with a warning. Hispanic drivers were no more or less likely to receive a warning than White drivers. Asian drivers and those from other racial or ethnic groups were less likely (by 30 percent and 40 percent, respectively) to be warned than White drivers. Of note, significant differences emerged with respect to officer race or ethnicity. African-American, Hispanic, and Asian officers were all significantly less likely than White officers to issue a warning to the driver.

89. This data field is used where race is unknown.

Table 3.5. Driver race in post-stop outcomes (N = 331,692)*

Race or ethnicity	No action	Incident report	Warning	Citation	In-custody arrest	Total
White	233	520	32,087	91,345	669	124,854
Percent of White total →	.02%	.04%	25.7%	73.2%	0.5%	100.0%
African American	357	740	19,394	27,669	963	49,123
Percent of African-American total →	0.7%	1.5%	39.5%	56.3%	2.0%	100.0%
Hispanic	143	968	12,247	29,230	479	43,067
Percent of Hispanic total →	0.3%	2.3%	28.4%	67.9%	1.1%	100.0%
Asian	85	174	11,559	46,981	207	59,006
Percent of Asian total →	0.1%	0.3%	19.6%	79.6%	0.4%	100.0%
Other	76	349	9,438	45,427	217	55,507
Percent of Other total →	0.1%	0.6%	17.0%	81.8%	0.4%	100.0%
Missing	1	0	92	41	1	135
Percent of Missing total →	0.7%	0.0%	68.2%	30.4%	0.7%	100.0%
Total*	895	2,751	84,817	240,693	2,536	331,692
Percent of cumulative total →	0.3%	0.8%	25.6%	72.6%	0.8%	100.0%

*The total for this table does not include 137 cases where outcome data were missing.

Citations

The team examined the relationship between driver race or ethnicity and whether the stop resulted in a citation. The most common traffic stop outcome, a citation, was issued in 72.6 percent of all officer-initiated stops. Results from the multivariate model indicate that African-American drivers were 39 percent less likely than White drivers to have been issued a citation, and Hispanic drivers were 9 percent less likely than White drivers to have been issued a citation. Asian drivers (43 percent) and those of other races or ethnicities (66 percent) were more likely to be issued a citation than White drivers. African-American (45 percent), Hispanic (11 percent), and Asian (35 percent) officers were more likely than White officers to issue a citation to any driver. The overall city pattern for citations was largely mirrored at the district level with some variability across the sub-areas.

Arrests

The data indicate that African-American and Hispanic drivers were significantly more likely than White drivers to be placed under arrest. More specifically, the odds ratios in the multivariate arrest model revealed that African-American drivers were more than twice as likely as White drivers to have been arrested, and Hispanic drivers were 43 percent more likely than White drivers to have been arrested. Asian drivers, on the other hand, were significantly less likely than White drivers to have been placed under arrest. Relative to stops of White drivers, stops of Asian and other drivers were 32 percent less likely to result in an in-custody arrest. The noticeable risk for African-American (and to a lesser extent, Hispanic) drivers to be arrested is a consistent theme in other studies.

Searches

The next step of the analysis focused on determining whether racial or ethnic disparity exists in officers' decisions to conduct searches. Searches conducted by the SFPD were categorized into three groups depending on the degree of discretion available to the officer. High discretion searches are those that were carried out without the consent of the driver. They are categorized as "high discretion" because they occur under conditions where the officer's decision to search is not constrained by law or policy beyond the need to establish probably cause for the search. In contrast, low discretion searches include searches incident to arrest, probation or parole-related searches, and vehicle inventories. Because officer discretion is constrained by law and policy in low discretion searches, this category was not subjected to analysis for racial disparity. Finally, consent searches are those in which the driver consented to the officer's request to conduct a search. Because SFPD data do not capture the rate at which motorists were asked for consent to search or the rate at which they refused, it is unknown whether the higher rates of consent searches among African-American and Hispanic drivers is the result of more requests by the police to search these groups or their greater likelihood to grant consent when asked. High discretion searches, on the other hand, are largely at the discretion of the officer. These searches are nonconsensual and do not include searches incident to arrest, probation or parole searches, or inventory searches, which are typically low discretion searches. As such, racial disparities among these high discretion searches are more informative about possible bias on the part of the police.

African-American drivers accounted for roughly 40 percent of all high discretion searches, whereas White and Hispanic drivers accounted for 22 percent and 19 percent respectively. Thus, officers used their discretion to conduct high discretion searches of African-American drivers more frequently than drivers of any other race. Relative to White drivers, African-American drivers were significantly more likely to be selected for high discretion searches upon being stopped. In fact, the odds of African-American drivers being searched without consent were nearly 200 percent higher than those of White drivers. Hispanic drivers were also significantly more likely than White drivers to be selected for high discretion searches, although the disparity was less extreme at 65 percent greater odds for Hispanic drivers compared to Whites.

In short, African-American and Hispanic drivers were more likely to be subjected to high discretion searches than White drivers, regardless of the district in which the traffic stop took place. Furthermore, the hit-rate analysis revealed that roughly 7 out of every 10 high discretion searches of White drivers yielded contraband, while 3 out of 10 high discretion searches of African-American drivers yielded contraband. African-American and Hispanic drivers were significantly less likely to have been found with contraband or evidence following a search. The odds that contraband or evidence was found were 70 percent lower for African-American drivers and 54 percent lower for Hispanic drivers than for White drivers who were searched without consent. In summary, the SFPD conducted high discretion searches on a far greater number of African-American drivers than drivers of any other race, and the hit-rates in these high discretion searches of African-American drivers were lower than in high discretion searches of all other drivers. High discretion search patterns of Hispanic drivers also suggest evidence of disparity on the part of the SFPD.

African-American drivers also were involved in more than half of the 1,819 consent searches during this period. Compared to White drivers, African-American drivers were more than four times more likely to have been searched based on consent compared to White drivers. Hispanic drivers also were more than twice as likely as White drivers to be searched with consent; Asian drivers were 36 percent less likely than White drivers to have been subjected to a consent search. Also worthy of note is that African-American and Asian officers were 32 percent and 35 percent less likely, respectively, than White officers to have conducted a consent search of any driver. Search hit rates were fairly consistent among driver racial or ethnic groups, which suggests that contraband carry rates are fairly consistent across those who grant consent when asked. It is important to note that the assessment team cannot rule out the possibility that minority drivers may be more likely to grant consent than White drivers; therefore, the percentage of drivers from each racial group subjected to consent searches must be interpreted with caution.

Summary of data analysis

Analyses of the SFPD's traffic stop data reveal racial or ethnic disparities in stops, warnings, citations, arrests, searches, and contraband discovery. Citywide, African-American drivers were 24 percent more likely to be stopped by the police than their estimated representation in the driving population, and they were 9 percent more likely to be stopped than their estimated representation among potential traffic violators. Hispanic and Asian drivers, on the other hand, were considerably less likely to be stopped than their representation in the estimated driving and traffic violating populations in the city. African-American drivers were more likely to be warned, arrested, and searched (for both consent and high discretionary reasons) but less likely to be cited or found to be in possession of contraband than White drivers. Hispanic drivers were more likely to arrested and searched (for both consent and high discretionary reasons) but less likely to be cited or found to be in possession of contraband than White drivers. Finally, Asian drivers were more likely to be cited or found with contraband but less likely to warned, arrested, or searched based on consent than White drivers.

While these results indicate patterns of disparity, no definitive conclusions can be drawn regarding the underlying motivation for these outcomes including the possibility of racial or ethnic bias. Nonetheless, the patterns of disparity in post-stop outcomes are consistent with those found for the initial stop decision and warrant further monitoring, investigation, and analysis—possibly by drilling down to the officer or unit level using officer-to-officer comparison ("internal benchmarking") techniques as part of an early warning approach by the SFPD.

Building trust and legitimacy is the first pillar of the *Final Report of the President's Task Force on 21st Century Policing* and is the foundation for building strong police-community relationships.[90] Bias in the actions of police officers erodes community trust and support. The SFPD as a whole exhibits a level of organizational understanding and awareness of bias and its implications for policing. Yet there are few demonstrable and measurable outcomes that assist in ensuring that biased policing is removed from the department's culture.

90. President's Task Force on 21st Century Policing, *Final Report*.

The SFPD must address the issue of bias directly and make the cultural changes needed not only to create a procedurally just and fair organization but also to account for those officers who engage in biased behaviors. Training and accountability must function in tandem with institutional cultural change to make a sustainable difference. When the police act outside the law or contravene their own policies on a regular basis, their legitimacy and the public's trust is negatively impacted. The SFPD must develop an ongoing institutional vision that addresses bias as part of an overall strategic plan, one that is transparent and gives voice to the community.

Findings and recommendations

Findings follow the flow of the narrative within the chapter.

Finding 24

The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents.

The advice in the memo (found in appendix K on page 387) sent on May 5, 2016, has not been completed by the SFPD. The recommended audit is to ensure organizational integrity regarding the potential for bias in departmental electronic communications.

Recommendation 24.1

The SFPD should immediately implement the bias audit as recommended by the U.S. Department of Justice COPS Office on May 5, 2016 (see appendix K).

Recommendation 24.2

Upon completion of recommendation 24.1, the outcome should be presented to the Police Commission.

Recommendation 24.3

The SFPD should immediately establish a policy and practice for ongoing audit of electronic communication devices to determine whether they are being used to communicate bias.

Recommendation 24.4

The SFPD should implement a policy and a Department General Order stipulating that there is no right to privacy in any use of department-owned equipment or facilities.

Recommendation 24.5

The SFPD should require all members to acknowledge appropriate use standards for electronic communications. This should be a signed acknowledgement, retained in the personnel file of the member, and department personnel should receive an alert reminding them of appropriate use whenever they sign onto SFPD systems.

Recommendation 24.6

The SFPD should report twice a year to the Police Commission on the outcome of these audits, including the number completed, the number and types of devices audited, the findings of the audit, and the personnel outcomes where biased language or other conduct violations are discovered.

Finding 25

The SFPD's General Orders prohibiting biased policing, discrimination, harassment, and retaliation are outdated and do not reflect current practices surrounding these key areas.

Recommendation 25.1

The SFPD should immediately update Department General Order 5.17 – Policy Prohibiting Biased Policing (effective May 4, 2011) and Department General Order 11.07 – Discrimination and Harassment (effective May 6, 2009) to reflect its current initiatives and align with best practices.

Recommendation 25.2

Upon meeting recommendation 25.1, SFPD leadership should release a roll-call video explaining the Department General Orders and reinforcing that a bias-free department is a priority.

Recommendation 25.3

The SFPD should develop and publish a comprehensive strategy to address bias. The strategy should create a framework for the SFPD to

- *be informed by the preliminary action planning that was initiated during the command-level training in Fair and Impartial Policing, which addressed policy, recruitment, and hiring; training; leadership, supervision, and accountability; operations; measurement; and outreach to diverse communities;*
- *update policies prohibiting biased policing to include specific discipline outcomes for failure to follow policy;*
- *continue to expand recruitment and hiring from diverse communities (see recommendation 84.2);*
- *partner with the communities and stakeholders in San Francisco on anti-bias outreach (see recommendation 26.1);*
- *improve data collection and analysis to facilitate greater knowledge and transparency around policing practices in the SFPD;*
- *expand its focus on initiatives relating to anti-bias and fully implement existing programs as part of the overall bias strategy, including the existing Not on My Watch program aimed at engaging officers and the community on addressing issues of bias.*

Recommendation 25.4

As part of its overall strategy, the SFPD should assess its needs for anti-bias programs across the organization, such as gender bias in sexual assault investigations.[91]

Finding 26

There is limited community input on the SFPD's actions regarding its anti-bias policies and practices.

Recommendation 26.1

The Chief's Advisory Forum should be re-invigorated and allow for diverse communities to have meaningful input into bias training, policies, and the SFPD's other anti-bias programming. The chief should ensure that marginalized communities are given a meaningful opportunity to be a part of the Advisory Forum.

Recommendation 26.2

The SFPD should more clearly describe its anti-bias policies and practices for reporting police misconduct and its commitment to ensuring that policing in San Francisco will be bias-free.

Recommendation 26.3

The SFPD should implement an immediate public education campaign on the policies and procedures for reporting misconduct as centered on anti-bias and the initiatives underway.

Recommendation 26.4

The SFPD should work with the Police Commission to convene a community focus group to obtain input on the policies and practices as they are being developed.

Finding 27

The SFPD is not addressing the anti-bias goals set forth through the Fair and Impartial Policing training-the-trainers session.

The SFPD is to be commended for participating in the development of "train the trainers" for Fair and Impartial Policing. However, this training opportunity now needs to be integrated into an organizational approach to developing training delivery across the SFPD. Robust and ongoing training that addresses explicit and implicit biases must be a top priority, not only for the chief of police, the command staff, and the Training and Education Division, but for every member of the department.

91. PERF, *Identifying and Preventing Gender Bias*.

Recommendation 27.1

The SFPD should develop a training plan based on a training needs assessment specific to the delivery of anti-bias training as part of an ongoing strategic approach to addressing bias in the SFPD.

Recommendation 27.2

The SFPD should begin anti-bias and cultural competency training of department members immediately and should not await the outcome of the training needs assessment. All officers should complete implicit bias training and cultural competency training, which should include the following topics:

- *Implicit bias awareness and skills for promoting bias-free policing*
- *The definition of cultural competence*
- *Disparate treatment, prejudice, and related terms and their application in law enforcement*
- *The history of various cultures and underrepresented groups in society*
- *Self-assessment of cultural competency and strategies for enhancing one's proficiency in this area*
- *Culturally proficient leadership and law enforcement in communities*[92]

Recommendation 27.3

Training addressing explicit and implicit biases should employ teaching methodologies that implement interactive adult learning concepts rather than straight lecture-based training delivery.

Recommendation 27.4

To ensure first-line supervisors understand the key role they play in addressing bias, supervisor training should include coaching, mentoring, and direct engagement with problem officers.

Recommendation 27.5

All officers and supervisors should be fully trained on bias and cultural competency within 18 months of the release of this report.

Recommendation 27.6

The SFPD should measure the efficacy of such training through careful data collection and analysis practices, ideally in partnership with an academic researcher.

Recommendation 27.7

The SFPD should implement Force Options Training in a manner that reduces the impact of demographics on split-second use of force decisions and should ensure that in-service officers receive this training at least annually.

92. Vialpando, "Community Engagement through Cultural Competency."

Finding 28

The SFPD's failure to fully and adequately address incidents of biased misconduct contributed to a perception of institutional bias in the department.

The SFPD responded to the racist, sexist, homophobic, and transphobic texts by a large group of officers by investigating the incident and disciplining the officers directly involved. However, given the nature of the officers' open and flagrant behavior, the SFPD should have taken action to ensure that this was not an institutionalized problem, including steps to address the behavior at the organizational level. Community perceptions that biased behaviors exist in the SFPD were exacerbated by the explicit bias demonstrated by SFPD officers in the texting scandals and the subsequent failure to take appropriate action.

Recommendation 28.1

The SFPD should investigate complaints of bias transparently and openly and recognize its potential impact upon the larger group of officers who do not hold such views and upon the affected communities of San Francisco. To address these concerns, the department should

- *identify specific roles and responsibilities for supervision of officers regarding biased behavior;*
- *analyze E-585 traffic stop incident report data and enforcement actions with a lens for possible bias or disparate treatment and require supervisors to review these analyses;*
- *identify intervention mechanisms beyond discipline to deal with potentially biased behaviors.*

Recommendation 28.2

The SFPD should provide for open, ongoing command engagement around the issue of bias, both internal and external to the department.

Recommendation 28.3

The SFPD should establish routine, ongoing roll-call training requirements for supervisors on key leadership issues, including their role in promoting fair and impartial policing.

Recommendation 28.4

The SFPD needs to engage in early identification of and intervention in behaviors that are indicative of bias through direct supervision, data review, and observation of officer activity.

Recommendation 28.5

The SFPD needs to train supervisors to recognize behaviors that are indicative of bias and intervene effectively.

Recommendation 28.6

The SFPD must address practices within the organization that reflect explicit biases and intervene with firm, timely disciplinary responses.

Recommendation 28.7

The SFPD needs to encourage all personnel to report biased behavior to the appropriate officials.

Finding 29

Allegations of biased policing by community members have not been sustained against an officer in more than three years.

Recommendation 29.1

The SFPD and OCC should establish shared protocols for investigating bias that do not relying solely on witness statements, given that bias incidents are often reported as one-on-one occurrences.

Recommendation 29.2

The SFPD should ensure that supervisors are trained on bias investigations, including all of the following:

- *How to identify biased police practices when reviewing investigatory stop, arrest, and use of force data*
- *How to respond to a complaint of biased police practices, including conducting a preliminary investigation of the complaint in order to preserve key evidence and potential witnesses*
- *How to evaluate complaints of improper pedestrian stops for potential biased police practices*

Recommendation 29.3

The SFPD should work with the City and County of San Francisco to ensure quality bias investigation training to all oversight investigators.

Recommendation 29.4

SFPD leadership should explore the options for alternate dispute resolutions regarding bias complaints, including mediation.

This is an opportunity to bring police and community members together to foster an improved understanding of police practices and community perceptions. Because bias complaints are rooted in perception and often difficult to sustain, mediation provides for a timelier, more transparent, and potentially more procedurally just resolution for the community member who lodged the complaint.

Finding 30

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

Citywide, African-American drivers were 24 percent more likely to be stopped by the police than their estimated representation in the driving population, and they were 9 percent more likely to be stopped given their estimated representation among potential traffic violators.

Recommendation 30.1

The SFPD should develop a plan to conduct further review and analysis of traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities. The plan should be developed within 180 days of the issuance of this report.

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 30.3

The SFPD should provide supervisors with the results of timely data analyses regarding the E-585 traffic stop incident report activity of their officers that allow them to identify and proactively intervene when outlier officers are identified.

Recommendation 30.4

Until the data are electronic, supervisors should be provided with monthly paper reports regarding the E-585 traffic stop incident report activity of officers under their command.

Recommendation 30.5

SFPD supervisors must be trained (pursuant to recommendation 27.1) to review and assess E-585 traffic stop incident report data for disparate outcomes, particularly in relation to peer groups within the unit.

Recommendation 30.6

The SFPD should implement the data collection recommendations regarding improving traffic stop data provided in appendix F. The timing of the implementation needs to be identified in the technology plan.

Finding 31

African-American and Hispanic drivers were disproportionately searched and arrested compared to White drivers. In addition, African-American drivers were more likely to be warned and less likely to be ticketed than White drivers.

The racial disparity in traffic stops and post-stop outcomes appears to be large and statistically significant.

Recommendation 31.1

The SFPD needs to analyze the data and look for trends and patterns over time to reduce the racial and ethnic disparities in post-stop outcomes.

Finding 32

Not only are African-American and Hispanic drivers disproportionately searched following traffic stops but they are also less likely to be found with contraband than White drivers.

Recommendation 32.1

As stated in finding 31, the SFPD should complete recommendations 31.1.

Recommendation 32.2

The SFPD needs better training on the Fourth Amendment and applicable state laws on search and seizure.

Finding 33

The current E-585 traffic stop incident report does not collect sufficient or appropriate information to allow for a robust analysis of possible bias by SFPD officers.

Recommendation 33.1

The SFPD should implement the data collection recommendations in appendix F to allow for better information and analysis of stop data.

Finding 34

The SFPD does not routinely collect or analyze data on stops involving pedestrian and nonmotorized conveyances.

Recommendation 34.1

The SFPD should prioritize the collection, analysis, and reporting of all nonconsensual stop data, including pedestrian and nonmotorized conveyances.

Recommendation 34.2

The SFPD should mandate the collection of stop report data on any stop or detention of a pedestrian or person riding a nonmotorized conveyance, such as a bicycle, skateboard, or scooter. This should begin immediately and not wait until AB 953 requires such action in April 2019.

Recommendation 34.3

The SFPD should consider expanding the functionality of the E-585 traffic stop incident report data collection system to include data collection for all pedestrian and nonmotorized conveyances.

Finding 35

The SFPD does not have sufficient systems, tools, or resources needed to integrate and develop the appropriate data required to support a modern, professional police department.

Many of the department's technology and information sharing systems are outdated and not integrated and do not support ready access for analysis to inform management decisions. Progressive police supervision requires timely access to accurate information regarding officer activity, traffic and pedestrian stops, use of force, and resident complaints to help analyze officers' actions and trends. The SFPD must conduct an assessment across the whole organization and determine how to prioritize the implementation of IT solutions for key management and operational practices.

Recommendation 35.1

The SFPD should adopt new policies and procedures for collecting traffic and pedestrian stop data, public complaints, and enforcement actions. Information for these events should be recorded accurately.

Recommendation 35.2

The SFPD should analyze its existing technology capacity and develop a strategic plan for how data are identified, collected, and used to advance sound management practices.

Recommendation 35.3

SFPD leadership should make a concerted effort to focus on data collection and to create systems and analysis protocols that will inform supervisors where incidents of potential bias or disparate treatment occur or where patterns in officer behavior exist that warrant further examination or monitoring.

Recommendation 35.4

The SFPD should continue participating in the White House Police Data Initiative and seek to expand its data collection and reporting consistent with those recommendations and the goals of the initiative.

Finding 36

The SFPD does not have an organizational performance approach to evaluating the impact of policies, practices, and procedures aimed at reducing bias within the department.

Recommendation 36.1

The SFPD should develop an audit practice to evaluate the impact on the department of the implementation of new training programs.

Recommendation 36.2

The SFPD should incorporate ongoing review and audit of anti-bias programs into a quarterly report that includes promising practices and lessons learned.

Recommendation 36.3

The SFPD should review all of its policies, procedures, manuals, training curricula, forms, and other materials to eliminate the use of archaic or biased language. For example, the SFPD should review the use of the word "citizen" in policies and forms, such as the Citizen Complaint Form (SFPD/OCC 293). This assessment should be completed within 120 days of the issuance of this report.

Finding 37

The policy for the use of Field Interview cards fails to outline sufficient guidance on when they should be completed.

Recommendation 37.1

The SFPD should establish policy that specifically governs when and how Field Interview cards are completed. This should be accomplished within 180 days of the issuance of this report.

Recommendation 37.2

The SFPD needs to reassess its use, storage, and collection of Field Interview cards to ensure data retention and collection are in accord with legal requirements. Annual audit of Field Interview cards should be part of the data retention practices.

4. Community Policing Practices

Community policing in San Francisco

San Francisco has many diverse communities within its borders, each with distinct challenges and unique needs of the police. Socioeconomic issues are key factors shaping the demands on policing services (see appendix B beginning on page 257 for more on the background of San Francisco). Neighborhoods and community groups with economic levels below the poverty line, such as the homeless community, tend to experience higher levels of violence than more prosperous neighborhoods and community groups.[93] In addition, the homeless community often relies on police as the first point of contact for government services. In contrast, other neighborhoods and community members have minimal contact with San Francisco Police Department (SFPD) officers.

Developing strong partnerships with San Francisco's communities is one of the SFPD's stated goals.[94] The department identifies partnerships as a means to develop mutual trust and understanding with the communities it serves. It recognizes that trust and understanding are critical to achieving the common goals of resolving problems and providing an overall sense of safety and security.[95]

In practice, most community engagement in San Francisco happens at the district level, with captains taking the lead on community policing issues. The SFPD's Professional Standards and Principled Policing Bureau, established in February 2016, oversees the delivery of community policing services citywide. The Bureau's Youth and Community Engagement Unit provides for a variety of programs throughout the city.

Methodology used to assess this objective

In order to evaluate the SFPD's community policing philosophy and initiatives, the assessment team conducted a review of the SFPD's policies, procedures, and operational manuals related to community policing; reviewed internal practices in support of community policing; examined department-related memos and newsletters; and reviewed training curricula for community policing principles.

The assessment team conducted numerous interviews and focus groups with SFPD members from various ranks and units as well as community members and other community stakeholders. The team probed the perceptions of community members and stakeholders; the practices of officers and command staff; the overall understanding among SFPD sworn members of the department's community policing strategy; and how the department's goals, concepts, and strategy are implemented and evaluated.

Interviews focused on the SFPD's community policing philosophy and how it has been implemented in the field from the perspectives of both the department and the community. The assessment team conducted interviews to determine the process and subsequent reporting of community policing data and how that data are used to inform practices. In addition, the team attended department roll calls to

93. San Francisco Mayor's Office, Youth Violence Prevention Initiative.
94. San Francisco Police Department, *Community Policing and Problem Solving Manual*.
95. San Francisco Police Department, *Community Policing and Problem Solving Manual*.

observe how community policing strategy is put into action, participated in ride-alongs and foot patrols to observe how patrol officers interact with community members, and attended community meetings at the district and city levels to observe how the SFPD presents the department to community members and solicits community input.

The team sought to analyze data regarding measured outcomes on community policing but discovered that the available data for assessing community policing practices and outcomes are limited. The SFPD has a community policing tracking instrument, namely Form 509. However, the team learned that the SFPD does not routinely use the form, which includes information about meetings, attendance, and service requests. No other process is used currently that consistently tracks community policing activities across the SFPD or within the communities of San Francisco. No ongoing citywide survey practice occurs for community policing. Further, the status of the overall data collection and analysis practices in San Francisco did not allow the team to identify and effectively extract components specific to community policing from the overall aggregated data.

SFPD policies and processes related to community policing

The SFPD's vision and practices related to community policing have changed over the years, as have the priorities of San Francisco communities. Community policing has been part of the organizational message since at least 1989, when the SFPD unveiled its community police officer program and emphasized that "organizational change will not happen overnight. It will take 7 to 10 years of leadership commitment."[96]

In 2006, the SFPD, in conjunction with the Office of the Mayor, issued a report entitled *San Francisco Community Policing: A Report on Current Efforts*. This report identified the community policing strategies in the department and at each district station at the time.[97] However, this document has not been updated since its initial publication and no longer fully reflects the state of community policing in San Francisco.

In its *Review and Response to the Final Report of the President's Task Force on 21st Century Policing,* the SFPD noted, "The San Francisco Police Department has embraced this [community policing] philosophy as a strategy since the mid-1990s, and renewed that commitment in 2011 by, with significant community input, establishing Community Policing as Department Policy (DGO 1.08)."[98] In the report, the SFPD adds, "[W]e are committed to review and revitalize strategies currently in use by this department and introduce and/or implement other strategies that will enhance our interactions within the community we serve."[99] The department committed to implementing all of the President's Task Force's 38 recommendations related to law enforcement and six recommendations related to government agencies.[100]

However, the SFPD could not produce a department-wide strategy, formal plan, or measurement of performance for community policing in response to the team's requests.

96. San Francisco Police Department, *Community Policing and Problem Solving Manual*.
97. San Francisco Police Department, *San Francisco Community Policing*.
98. San Francisco Police Department, *Review and Response of the Final Report of The President's Task Force*.
99. San Francisco Police Department, *Review and Response of the Final Report of The President's Task Force.*
100. San Francisco Police Department, *Review and Response of the Final Report of The President's Task Force.*

In the absence of a strategic plan, the SFPD's community policing practices are guided by two documents: the department manual *Community Policing and Problem Solving*, revised January 2007, and Department General Order (DGO) 1.08 – Community Policing, issued September 28, 2011. The former outlines the larger vision and responsibilities of officers, sergeants, lieutenants, and captains, while the latter provides the policy guidance on community policing.

Community Policing and Problem Solving contains the SFPD's vision for community policing:

> The San Francisco Police Department envisions working in conjunction with members of all communities to reduce the incidence of crime through prevention, education, and apprehension of those responsible for crimes. The police/community partnership will create an enhanced sense of safety and security through cooperative efforts to identify activity which leads to crime. The prompt and timely coordination of governmental and community based services to sustain order maintenance is essential to the process. Long term planning and district-based initiatives designed to deliver the resources and services to communities will be the result of a partnership based on respect, commitment, and trust.[101]

According to the manual, "The Department strives to maintain the trust of San Francisco community members by actively engaging with the neighborhood it serves."[102] The manual identifies the SFPD's perspective on community policing, defines the roles of SFPD members, and establishes basic guidelines for community policing.[103] As it is the department's only published manual on community policing, it remains the SFPD's guiding document. However, the assessment team found that it was not routinely followed as a program document.

DGO 1.08 – Community Policing defines community policing as "a philosophy and organizational strategy in which the police work collaboratively with community members, community-based organizations, other city agencies, and others, in order to reduce violent crime, create safer communities, and enhance the health and vibrancy of neighborhoods in San Francisco."[104] DGO 1.08 further directs district captains and lieutenants to ensure an assignment of officers to steady beats on a daily basis, regular attendance at community meetings, and regular staffing of foot beat patrols.[105]

101. San Francisco Police Department, *Community Policing and Problem Solving Manual*.
102. San Francisco Police Department, *Community Policing and Problem Solving Manual*.
103. San Francisco Police Department, *Community Policing and Problem Solving Manual*.
104. San Francisco Police Department, *Department General Order 1.08 – Community Policing*.
105. San Francisco Police Department, *Department General Order 1.08 – Community Policing*.

Community policing hampered by lack of a strategic community policing plan

At present, the SFPD has a guiding vision for community policing in San Francisco but no plan for execution. As a result, SFPD leadership has not set specific goals, expectations, or other measures of community policing for department units and members. In short, there is little long-term planning and district-based development to reach a true co-produced policing partnership in the districts and communities of San Francisco.

Most of the SFPD's personnel described the department as guided by an overall philosophy and focus on community policing practices. The team consistently heard that the organization is "committed to community policing," and interviewees identified "working well with the community" as one of the department's strengths. However, absent a strategy, the SFPD's community policing activities represent only a collection of programs aimed at engaging with the community. Although the team observed positive interaction with police and community, these types of programs fulfill only one component of community policing.

The SFPD's community engagement and outreach programs demonstrate strong initiatives that could help the department advance community policing principles as an organization. Other good practices include district newsletters and district-based community engagement initiatives.

SFPD members acknowledged that the SFPD's *Community Policing and Problem Solving* manual is out of date and not an active reference source. The manual covers a range of community policing issues from the provision of training for officers to establishing working relationships and partnerships among police officers and community members. Updating the manual is a start to developing good protocols for community policing practices in the department. However, a strategic plan should drive protocol development as part of an overall approach and iterative process for developing police-community partnerships to co-produce public safety.

Strong leadership is needed to drive the community policing strategy for the SFPD. This must be more than a verbal commitment or individual, district-based programs; it must be part of a larger vision and strategic plan to advance the organization as a whole, and it must include strategies for all units within the department and not just those that are patrol-based.

Like all law enforcement agencies, the SFPD needs a strategic community policing plan to drive the department's engagement with the community. Such plans spur the development of focused partnerships working toward consistently identified needs that are attached to measurable outcomes. A strategic plan empowers senior command to establish clear and realistic parameters for the resource allocation necessary to reach their respective department's goals. A strategic community policing plan is also a tremendous platform for obtaining direction and buy-in from the community, because the SFPD, like all law enforcement agencies, fundamentally derives its authority from the communities it serves. With a community-informed and actionable strategic plan, the SFPD's community policing practices can focus on developing robust partnerships predicated on co-produced public safety.

Every unit in the SFPD must have a community policing plan that is measurable and also coordinates with, supports, and is accountable to the organizational strategic plan. Ensuring that the whole of the organization is actively engaged with the community supports community policing goals, develops a culture that is consistent with true police-community partnerships, and allows the department to more effectively respond to community needs.

The assessment team reviewed slide decks from CompStat, the SFPD's performance management system, but did not observe any community policing measurements as part of the review process.[106] Interviews with department members confirmed that CompStat primarily focused on crime issues and did not delve deeply into the community engagement components of policing. The SFPD provides general guidance that community policing is a priority. However, district captains said they were responsible for developing their own priorities and initiatives for community policing but not formally reviewed or measured on their community policing strategies.

The Operations Bureau informed the assessment team that it recently conducted an informal review of community policing programs with the majority of the district captains. Although this review process allowed captains to share promising practices and discuss a structured approach to community policing, team members found it to be a missed opportunity because it did not result in formal planned strategies or specific actionable goals.

The assessment team determined that the SFPD does not consistently measure or review community policing within the organization. Furthermore, the community policing focus remains on district-level programs rather than a department-wide approach that engages the whole of the organization, including specialized and investigative units, in addressing community policing as a matter of strategic vision and operational priority.

District policing as the driver of the SFPD's community policing practices

Every aspect of the SFPD's organization and deployment of resources is related, in some way, to the community policing objective. Community policing is often focused on the district level to maximize day-to-day contact with residents within defined geographic regions. District captains lead the department's community policing efforts. The department supports localized community policing, noting that "the first step of forming partnerships is through community engagement, which begins at the district stations."[107] Each of the department's 10 districts engages in the delivery of community policing services, and the SFPD grants autonomy to district captains to be creative in their decision making as to how to best engage the diverse populations within their districts.

Community policing plans, strategies, and engagement vary by district in the SFPD. The assessment team found evidence of some strong community policing practices at the district level under the guidance of district captains. For example, several captains appreciated the correlation between community policing

106. The assessment team did not attend a live CompStat meeting during the assessment but only reviewed the slide decks.
107. San Francisco Police Department, *San Francisco Police Department 2014 Annual Report*.

and crime control and cultivated the community's role through community outreach, including the newsletters, meetings, and strong community police advisory boards (CPAB), as further discussed in the "Community stakeholders" section beginning on page 97. However, other district captains did not seem to make the critical connection between community policing and public safety, and some saw crime control as their primary focus area with community policing practices as a secondary, lesser area of concern.

One factor influencing these varying community policing practices in the SFPD's districts is disparate levels of training and policy guidance. Although the Training Academy provides continuing training in community engagement and community meetings, the assessment team did not speak to any captain who received formal training or guidance in the areas of community policing or community engagement. Those interviewed stated that they were unaware of any department directive or statement outlining the department's community policing strategy other than an emphasis on engagement with youth. In this environment, captains prioritized what they believed to be the issues facing the community.

In addition, partnerships vary within the communities of San Francisco with some individuals and groups more engaged than others. One district commander who was proud of the district's community activities was able to articulate and provide examples of how the captain engaged the business community in a crime-solving strategy that included awareness and reporting of criminal activities and information. Most captains identified their primary role as being visible in the community and listening to the concerns of residents. Few translated their actions into demonstrable, measurable community policing plans.

While the assessment team identified pockets of good practice and programs at the district level, it also uncovered opportunities for improvement. Some community meetings were the sole responsibility of the captain, and few, if any, had other officers in attendance. Community events, such as Coffee with a Cop, were treated as a checklist item in some districts. In one district, the Coffee with a Cop event was advertised and posted in the SFPD's headquarters building. When the team arrived to observe the event, no community members from the district were in attendance, and the officers from the Professional Standards and Principled Policing Bureau were the only SFPD members present. The team learned that the notice for the event was not advertised in the community but only posted internally in the SFPD.

Organizational efforts to build community trust

In February 2016, the SFPD established the Professional Standards and Principled Policing Bureau to oversee the use of force reforms and efforts taken to build community trust.[108] As part of its citywide support function, the bureau is responsible for coordinating and assisting district captains with their community policing efforts. The Professional Standards and Principled Policing Bureau supports the Collaborative Reform Initiative for Technical Assistance (CRI-TA). The bureau has been beneficial to the assessment process in that it allows for a primary point of contact, coordinates information requests, and provides documents and information to CRI-TA team members.[109]

108. Loftus and Suhr, Letter to the Honorable Edwin M. Lee.
109. City and County of San Francisco, "Professional Standards and Principled Policing Bureau."

In addition, the Professional Standards and Principled Policing Bureau includes the Youth and Community Engagement Unit, and Media Relations Unit.

Community engagement and outreach programs

The Youth and Community Engagement Unit is charged with "establishing, building, and sustaining relationships within all the communities we serve"[110] and "opening up lines of communication between the police and residents to better build rapport and trust."[111] It initiates ideas for events to engage the community, such as Coffee with a Cop or Bowling with Kids, and is responsible for coordinating and funding the events it sponsors. The unit is also a support function for districts, and its events are supplemental to district-planned events. However, district captains can plan and coordinate their own community events without requesting assistance from the unit.

The SFPD engages in many activities and programs that support community policing tenets. The department hosts a variety of youth-based programs, such as Blue at the Zoo, where kids and police can meet at the zoo, and bowling and swimming activities that bring youth in contact with police officers. The department facilitates several other ongoing programs aimed at community engagement, including the following:

- **Coffee with a Cop.** This program brings police officers and the community members they serve together over coffee to discuss issues and learn more about each other.[112]
- **The Garden Project.** This 10-week paid program, hosted by the SFPD, provides youth with land management training that ranges from designing and planting gardens to clearing fire trails in the Sierras. Students this year are eligible for one college credit by participating in a life skills education program at Skyline College.[113]
- **San Francisco Police Activities League (SFPAL).** Established in 1959, the SFPAL currently serves almost 5,000 youth annually, with the help of 800 civilian and police volunteer coaches and mentors, through a variety of sports and leadership activities such as football, judo, and the Sandlot and Law Enforcement Cadet programs.[114]
- **San Francisco Safety Awareness for Everyone (SF SAFE).** Established in 1976, this crime prevention and public safety program is a not-for-profit partner to the SFPD and provides a variety of services, including neighborhood watch, youth leadership trainings, personal safety classes, home and business security review trainings, a child safety program, bicycle registration and protection, and an "adopt a police car" program.[115]

110. City and County of San Francisco, "Professional Standards and Principled Policing Bureau."
111. City and County of San Francisco, "Professional Standards and Principled Policing Bureau."
112. Coffee with a Cop, "Coffee with a Cop."
113. City and County of San Francisco, "SFPD Kicks Off Summer of Engagement."
114. San Francisco Police Activities League, "Programs."
115. San Francisco SAFE, Inc. is an independent, not-for-profit corporation that acts as a crime prevention component of the SFPD and receives a significant portion of its funding from the department (San Francisco SAFE, "General Services;" San Francisco SAFE, "History and Mission").

The overall goal of these programs is to promote mutual understanding and partnership based on positive police-community interaction. The SFPD does not have a strategic plan for community policing, so community outreach and engagement are driven by district-level priorities. As a result, community partnerships vary in their size and scope and reflect the level of that district's engagement rather than the department's stated prioritization of community policing.

Communications as key to advancing police-community relations

The Media Relations Unit is a component of community policing in that it is the public-facing information coordinator for the SFPD. Communication is a key issue in advancing police-community relations; in a digital, constantly connected world, messaging to the residents of San Francisco on public safety and community policing is an essential component of law enforcement operations. The unit is led by a sergeant and staffed by three public relations officers. It also serves as a central resource for the media, responds to media inquiries, and staffs the social media outreach for the department.

Department Bulletin 15-202, published September 28, 2015, established the position of Director of Community Engagement, with responsibilities for "developing and coordinating comprehensive community engagement strategies for the Department with an emphasis on building trust within our communities and youth engagement."[116] Assessment team members learned that this position has not been routinely engaged with the Media Relations Unit.

The Media Relations Unit coordinates media communications for the SFPD. The unit reaches out to news media outlets and consumers of information via daily updates on activities and newsworthy events involving the SFPD. (The unit also maintains the department's active Twitter account, which had over 67,000 followers as of the date of this report, and a Facebook page, which had over 43,000 likes as of the date of this report.) In addition, each district has a Twitter account. The information shared on the two social media platforms is similar and fairly well-balanced across items relating to crime and community. In a nod to transparency, the SFPD posts information when an officer is arrested, including the booking photo, which is evidence of a willingness to be more open to the public about police misconduct.

On the whole, the SFPD's website is fairly robust and informative and features a convenient search tool. The department has made recent strides in providing more information on the site to increase transparency around officer-involved shooting incidents and the reform activities of the organization. A link for community members helps them access the webpage for their specific police station, but these are standardized pages that only provide limited, basic information.

Districts generate their own methods of communication. Captains have call lists for certain types of events, and some districts use e-mail for fast-breaking issues. Many of the districts have an e-mail newsletter they send to community subscribers. Some newsletters are better structured than others, and some look more professional. They all report on key crime issues, but some provide analysis in addition to simply reporting the crime. Some of the newsletters also contain information on general community issues.

116. San Francisco Police Department, *Director of Community Engagement*.

Park and Central districts publish informative and engaging newsletters. For example, the Park Station newsletter from August 12, 2016, provides information about a food drive and a transportation survey. It also covers a cold case and offers an award for new information. Similarly, the Central Police Station provides information to the community, including updates on key events and issues and attempts to familiarize the community with officers in the district. The Central Police Station newsletter includes police success stories as described in official SFPD press releases, while others highlight a resident of the month and an officer of the month. The officer of the month is selected not based on crime statistics, but on engagement with the community as well as other areas of performance. The team found these types of newsletters to be a good practice.

SFPD community policing efforts challenged by structural issues

The Professional Standards and Principled Policing Bureau has a key role in reform goals, including restoring community trust. However, the bureau has been slow to develop and does not have a clearly defined direction, mission, or goal. The team observed challenges in meeting basic staffing needs and addressing administrative issues, such as command structure, reporting, and responsibilities.

For the bureau to be effective in overseeing use of force reforms and coordinating the SFPD's efforts under CRI-TA, the department needs to define its community policing strategy and mission clearly and empower the bureau to lead its implementation aggressively. One challenge facing the Professional Standards and Principled Policing Bureau's development has been turnover in leadership. Since its inception, there have been leadership changes with the commanding officer, the deputy chief, and the unit commander (the captain). These command changes contributed to the bureau's inability to gain traction. In addition, the new command appointees come from different backgrounds and require time to become acquainted with the various programs, partners, and other activities of the bureau.

In addition to the challenge of leadership changes, the assessment team observed operational boundary issues as barriers to action plans, particularly as they relate to the training initiative for the fair and impartial policing training of trainers. Certain actions were not coordinated in a timely or effective manner because one bureau retained authority over training while the Professional Standards and Principled Policing Bureau retained CRI-TA coordination authority. For a bureau to coordinate and effect real cultural change in an organization, leadership must set standards and support the vision to achieve that change.

The assessment team notes that the Professional Standards and Principled Policing Bureau does not have the authority to address, coordinate, and resolve issues across the entire SFPD as they relate to reform initiatives.

SFPD officers need training that supports community policing

Finally, training that advances the concepts and tenets of community policing, procedural justice, and fair and impartial policing falls under the purview of the Training and Education Division, which includes the Training Academy. Basic Academy Training domains that cover community policing include cultural diversity and discrimination, leadership, diversity, policing in the community and the justice system,

becoming an exemplary police officer, people with disabilities, and crisis intervention training. The captains' promotional orientation provides training on community engagement and community meetings.

It was repeatedly reported to the team that members of the SFPD are able to avail themselves of various types of training throughout their careers. However, it appears that formal training in the area of community policing is limited to that which is mandated by the California Commission on Peace Officer Standards and Training (POST).

Ensuring a guardian mindset through awards, appraisals, and promotions

The *Final Report of the President's Task Force on 21st Century Policing* recommended that law enforcement adopt a guardian mindset. This is not to say police should weaken their stance against individuals who seek to harm others but rather that law enforcement should strengthen its resolve to engage proper exercise of discretion and authority.[117] Law enforcement agencies need to find ways to support and recognize proper exercise of power and authority with good community outcomes in addition to traditionally recognized acts of bravery and crime enforcement.

In San Francisco, some district newsletters recognize an officer of the month or cadet of the month. This is one promising way to advance a culture of guardianship, but it could be enhanced with more formal award opportunities. The team's review of the awards recognized by the SFPD did not identify an award for values such as community engagement, discretion under duress, de-escalation, or strategic problem solving.[118] Rather, most of the prestigious awards focus on arrest, bravery, and degree of risk. During this assessment, significant public coverage unfolded over a potential active shooter situation in which the SFPD was able to talk the individual into surrendering without further harm to the individual or to others. The acts of bravery in these types of situations need to be valued as much as when officers engage their firearms.

In addition to acknowledging community policing practices through awards, successful community policing efforts should be directed and supported by organizational assessments and evaluations. The SFPD does not conduct routine performance assessments for its personnel. Without a robust evaluation process, the SFPD misses an opportunity to establish, measure, and document individual employees' goals for community policing efforts.

Evaluations provide an opportunity to reinforce normative organizational beliefs centered on procedural justice and fair and impartial policing, a key factor for developing strong police-community relationships. In addition, ongoing performance appraisals help develop an organizational learning framework and center the interaction among supervisors and officers on community policing goals. As well, regular evaluations provide officers with a platform to voice issues, which engenders a feeling of mutual respect between the officer and the agency. As a result of this forum, officers are more likely to bring respect into

117. San Francisco Police Department, *Review and Response of the Final Report of The President's Task Force.*
118. San Francisco Police Department, *Department General Order 3.09 – Department Awards*.

their interactions with residents.[119] In other words, a positive engagement with supervisors can reinforce expected cultural beliefs and behavioral norms and can help develop internal procedural justice.[120] Officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them.[121] Therefore, the SFPD should employ regular, robust evaluations to ensure line officers and support staff members understand and appreciate that their performance and that of their superiors should include actions that lead to positive police-community interactions and improvements in the community's engagement, quality of life, and perception of safety.

Finally, the SFPD should supplement awards and robust evaluations with promotional practices that cultivate a guardian mindset. In particular, departmental leaders need to be selected and developed for all policing traits that the organization deems important, not just those that relate to arrest and other operational activities. A history of strong community engagement and service should rank, equally with that of high arrest and other enforcement activity, as secondary criteria in the SFPD's promotion selections because both contribute to the safety and vitality of San Francisco's communities.

Community stakeholders are at the heart of community policing

The core of community policing is partnership with the community. Although a variety of venues allow the public to voice their concerns regarding the SFPD's performance, the public's ability to partner effectively and work to solve systemic problems is limited in San Francisco. Community stakeholders in the city have a voice in policing decisions through a variety of means including personal interactions with police, as described earlier, as well as CPABs, community meetings, and partnerships with community organizations.

Community Police Advisory Boards

CPABs represent a good mechanism for community policing in San Francisco and should be leveraged further. CPABs are groups of residents and business representatives that vary in their makeup and number according to district needs. They are selected by each district's captain to assist in problem solving on crime and safety issues and to inform community policing activities. At the time of this report, only the Mission district did not have a CPAB. The goal is for board members to meet monthly and collaboratively solve issues specific to their community through working groups of both community members and officers. Each district approaches CPABs slightly differently, but CPABs play a vital role in the district's communication and problem-solving efforts.[122]

Some districts' CPABs are more engaged than others. In the Tenderloin, for example, the CPAB reflects a high level of transparency, including a website with member biographies and current projects. In some districts, there is a team dynamic predicated on basic community policing principles of positive space and engagement. In others, however, CPAB activities are not robust.

119. President's Task Force on 21st Century Policing, *Final Report*.
120. President's Task Force on 21st Century Policing, *Final Report*.
121. President's Task Force on 21st Century Policing, *Final Report*.
122. Not On My Watch, "Community Advisory Boards."

While the assessment team was not able to observe each district's CPAB in action during the assessment, the ones observed did seem to provide an active and engaged input into the district. One CPAB had a community walk and engaged residents who were outside. The CPABs appear to be a good practice; however, the CPABs could play a more active role in policing decisions and communicating the policing activities and goals to the larger community.

Community meetings

The team observed several community meetings led by district captains, and each meeting varied in nature. At one community meeting, the captain was accompanied by several members of his staff, a representative from the Crime Strategies Unit of the District Attorney's Office, a guest speaker, and a community liaison. At another, the captain brought no members from his staff and led the meeting alone, an example of varying levels of engagement in the districts.

For the most part, the team observed that SFPD members were in control of the meetings, essentially taking complaints from the community. The level of interactive problem solving was minimal at best. Co-produced policing envisions shared collaboration for policing decisions, with ownership by both the police and the community. As with CPABs, community meetings represent an opportunity for the SFPD to engage the community more as a partner, discuss issues collaboratively, and develop shared roles for action with the community.

Community-based partnerships

Most officers and supervisors, including SFPD leaders, identified community relationships as a key factor for the department's policing plans. However, the team saw avenues for the SFPD to be more strategic in its partnerships, especially in specific objective areas. Because community policing efforts vary from district to district and there is little, if any, oversight of the district captains' efforts in this area, the team observed several missed opportunities to engage stakeholders in developing co-produced policing strategies to advance public safety goals. For example, an advocacy group whose goal is in part to create safer streets for bicyclists and motorists felt that the SFPD had rebuffed its attempts at partnership. This appears to be a significant missed opportunity to leverage resources and address goals in light of the city's Vision Zero initiative, which aims to eliminate all traffic-related deaths and reduce severe and fatal injury to pedestrians, motorists, and cyclists by 2024.

Partnerships with groups centered on engaging youth are a priority for the SFPD, and as such they should be prioritized throughout all of the districts. Various programs work to develop youth interaction such as the Garden Project and the San Francisco PAL's Sandlot Program, and officers take youth on camping excursions and other trips. However, community programs could be leveraged to support the SFPD's community policing priorities.

Some community groups felt that the SFPD was not open to establishing new partnerships and is reluctant to take on more collaborations. Some groups also identified that they felt the SFPD had established partners and did not reach beyond those. Others identified that the SFPD was hesitant to engage with groups that were not fully supportive of the department. Assessment team members spoke

with one community-based organization that provides youth programs including job readiness, educational support, and life skill development for at-risk youth. Both the SFPD and the organization share the goal of assisting youth, especially in the area of youth employment. However, despite repeated requests, the SFPD has not engaged with the organization to date.

Protest activity is endemic in San Francisco, and the SFPD encounters a variety of activists and other groups by way of routine policing. The assessment team observed that individual officers had good personal contact with members of various activist groups by means of interaction at events and knowledge of the groups and their leaders. The team did not observe an organizational approach to engagement with such groups during the assessment.

These missed opportunities notwithstanding, the SFPD demonstrated some excellent examples of police-community partnerships. For example, during interviews with SFPD members, the assessment team was informed about a neighborhood project that partnered with the SFPD to provide leadership development opportunities for 30 young people. The youth broke into teams, and three teams were assigned to work directly with law enforcement officers. At the start, some of the young people were reluctant to work with the SFPD because they had a history of negative experiences with police officers. Nonetheless, they agreed to the partnership and began designing projects for the department. Projects focused on recruiting people of color to the department, using social media to inform the community, and improving community relations. Despite their prior negative interactions with law enforcement, by the end of the summer 81 percent of the youth said they would consider a career in law enforcement. More than 90 percent said they had a different impression of police after the program. This partnership is a good model for growing the department's community engagement work, particularly around youth engagement.

One key tool for community policing partnerships is the use of representative forums that meet with the chief of police on issues of concern and to solve problems around the issues. In the past, the SFPD had ten Chief's Forum groups: African American, Arab American, Asian Pacific Islander, Business, Hispanic, Interfaith, LGBT, Young Adults, Youth, and Youth Providers. Today only the Interfaith and LGBT forums continue. The department plans to re-introduce the forums that lapsed while remaining committed to continued participation in existing forums.[123] However, there was no evidence of work on reinvigorating these programs during the assessment phase.

SFPD community policing practices hinge upon public input

If the SFPD is to rebuild community trust, the department needs to be willing to openly engage the public to find out what the community thinks of its efforts. The team conducted a number of interviews in which SFPD members were asked, "How do you think the public views the SFPD?" and responses were mixed. Some officers, including the command ranks, felt that the public looks upon the department in a negative light, while others said they are looked upon favorably by the residents of their districts. However, there is no ongoing quantitative measure or mechanism for constructive input for all of the communities the

123. San Francisco Police Department, *Review and Response of the Final Report of The President's Task Force.*

department serves. The SFPD should be open to regular assessment from the community of the service it provides. An ongoing survey is a good start in identifying what the community wants from and how it feels about its police.

Homelessness as a unique challenge

San Francisco's large homeless population presents a unique challenge to the SFPD's delivery of community policing services. The assessment team learned that SFPD districts have varying levels of response to issues that involve the homeless population. In some, officers interviewed stated that more than 50 percent of their calls for service were related to the homeless population. On some of the ride-alongs, the team observed that all of the calls for service related to the homeless population.

All SFPD officers the team questioned displayed knowledge of the issues of homelessness and its impact on policing within their communities. Some officers demonstrated a keen understanding of the dynamics and were fairly engaged in dealing with homeless persons. Others showed bias, perceiving the homeless as a policing problem rather than a service need and structuring their approach to the homeless as a criminal response. A recurring issue in San Francisco is how the police address the tents occupied by homeless individuals. On one hand, community members complain about the presence of the homeless and associated nuisance issues. On the other hand, advocates for the homeless community emphasize that actions against the property of homeless people occur because as individuals they do not have the standing or ability to protect their rights.

The laws in San Francisco sometimes facilitate the correlation between homelessness and criminality. One report produced by an advocacy group indicated that citations for quality of life issues, including sleeping, sitting, and begging, accounted for 70 percent of all quality of life citations from 2007 to2013, the last year in which SFPD records were publicly recorded based upon categorization of "homeless."[124] The SFPD does not have a data category that tracks its interactions with people experiencing homelessness consistently, which limits analysis for this area of police response including resource requirements, hot spot areas, and types of crime impacting or deriving from the community.

For its part, the SFPD has developed resources to assist the homeless including a website and a handout that identifies meal programs, shelters, and other sources of assistance. However, there were only eight shelters listed on the resources sheet, and two were for special populations: one for youth and the other for family. In addition, SFPD officers noted that shelter assistance is not always available given limited space and high demand, and the SFPD often cannot provide assistance during nighttime encounters because most service programs have limited hours. In effect, SFPD officers have limited service options to provide to the homeless individuals they encounter.

From a community policing perspective, some in the residential and business communities find the homeless populations to be a chronic problem based on health and crime concerns. Homeless individuals, meanwhile, are concerned with day-to-day shelter, health, and safety. While this review assesses the actions of the SFPD, the issues surrounding the homeless populations of San Francisco do not accrue to

124. Coalition on Homelessness, "Punishing the Poorest."

the police alone. The SFPD has limited tools to address homeless assistance, but it remains the primary institutional response to the homeless population's needs and those of the community as a result of its around-the-clock response capability. Strategic planning should be conducted with all of the SFPD's institutional partners to clearly define roles, responsibilities, and goals in addressing this issue. Doing so will help ensure more consistent and coordinated responses to community issues surrounding homelessness.

The SFPD's successes and challenges in providing police services at the community level

Not surprisingly, individual SFPD members demonstrated a mixed understanding of community policing and how these practices should be carried out in their respective districts to best serve the department and the community. While patrol officers and officers in special units had a relatively limited understanding of the formal definition and concept of community policing, they were able to articulate the general expectations of their respective captains and supervisors on engaging community members. Most officers interviewed identified a need to be involved with the community, and many identified a level of acceptance of diverse communities that impressed members of the team.

For community policing to be effective, front-line officers must feel confident that they can make decisions at their level within the department's articulated community policing framework and thereby have ownership of and responsibility for their role in these efforts. Therefore, empowering autonomy and discretion within a framework requires an articulated strategy with goals and objectives at all levels of the organization. In San Francisco, the absence of established goals, coupled with a lack of analysis of how officers are being used, makes it challenging to properly assess whether officers are deployed to support community policing and achieving the best possible outcomes.

As identified in the *Final Report of the President's Task Force on 21st Century Policing*, getting to know the community at the agency level as well as on a personal basis can help establish an environment of co-produced policing rather than policing being imposed upon residents.[125] The assessment team identified examples of general patterns and practices that aligned with community policing and observed that most officers supported the concept in principle. For example, the team observed a foot patrol officer in a business district who interacted with numerous business owners of different nationalities, all of whom were familiar with the officer. The officer understood the important role of building positive relationships between police and the community they serve. The business owners enjoyed the tangible SFPD contact that a foot patrol officer provides.

In a separate incident, the assessment team observed appropriate use of discretion during a traffic stop of an individual who did not have a valid driver's license. Knowing that this individual was trying to get to work and did not have the funds to bail out of jail, the officers chose not to arrest him. Rather, they had him park the vehicle and gave him a warning. The next day, the subject waved at them and thanked them for not arresting him. The individual is taking the actions needed to correct his driving status, public order

125. San Francisco Police Department, *Review and Response of the Final Report of The President's Task Force.*

was maintained, and the officers now have an ally in the community. Community policing supports law enforcement's obligation to reduce crime in a procedurally just manner while protecting the rights of all people.[126]

One challenge facing law enforcement officers is that individuals in communities most plagued by crime tend to rely on the police the most but often mistrust officers because of past experiences and perceptions of police action. For example, the team observed incidents where SFPD officers detained and questioned young African-American men on the street. Although the actions of the officers would be considered within the boundaries of the law, their response—in one case, multiple officers and another squad on backup—their authoritative tone and approach and failure to pause and fully assess the situation put them in a position of leaving these individuals feeling harassed for no apparent reason.

Police interaction with the community can be positive, as identified in the examples of foot patrol or use of discretion to park a car. It can also result in perceptions of inappropriate police action based on a failure to communicate the reasons for the interaction. Encounters where community members feel inappropriately targeted build wariness and mistrust of the police. As one of the participants at a community listening session stated, "We need more community policing. Instead of cars patrolling, they [the police] should be walking and talking with us, the youth. They see us as criminals, but I'm trying to go to college, and I'm tired of me going to stores. I'm getting stopped. Police officers come up to us and say, 'You have to be respectful.'" This sentiment was echoed in many other community encounters with the assessment team. The police may have the legal right and support for the stop, but taking an approach that engages individuals and provides explanations for police actions generates legitimacy and understanding.

Although the assessment team witnessed several examples of community policing practices initiated by patrol officers, in general community members felt a lack of a connection with the police. According to one community resident and business district leader, "The San Francisco Police Department needs to be more community-centric." When asked to define "community-centric," the interviewee explained, "Cops need to be out of the cars and on foot meeting people. The community is craving this."

In community listening sessions, the assessment team heard multiple times over multiple sessions that the police do not engage the African-American or Hispanic communities with respect and that men of color, young and old, were consistently subjected to negative police scrutiny, stops, frisking, and questioning. As one participant stated, "Bring us to the table. You cannot do this without us. They [police] must be held accountable before any trust can ever be re-instilled to those who have been sworn to protect and serve." There is strong desire among the community to be a partner in policing decisions.

126. San Francisco Police Department, *Review and Response of the Final Report of The President's Task Force.*

Findings and recommendations

Findings follow the flow of the narrative within the chapter.

Finding 38

There is a strong perception among community members that the SFPD is not committed to the principles of procedural justice.

The assessment team heard from community members who expressed concerns over being treated unfairly, not being given a voice, or not being able to participate in policing decisions that affect the community.

Recommendation 38.1

The SFPD needs to expand its outreach to its communities in a manner designed to demonstrate its commitment to procedural justice.

Recommendation 38.2

SFPD leadership should take an active and direct role in community engagement at the neighborhood level.

Recommendation 38.3

The SFPD should engage community members in the implementation of the recommendations in this report.

Finding 39

The SFPD does not have a department-wide strategic plan that articulates a mission and identifies the goals and objectives necessary to deliver overall policing services.

Recommendation 39.1

The SFPD needs to develop a comprehensive organizational strategic plan with supporting plans for the key reform areas identified within this report specifically directed at community policing, bias, and maintaining diversity within the department.

Recommendation 39.2

SFPD leadership should lead, mentor, and champion a community-based strategic planning initiative.

Recommendation 39.3

The SFPD should establish a Strategic Planning Steering Committee composed of representatives from the community and various sections of the department within 90 days of the issuance of this report. This committee should collaborate to develop policies and strategies for policing communities and neighborhoods disproportionately affected by crime and for deploying resources that aim to reduce crime by improving relationships and increasing community engagement.[127]

Recommendation 39.4

A training needs analysis must be conducted to support the training requirements recommended in this assessment. The SFPD must conduct an analysis of the needs across the organization, identify the benchmark for training, and develop a prioritized training plan based on the needs analysis. This will require solid support from the Office of the Chief of Police and the command staff if it is to succeed in strengthening the content, quality, and timeliness of the department's training. This should be completed within nine months of the issuance of this report.

Recommendation 39.5

A technology needs analysis must be conducted on how to address the technology gaps identified in this assessment. Organizational needs should be identified, and a structured plan supported by budget forecasting should be in place to address the development of the IT enterprise for the SFPD. Existing systems should be integrated to ensure full value of the data already in place in the SFPD and that IT systems and practices remain up to date.

The SFPD must analyze and expound its information technology capabilities that provide the right management information to drive key decisions on officer misconduct and overall employee performance.

Recommendation 39.6

The SFPD must conduct a gap analysis comparing the current state of the department's information gathering, analyzing, and sharing assets and capabilities with the established modern best practices. This should be completed within six months of the issuance of this report.

Recommendation 39.7

The SFPD must conduct a portfolio management assessment to identify opportunities for consolidating platform and product offerings, providing enterprise solutions across the organization instead of silos or one-off product sets. This should be completed within six months of the issuance of this report.

127. President's Task Force on 21st Century Policing, *Final Report*.

Recommendation 39.8

The SFPD must create a five-year technology initiative roadmap to facilitate migrating current platforms to the modern state architecture. This should be completed within 12 months of the issuance of this report.

Recommendation 39.9

The SFPD must establish clear life-cycle management policies and procedures for enterprise application maintenance, support, and replacement strategies for sustaining improved data collection, analysis, and dissemination technologies. This should be completed within 12 months of the issuance of this report.

Finding 40

The SFPD does not formalize community engagement in support of community policing practices.

The SFPD does not have a comprehensive, strategic community policing plan that focuses priorities, resources, programs, and activities for the department. Community policing involves partnerships, problem solving, and organizational transformation. In order to be a true community policing department, the SFPD needs to ensure the entire department is following the tenets of community policing systematically and strategically.

The SFPD needs to bring the community to the table in order to establish comprehensive community policing resources, programs, and activities.

Recommendation 40.1

As part of the Strategic Plan (recommendation 39.1), the SFPD should develop a strategic community policing plan that identifies goals, objectives, and measurable outcomes for all units.

Recommendation 40.2

As part of recommendation 39.3, the SFPD should direct the Strategic Planning Steering Committee to develop a strategic plan within six months of the issuance of this report that clearly defines the following:

- *The department's vision, mission, and values statements. Once these statements are in place, the committee should establish agency-wide objectives and individual goals as the guiding principles that codify the SFPD's collective beliefs.*
- *The department's strategic framework for the planning process. This framework will ensure that the process results in a plan that supports the coordination of priorities and objectives across individuals, work groups, and key operating divisions.*
- *The department's strategy to engage the community, obtain community input, and develop support for the plan and its success.*

- *The department's strategy to drive the plan down to the officer level by creating objectives that allow for individual goals that contribute to the overall plan.*
- *The department's measurement processes for individual performance and participation towards accomplishing departmental goals.*

Recommendation 40.3

As part of its plan, the SFPD should consider the role of the beat and its place within its priorities. Prioritizing beat-aligned policing would require some realignment of dispatch priorities and directed patrol.

Recommendation 40.4

The SFPD should evaluate whether implementation of foot patrol and bicycle patrol would bridge the trust gap and effectively solve crime problems in San Francisco's communities.

Recommendation 40.5

The SFPD should develop specific measurable goals for community policing engagement within six months of the issuance of this report and ensure these measurements are incorporated into the department's CompStat processes.

Recommendation 40.6

The SFPD should develop and implement a community policing practices review and development process within 90 days of the issuance of this report so SFPD units can collaborate regarding community policing efforts.

Recommendation 40.7

The SFPD should develop strategic partnerships on key community issues such as homelessness and organizational transparency to work in a collaborative environment to problem solve and develop co-produced plans to address the issues.

Recommendation 40.8

The SFPD should publish and post its annual review of progress toward the community policing goals and objectives.

Finding 41

The SFPD's community policing order Department General Order 1.08 – Community Policing (effective 9/28/11) and its Community Policing and Problem Solving manual are out of date and no longer relevant.

These overarching directives do not sufficiently reflect the vision, plan, or goals of the SFPD with regard to community policing. They need to be updated and maintained as living documents that guide the community policing activities of the organization.

Recommendation 41.1

The SFPD should work with the newly convened Strategic Planning Steering Committee (recommendation 40.2) to draft a new community policing and problem solving manual for SFPD members within 12 months of the issuance of this report

Recommendation 41.2

The SFPD should work with the Police Commission to draft a new community policing order that reflects the priorities, goals, and actions of the department.

Finding 42

The SFPD conducts community policing in silos but does not ensure community policing is systematically occurring across the department.

Without an overall strategy, the SFPD's community policing activities represent only a collection of programs aimed at engaging with the community. Some SFPD district captains are creatively engaging the community and identifying promising practices; however, by not systematically identifying these practices they are working in silos. Every unit in the SFPD must have a community policing plan that is measurable and also coordinates with, supports, and is accountable to the organizational strategic plan. Ensuring that the whole of the organization is actively engaged with the community supports community policing goals, develops a culture that is consistent with true police-community partnerships, and allows the department to more effectively respond to community needs.

Recommendation 42.1

The SFPD should continue to grant district captains the authority to serve the diverse populations represented in their districts within the tenets of community policing. However, the department needs to provide structure and support to these initiatives in accordance with the proposed strategic community policing plan.

Recommendation 42.2

The SFPD should create an overall structure to manage the department's approach to community policing driven by a committee of senior leaders and district captains.

Recommendation 42.3

The SFPD should recognize those district captains engaged in best practices and use them as peer trainers for other captains.

Recommendation 42.4

The SFPD should provide information technology support to districts to help develop newsletters that are easily populated and more professional in appearance. Creating a uniform newsletter architecture and consistent format that allows for easy data and content uploading would create efficiencies and help develop a greater sense of community.

Finding 43

The SFPD engages in a range of successful activities, programs, and community partnerships that support community policing tenets, particularly those coordinated through the Youth and Community Engagement Unit.

The SFPD partners on a variety of projects and is to be commended. As the department expands its work with the local communities, it must continue to ensure cultural sensitivity to projects it is implementing and when seeking to partner with additional members of the community. Public perception and community customs need to be at the forefront of the decision process.

Recommendation 43.1

The SFPD should continue to actively support the programs aimed at community engagement, including Coffee with a Cop, the San Francisco Police Activities League, San Francisco Safety Awareness for Everyone, and The Garden Project.

Recommendation 43.2

The SFPD should expand its partnership with and further support neighborhood organizations that work to provide art, sports, educational, and leadership development opportunities for young people in the community.

Recommendation 43.3

The SFPD should consider reinvigorating its community police academy program to educate the community about the department's policing practices. The training should range from basic police orientation to ride-alongs with district police officers.

Recommendation 43.4

The SFPD needs to reach out to members of activist groups and those groups who are not fully supportive of the department to seek to develop areas of mutual concern and work towards trust building and resolution of shared issues.

Finding 44

The Professional Standards and Principled Policing Bureau's mission, role, and responsibilities as they relate to community policing are not clearly defined or implemented.

In the absence of structured goals and objectives, the Professional Standards and Principled Policing Bureau has little influence in guiding the community policing-related activities.

Recommendation 44.1

The chief of police should give the deputy chief of Professional Standards and Principled Policing Bureau the responsibility of advancing community policing throughout the entire department and the communities of San Francisco.

Recommendation 44.2

The chief of police should empower the deputy chief of the Professional Standards and Principled Policing Bureau to create a strategy and plan to implement, with urgency, the Final Report of the President's Task Force on 21st Century Task Force *recommendations contained in Pillar Four*[128] *and the recommendations in the CRI-TA assessment.*

Recommendation 44.3

The SFPD should adequately resource the Professional Standards and Principled Policing Bureau to reflect the diversity of the community it serves and the officers of the SFPD in order to effectively coordinate community policing efforts throughout the city.

Recommendation 44.4

The SFPD, through the Principle Policing and Professional Standards Bureau, should engage and support all units by facilitating quarterly meetings among supervisors and managers to discuss cross-organizational goals and community policing plans and outcomes. These meetings should be supported by routine electronic engagement through a shared platform for sharing information.

Finding 45

The SFPD is not focused on community policing efforts across the entire department.

Recommendation 45.1

The SFPD should expand community policing programs throughout the entire agency and ensure each unit has a written strategic plan embracing community policing and measurable goals and progress, regardless of the unit's specialty.

128. President's Task Force on 21st Century Policing *Final Report.*

Recommendation 45.2

SFPD leadership should provide short video messages on the importance of the entire agency understanding and embracing community policing.

Recommendation 45.3

The SFPD should consider mandating annual community policing training to the entire agency.

Finding 46

The SFPD does not collect data around community policing nor measure success within community policing functions and programs.

Recommendation 46.1

The SFPD needs to prioritize data collection practices measuring community policing and should consider reinstituting Form 509 or other such instruments to allow for consistency in data collection and reporting.

Recommendation 46.2

The SFPD should regularly assess existing community engagement programs to ensure effectiveness in a framework predicated upon sound measurement practices. Assessments should include input from participants and trusted community partners.

Recommendation 46.3

The SFPD should establish formal mechanisms to measure and support information sharing and the development of shared good practice among SFPD members, particularly district captains.

Recommendation 46.4

The SFPD should create a feedback mechanism for community engagement events to determine efficacy, replicability, and depth of relationship with community partners. A community survey could be one feedback mechanism.

Recommendation 46.5

The SFPD should publish and post any community survey results.

Finding 47

The SFPD does not consistently seek out feedback or engage in ongoing communication with the community relative to its policing practices and how the community perceives its services.

The Bay Area is home to several academic institutions, and a partnership arrangement should be considered not only for the community survey but also as a means to measure overall progress of the department's reform efforts. Such an arrangement would allow for ongoing transparent evaluation of the reforms that have been publicly promised to the residents of San Francisco.

Recommendation 47.1

The department should conduct periodic surveys to measure whether the SFPD is providing fair and impartial treatment to all residents and to identify gaps in service (see recommendation 46.5).

Recommendation 47.2

The department should create easy points of access for community feedback and input, such as providing "community feedback" or "talk to your captain" links on its website and social media pages.

Recommendation 47.3

The role of the Director of Community Engagement should be aligned with organizational communication and outreach to enhance overall messaging and community awareness of the SFPD's community policing initiatives and ongoing programs.

Finding 48

The SFPD needs to develop a robust, broad-based community forum for input on policing priorities across all communities.

Recommendation 48.1

The chief's community forum groups—African American, Arab American, Asian Pacific Islander, Business, Hispanic, Interfaith, LGBT, Young Adults, Youth, and Youth Providers—need to be re-established and structured to engage in problem solving and action regarding issues affecting the groups they represent.

Recommendation 48.2

The department needs to develop an annual reporting and measurement process of the issues raised at the forum and the progress made by the group in resolving them.

Finding 49

Many in the SFPD lack an understanding of current and emerging community policing practices such as procedural justice.

Recommendation 49.1

The SFPD should ensure that all department personnel, including civilians, undergo training in community policing as well as customer service and engagement.

Recommendation 49.2

Consideration should be given to using Field Training Officers to help develop and deliver training in the field regarding key community policing concepts as a way to augment and expand the training currently provided at the Training Academy.

Recommendation 49.3

The SFPD's training needs to expand beyond traditional community policing and include the foundation and concepts of procedural justice as related concepts.

Finding 50

The SFPD does not require agency personnel to read the *Final Report of the President's Task Force on 21st Century Policing*.

Recommendation 50.1

The SFPD should require all agency personnel to read the Final Report of the President's Task Force on 21st Century Policing.

Recommendation 50.2

The SFPD should encourage supervisors and captains to continue conversations on the Final Report of the President's Task Force on 21st Century Policing *through roll calls, in-service training, and community meetings.*

Finding 51

Training curricula do not address the complex emerging community issues in the current law enforcement environment.

Recommendation 51.1

The SFPD should provide procedural justice and explicit and implicit bias training to all department personnel including civilian staff. This training should become a permanent part of the Academy's curriculum and should be reviewed with each officer during the department's annual officer training sessions.

Recommendation 51.2

The SFPD should engage in peer-to-peer training exchanges for exposure to other departments' training curricula to identify areas for potential improvement. Areas of focus should include de-escalation training, use of force training with a focus on the sanctity of life, impartial policing, and procedural justice.

Finding 52

The SFPD has not fully engaged with all institutional and community partners to coordinate service provision to the homeless community.

Significant amounts of SFPD resources are directed at responding to issues involving the homeless community. The SFPD needs to assess and ensure that these resources are being used to their greatest value.

Recommendation 52.1

The SFPD should review and strategically align resources to support the Homeless Outreach Teams, which are currently providing service to the homeless community.

Recommendation 52.2

The SFPD should engage with the City and County of San Francisco to conduct joint strategic planning with all of its appropriate federal, state, and local partners to clearly define roles, responsibilities, and goals in continuing to address the issue of homelessness and ensure a more consistent and coordinated response to the needs of this growing segment of the city's population.

Recommendation 52.3

The SFPD should engage in data collection and analysis to measure the effectiveness of strategies aimed at all community policing issues, particularly its response to the homeless community. The analysis should be part of an ongoing review and publication and reflect the commitment to greater transparency and community engagement.

Finding 53

The SFPD does not incorporate the tenets of community policing in its evaluation of employee performance.

The President's Task Force on 21st Century Policing has recommended that law enforcement culture adopt a "guardian" mindset, which means strengthening the department's resolve to engage proper exercise of discretion and authority.[129]

129. San Francisco Police Department, *Review and Response of the Final Report of The President's Task Force*.

Recommendation 53.1

Performance evaluations should include officers' behaviors and efforts to meet the SFPD's community policing goals of community engagement, positive police-community interaction, and problem resolution. Establishing consistent performance evaluations is covered under recommendation 79.1.

Finding 54

The SFPD does not have multi-levels of awards and recognition that reward organizational values and goals, such as community engagement and recognition, discretion under duress, and strategic problem solving.

Rewarding behaviors and actions that reflect the values of a guardian mindset is one way to institutionalize the department's community policing goals.

Recommendation 54.1

The SFPD should support and recognize proper exercise of power and authority with good community outcomes in addition to traditionally recognized acts of bravery.

Recommendation 54.2

The SFPD should implement department-wide recognition for an officer of the month as one way to begin to advance a culture of guardianship and reward good community policing practices.

5. Accountability

Accountability in San Francisco

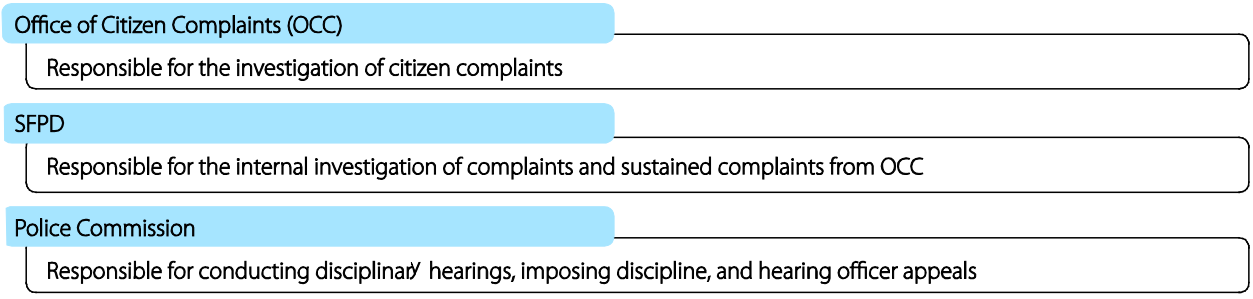
Accountability is about creating a culture where doing the right thing is the norm. A culture of accountability develops officers who act in accordance with the San Francisco Police Department's (SFPD) vision and goals and hold themselves to account for policing excellence. The mission statement of the SFPD reflects this vision of accountability, noting, "Professionalism requires impeccable conduct, careful protection of all citizens' rights, and the maintenance of high levels of accountability from all members of the Department."[130]

San Francisco has a well-structured system for police accountability. There are three lead agencies that have statutory responsibility for police accountability within San Francisco:

1. The SFPD is responsible for all matters relating to officer conduct, department management, and policy guidance.
2. The Office of Citizen Complaints (OCC) is tasked with investigation into complaints from the community against police officers and into officer-involved shooting incidents.
3. The Police Commission has authority over the policies and discipline of the SFPD.

Each has a distinct role in the overall system of accountability directed at police officers, and each operates to its own responsibilities, as depicted in figure 5.1. However, better coordination among these agencies is needed to improve the processes of accountability in San Francisco.

Figure 5.1. Accountability responsibilities



Independent of the police discipline process, legal accountability arises out of the criminal activity of police officers and rests with the City and County of San Francisco District Attorney's Office. The District Attorney's Office has charging authority over criminal conduct of police officers and also investigates officer-involved shooting incidents.

130. City and County of San Francisco, "Police Department: Mission Statement."

During community listening sessions, residents of San Francisco were loud, vocal, and consistent in their opinion, perceptions, and beliefs that the officers and leadership of the SFPD act in accordance with their own interests and not those of the community. Community members told many stories of disparate policing practices, of families in pain as a result of inappropriate police action, and of individuals left without recourse because of improper policing decisions. Most expressed frustration with a lack of knowledge regarding what is happening with their complaints as well as a belief that nothing is happening. The absence of transparency in the discipline system results in a frustrated community that believes its issues and concerns regarding police misconduct are not being heard or addressed.

However, the SFPD is to be given credit for taking the critical first steps in seeking Collaborative Reform Initiative for Technical Assistance (CRI-TA). By virtue of this assessment, the SFPD will have appropriate guidelines to create robust accountability practices. The execution of these guidelines will be monitored during the CRI-TA implementation phase. The SFPD has been a partner to the process and has demonstrated its commitment to ensuring the department becomes a world-class police organization.

Integrity, fairness, and service are the hallmarks of policing. As individuals, many of the men and women of the SFPD serve with honor every day and strive to ensure the public safety of the people they serve. However, community concerns persist, and the SFPD faces a challenge in maintaining public confidence amid ongoing scandals and public interest in the department's use of force incidents in recent years. SFPD leadership must be willing to hold its officers to account and ensure transparency in discipline practices, policies, and decisions on policing. Moreover, the SFPD needs to embody the element of its mission statement that strives to eliminate any "question or suspicion among the citizenry regarding Department ethics"[131] throughout the organization.

This assessment will make findings and recommendations specific to the SFPD since neither OCC nor the Police Commission is under CRI-TA review.

Methodology used to assess this objective

The assessment team reviewed the SFPD's policies and procedures related to the intake, investigation, and disposition of complaints and the interconnected policies and procedures of the Police Commission and OCC. Team members also reviewed the SFPD's policies and procedures related to its early intervention program and officer misconduct as well as directives regarding professional behavior for assessing transparency of policies and practices, fairness, and impartiality.

Assessment team members interviewed SFPD members from all levels and areas of the agency and individuals and organizations who play a role in ensuring the SFPD's accountability including OCC, the Police Commission, the District Attorney's Office, the Public Defender's Office, the Board of Supervisors, the San Francisco Police Officers Association (POA), other police employee groups, and community members and stakeholders.

131. City and County of San Francisco, "Police Department: Mission Statement."

In addition, the assessment team conducted qualitative reviews of SFPD complaint investigation files for 2013, 2014, and 2015 that were in the possession of the SFPD. Team members assessed overall investigative quality of these files using a random sampling methodology as compared to good practice benchmarks.

The assessment team targeted its review to 10 percent of the overall case files for each year, prioritizing the review of the 2015 files. Once the saturation point[132] was reached, the team validated its conclusions against case files from 2014 and 2013.[133] A sample of the case files was also subject to an in-depth review for overall quality, transparency, comprehension, and clarity in the investigation and its processes, again providing for a numbered rating of the investigation.

Complaint and discipline policies and processes

The policies of SFPD direct its internal complaint investigations, findings, and discipline practices. SFPD policies also inform the investigative practices and findings for OCC, the civilian investigative agency tasked with investigating public complaints of misconduct against on-duty SFPD officers.

The SFPD identifies the *Supervisory Investigations Manual* as providing the standards for an investigation into employee misconduct that does not fall under OCC's jurisdiction. The Department General Orders (DGO) that apply are DGO 1.06 – Duties of Superior Officers, which outlines the steps supervisors are to follow when conducting a disciplinary investigation, and DGO 2.08 – Peace Officer's Rights, which states the rights of officers under investigation. The actual investigative process and standards are not codified in a DGO but instead are prompted by a template for investigation on SFPD Report SFPD-68 (03/89). No DGO outlines the procedures and responsibilities for the investigation into internal misconduct complaints. Furthermore, there is no specific Internal Affairs Division (IAD) manual or official protocol that specifically guides and directs the conduct of investigations by IAD.

Strong partnerships for police accountability reflect an agency committed to excellence in policing. During this assessment, team members observed ongoing and protracted communications issues involving the institutional partners to the accountability process, including OCC and the District Attorney's Office, even at high levels of leadership. The lack of trust among partners was visible and demonstrated in public statements, which has significant impact on police accountability in San Francisco. The SFPD needs to provide leadership to ensure that the process for holding itself and its officers to account is transparent, robust, fair, and impartial across the full spectrum of the accountability system.

132. Saturation occurs at the point at which there is enough information to replicate the study findings and no additional new information has been attained.
133. Fusch and Ness, "Are We There Yet?"

Internal core accountability processes

Three key processes drive internal accountability for the SFPD: (1) directives, including policies, procedures, and protocols; (2) investigation of internal complaints; and (3) early warning and evaluation systems. The assessment team reviewed the SFPD's policies and procedures that guide employees; assessed how the department investigates internal complaints of poor employee behavior or performance; and examined the department's early warning systems and performance evaluations (individual and agency) to determine whether the SFPD holds officers accountable for appropriate behavior and performance.

For the period 2013–2015, the SFPD's IAD received a total of 1,156 complaints. The intake for complaint distribution for 2013–2015 is as shown in table 5.1.

Table 5.1 SFPD IAD complaint distribution, 2013–2015 (N = 1,156)

Type of complaint	N
Citizen-initiated	90
OCC-sustained	190
Department-initiated	831
Officer-involved firearm discharge	20
Officer-involved shooting	25
Total	1,156

Source: Data obtained by assessment team from SFPD IAD June 17, 2016

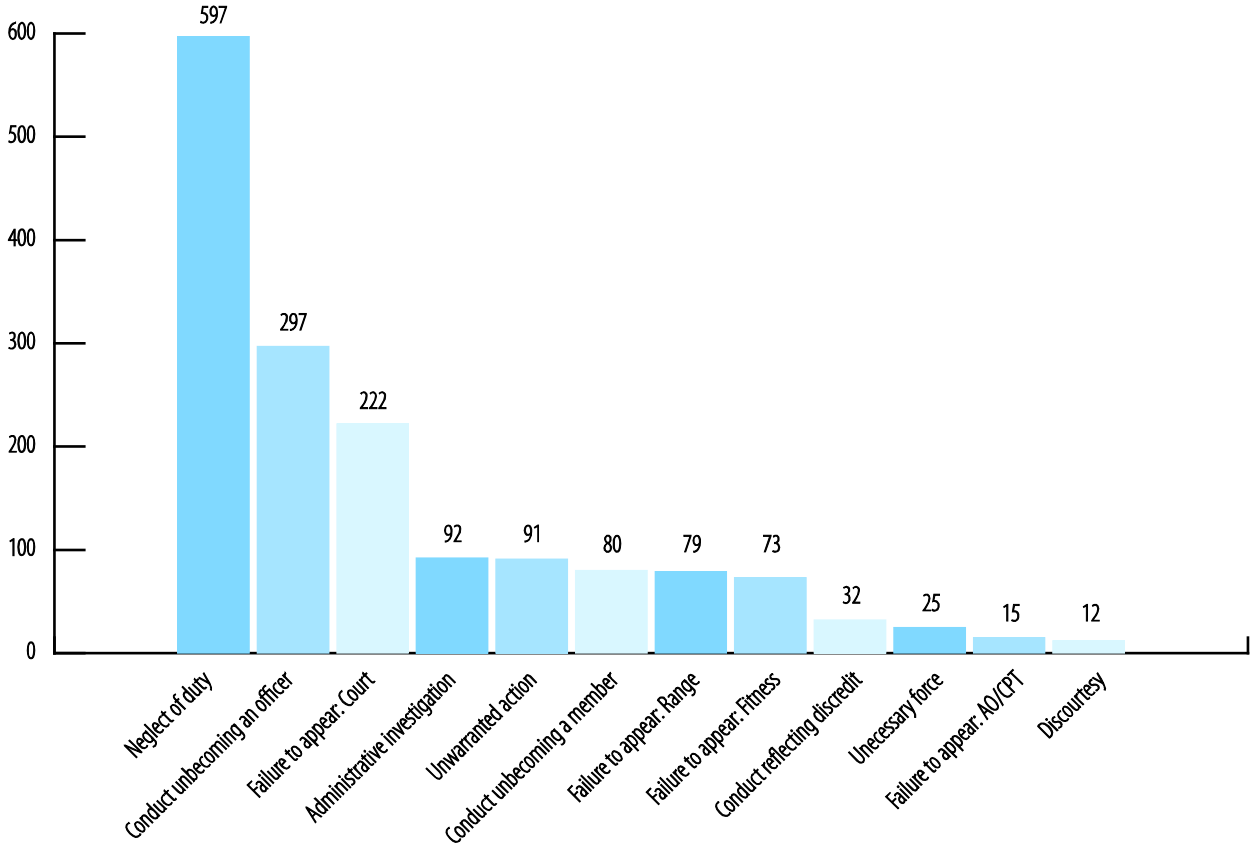
The SFPD's intake of complaints varies from that of OCC. First, it includes OCC-sustained complaints, as the SFPD must review the OCC investigation and determine whether to accept the disciplinary recommendations. Second, the SFPD received 90 public-initiated complaints during this timeframe, some of which could account for off-duty conduct. However, at 831 complaints, department-initiated complaints accounted for the majority of IAD's complaint intake.

The SFPD's IAD is responsible for conducting internal disciplinary investigations and managing the disciplinary process. IAD is structured between Internal Affairs Criminal Unit (IA Criminal) and Internal Affairs Administrative Unit (IA Administrative), with each unit headed by a lieutenant. Generally, IA Criminal investigates serious misconduct and criminal investigations of SFPD officers. IA Administrative conducts investigations into all other internal misconduct complaints. Both units are staffed by sergeants who are responsible for conducting misconduct investigations into officers. The sergeants are assisted by support personnel, including the department's legal counsel. IAD also has an Officer-Involved Shooting Team that investigates officer-involved shootings and presents its findings to the Firearm Discharge Review Board (FDRB).

The IAD investigative process flow is identified in the following steps:

1. Intake
2. Assignment to IA Administrative, IA Criminal, or unit supervisor
3. Investigation by IA Administrative or IA Criminal
4. Internal Affairs lieutenant's review of findings
5. If not sustained, the complaint flows through the IA Administrative process for case closure
6. If sustained, IA Administrative lieutenant reviews the investigation and forwards through the chain-of-command, ultimately to the police chief
7. The police chief administers discipline up to 10 days' suspension
8. Recommendations for suspensions over 10 days are scheduled before the Police Commission for hearing and decision

Figure 5.2. SFPD top 12 complaint type totals, 2013–2015



A complaint can have multiple types of allegations, resulting in a larger number of allegations than complaints received and reported.

Source: Data obtained by assessment team from SFPD IAD June 17, 2016

As reflected in figure 5.2 on page 119, the majority of the complaints received by IAD were for Neglect of Duty. Conduct Unbecoming an Officer was the next most frequent complaint, followed by Failure to Appear: Court. There were 25 complaints of unnecessary force.

Unit level investigations

In cases where the alleged misconduct arises from a procedural matter or is minor as determined by IAD intake, the complaint is forwarded to the assigned officers' unit for investigation. The team supports this process because forwarding less serious complaints to the assigned officers' unit is a good practice. By creating responsibility for overseeing and investigating lower levels of misconduct, first-line supervisors become aware of complaints of misconduct. This knowledge not only allows them to hold their officers to account but also alerts them to opportunities to coach and lead employees to help develop appropriate conduct. Once the unit has completed its field investigation, the complaint is sent back to IAD. IAD processes the investigation and then forwards it through the IAD chain of command for review.

At each step in the process, legal counsel is available to assist in advising investigators with respect to law, policy, or procedural matters and to assist in preparing findings, notification, and scheduling of discipline.

Internal Affairs intake processes

The complaint and discipline process is not public focused; however, the number of complaints about officer conduct in public interactions require greater attention and action from the SFPD. Attention must be paid to the conditions that give rise to community complaints. The very act of registering a complaint indicates of a lack of understanding, a failure to communicate, or a missed opportunity to address the issue at the time of the encounter, especially in cases where the officer's conduct is found to be proper. The assessment team did not learn of any ongoing review of complaints and their origination as a means to be proactive and provide intervention, learning, or policy opportunities to minimize their recurrence, either internally or as a matter of public education and outreach.

As for the intake process, the SFPD provides minimal focus on ensuring that the complainant be kept informed during the progress of the investigation other than to inform him or her that OCC will undertake the investigation. The *Supervisory Investigations Manual* directs the investigations of supervisors as they relate to complaint investigations.[134] However, the manual focuses on documenting the process rather than ensuring that the complainant's needs are addressed.

The manual does not advise the supervisor about appropriate actions or responsibilities regarding a member of the public lodging a complaint other than to (1) allow the party to complete the form if present or, if on the phone, re-read the complaint to confirm its accuracy and (2) inform the party that the complaint will be forwarded to OCC.[135] This lack of direction represents a missed opportunity to increase transparency. The intake of a complaint is an appropriate time to provide complainants with an

134. San Francisco Police Department, *Supervisory Investigations Manual*.
135. San Francisco Police Department, *Supervisory Investigations Manual*.

information sheet advising them of their rights and what to expect from the process. Furthermore, providing an OCC complaint number rather than just the phone number for OCC at the time of filing would allow complainants to track the progression of investigations from their initiation.

The assessment team heard many comments on the community's frustration with the process and lack of transparency. The team notes that this frustration is directed toward the SFPD, and insofar as the conduct of its employees is the source of complaint, the SFPD should work with OCC to develop ways to increase transparency during the investigation and closing of the complaint.

Internal Affairs' need for standard operating procedures

Standard operating procedures support effective practices. At present, however, the SFPD's IAD does not have a comprehensive standard operating procedures manual despite its unique work at the intersection of criminal and administrative law. Rather, IAD relies upon departmental orders, which direct the intake of public complaints; the *Bureau of Inspectors Investigations Manual*,[136] which outlines procedures for criminal investigations; and the *Supervisory Investigations Manual*, which directs the investigations of the IAD supervisor. However, none of these directives speaks directly to the work of IAD, which investigates highly technical issues distinct from those addressed in these manuals.

In meeting with members of IAD, the assessment team learned that there was a lack of clarity as to roles within IA Criminal and IA Administrative, and unit members often felt that they did not have sufficient direction. Members of IAD acknowledged that they seldom meet to discuss investigations or common issues like how to develop an effective database for case management and archival purposes. They also referenced a lack of administrative and technical resources, especially data systems, as impediments to the effective and efficient performance of their duties.

In IAD, the assignment of cases is not subject to a standard, specific protocol. This lack of policy for assigning cases coupled with a lack of standardized investigative practices, roles, and responsibilities creates challenges for strong accountability practices. Assessment team members found that the cases IAD assigned back to the SFPD's operational units were generally lower level, which is appropriate. However, absent protocols, field assignments are subject to variance, and therefore so is the overall focus and quality of the investigative process. If the structures for the assignment and investigation of cases are not clear and known, it is much more likely that community members will continue to have reason to question the transparency and fairness of investigations.

Early Intervention Systems

Early Intervention Systems (EIS) are another way that contemporary police agencies use data to improve individual and organizational effectiveness. The SFPD's EIS focuses on improving employee performance pursuant to DGO 3.19 – Early Intervention System. The parameters for the SFPD's EIS Unit and its function

136. San Francisco Police Department, *Bureau of Inspectors Investigations Manual*.

as a component of the Legal Unit are also outlined in this directive. When factors indicate that an SFPD officer may be exhibiting patterns of improper behavior or performance, the EIS Unit sends an alert along with any relevant data and documents to the involved employee's captain for review.

The EIS Unit is staffed by a sergeant and three nonsworn full-time personnel (two analysts and one police service aide). However, EIS Unit staff members also perform tasks and roles unrelated to early intervention. Persons performing EIS duties assist the Legal Unit in handling open records requests, including requests for body-worn camera–related data. As the SFPD begins the expansion of its body-worn camera program, management responsibilities for this data and the accompanying public requests will grow significantly. Absent a specific staffing plan, this increased demand for efforts unrelated to EIS will directly impact members of the EIS Unit.

Typically, the captain assigns the task of reviewing the information and developing an opinion to the Performance Improvement Plan (PIP) sergeant. The PIP sergeant then sends his or her assessment to the EIS Unit indicating whether or not the employee is demonstrating patterns of at-risk behavior. The assessment team was informed that when patterns of at-risk behavior exist, the PIP sergeant works with the EIS Unit and others to identify and implement a remediation program for the employee.

Employee engagement is essential to facilitating successful remediation. Therefore, the process includes meeting with the employee to discuss the supervisor's observations in an attempt to engage the officer in the remediation process. In addition, the process includes input and representation from important internal and external partners, including members of senior executive staff (two deputy chiefs and the captains of Risk Management and Behavioral Science), who aid in the process of developing a remediation plan.

Overall, the structure and philosophy of early intervention system in the SFPD are consistent with national police practices.

Moreover, the team found the intent for the EIS program—providing "non-disciplinary intervention, whenever possible, to assist our members in their professional development in order to provide the highest level of service and satisfaction to the public"—to be appropriate and consistent with best practices.[137]

The SFPD faces challenges, however, in implementation of the program. Technology was a significant barrier to organizational development and reach. Important data sets, such as Use of Force Logs and other data, are neither collected nor stored in an accessible digital format. Instead, the SFPD's Use of Force Logs are handwritten. Therefore, a review of the logs requires that the paper document be disseminated and routed to department units with administrative responsibility for review. The logs are often not forwarded for weeks, generating a significant lag in the timely entry of such data.

137. San Francisco Police Department, *Department General Order 3.18 – Performance Improvement Program*.

EIS is supported by PIP, but that system is also paper-based. Each employee has a binder that follows the officer through assignments. These binders are essentially the officer's personnel file and are physically stored on site in the unit of assignment.[138] If all of the data involving an officer are stored in a locked file cabinet on site, there is significant issue with the SFPD's ability to assess, identify, and proactively address performance issues on a consistent, regular basis. Furthermore, there is minimal organizational access to such information to be able to analyze and conduct assessments from a human resources and accountability perspective.

The EIS sergeant converts the paper Use of Force Logs to electronic format by ensuring that the data are manually entered into the SFPD's system that houses EIS and IAD tracking data. This process of manually entering data is time consuming and creates the potential for error in the data. In addition, manual data entry takes time and attention away from the process of analyzing data and identifying trends in employee conduct. Promising practices in the field of early intervention ensure that leadership energy and focus is on analyzing data and identifying trends rather than data entry. Therefore, in most contemporary police agencies this process is entirely electronic.

Good work is being done within the EIS Unit, including expansion of the factors through development of a new reporting form and data collected for reporting use of force by officers. The EIS sergeant informed the assessment team of the project underway to update and improve the collection of use of force data. EIS Unit staff members are currently entering data as of the beginning of 2016 to update the database to inform the analysis and institutional response to officer-involved shootings. These efforts are further discussed in chapter 2. Until these efforts are complete, the paper-driven process remains time consuming and requires a significant amount of administration to be effective. To this end, EIS staffing is insufficient. One sergeant is responsible for overseeing and ensuring that EIS entries are up to date, forwarded, and completed by the SFPD's units.

Table 5.2. 2015 EIS alerts by type

EIS alert	N	Percentage
Officer-involved shooting	20	7%
Officer-involved discharge	7	2%
Three or more UOF incidents within 3 months	71	23%
Three or more OCC complaints within 6 months	22	7%
Any five or more indicators within 6 months	85	28%
Four or more OCC complaints within 12 months	3	1%
Any six or more indicators within 12 months	99	32%
Total	307	100%

Source: San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.

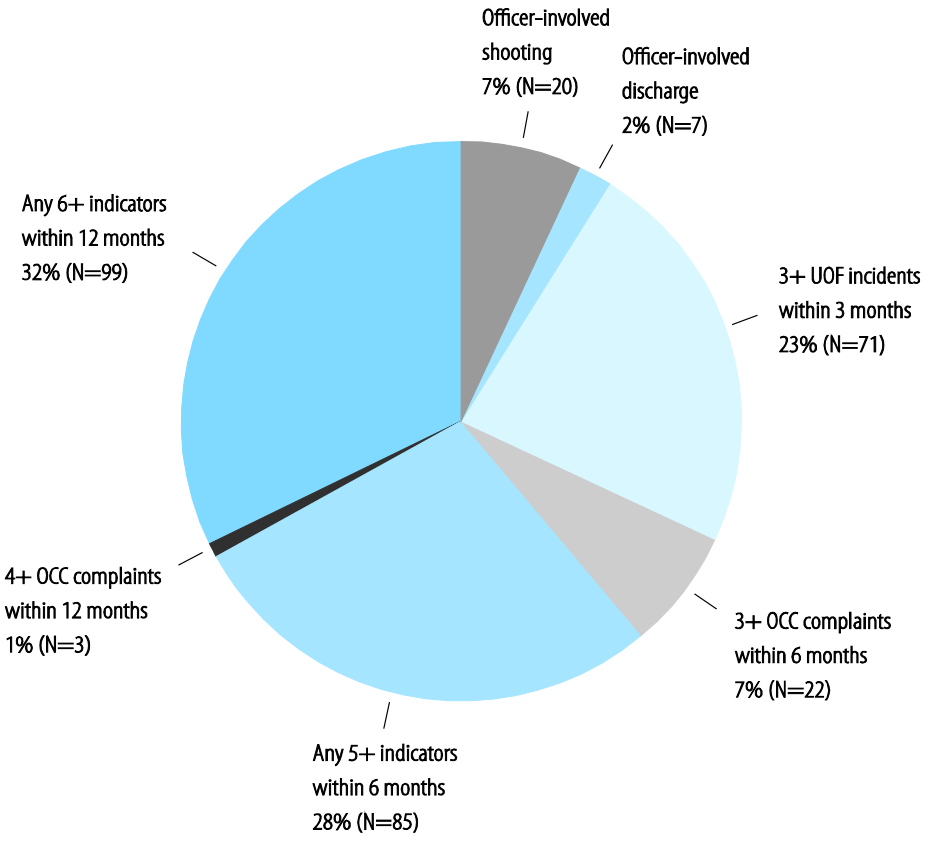
138. San Francisco Police Department, *Department General Order 3.18 – Performance Improvement Program*.

EIS alerts

Pursuant to DGO, the following are reportable EIS events:

- Five or more EIS indicators within a six-month period
- Three or more public complaints within a six-month period
- Six or more EIS indicators within one year
- Four public complaints within one year
- Three or more documented uses of force within a three-month period
- Involvement as a principal in an officer-involved shooting or discharge

Figure 5.3. 2015 EIS alerts by type



Source: San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.

Pursuant to the EIS Panel's 2015 report, there has been a decreasing trend in EIS alerts arising from reportable events:

- 2013 – 443 EIS alerts
- 2014 – 378 EIS alerts
- 2015 – 307 EIS alerts

Most EIS alerts concluded in training and mentoring as their outcome. As demonstrated in table 5.2 on page 123 and figure 5.3, for all of 2015 there were 307 total EIS alerts. Use of force alerts were most likely to be reported as multiple indicators, with officers having more than one alert; and 156 members had more than one alert.[139]

The EIS Unit and the member's supervisor are to conduct an initial review of all members who exceed EIS thresholds. As written, DGO 3.19 – Early Intervention Program assumes that supervisors will not find a pattern of behavior:

> "Supervisors may conclude that a pattern of at-risk behavior does not exist and forward their finding to the EIS Unit through their commanding officer. The EIS Unit may concur that a pattern of at-risk behavior does not exist and that corrective action is not necessary. Conversely, the EIS Unit may not concur with the supervisor's finding that a pattern of at-risk behavior does not exist; the EIS Unit will electronically return the name(s) of the member(s) to the respective commanding officer, who shall ensure that the member's supervisor engages in a performance review and, if appropriate, initiate intervention with the member."[140]

In effect, SFPD policy presumes a finding by supervisors that at-risk behavior does not exist as there is no direction on how to identify indicators of at-risk behavior. For the period January 1, 2013, through December 31, 2015, out of the total population only 19 employees were recommended for EIS monitoring.[141] The data reveal that 17 out of the 19 EIS indicator events were closed within the month they were initiated. The remaining two were not identified as active, but team members were informed that these two were likely in some form of command review. This is concerning to the team because it does not appear to support an active and robust EIS program if no one is engaged in it and action is ended in the same month that the EIS alert is initiated.

EIS indicators

On a quarterly basis, a report is forwarded to all unit commanders identifying indicator events for EIS, which they are to review to determine whether subsequent action is needed. These are not EIS threshold activities but are for all activities that fall within the EIS behavior alerts. In other words, these reports are meant to inform supervisors so trends can be identified before the officer's activity results in an EIS alert. The data are reported on a quarterly basis and combined in a variety of informative charts, including unit and officers. Indicators occur at a higher frequency than alerts, as they include single events rather than the multiples required for an EIS alert. For all of 2015, there were 2,485 EIS indicators reported, as compared to 307 alerts.

139. San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.
140. San Francisco Police Department, *Department General Order 3.19 – Early Intervention System*.
141. Data obtained by the assessment team from the SFPD EIS Unit June 22, 2016.

Table 5.3a Indicators by quarter and year, 2013–2015

Year	Q1	Q2	Q3	Q4	Total
2013	734	800	800	706	3040
2014	710	728	646	739	2823
2015	683	611	574	617	2485

Source: San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.

Table 5.3b Members by quarter and year, 2013–2015

Year	Quarter	Sworn members
2013	1st	2174
2013	2nd	2115
2013	3rd	2149
2013	4th	2158
2014	1st	2108
2014	2nd	2102
2014	3rd	2139
2014	4th	2158
2015	1st	2141
2015	2nd	2146
2015	3rd	2239
2015	4th	2235

Source: San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.

Table 5.3c Indicators per member by quarter and year, 2013–2015 (N)

	0	1	2	3	4	5	6	7	8+	Members with one or more indicators
Q1 2013	1641	381	111	34	6	1				533
Q1 2014	1625	322	115	32	11	2			1	483
Q1 2015	1649	347	112	25	7				1	492
Q2 2013	1569	372	117	45	5	4	2	1		546
Q2 2014	1584	368	112	26	5	6			1	518
Q2 2015	1686	343	88	24	5					460
Q3 2013	1589	400	107	35	11	5	2			560
Q3 2014	1662	356	84	28	7	2				477
Q3 2015	1798	331	92	13	5					441
Q4 2013	1650	364	100	35	8	1				508
Q4 2014	1641	371	89	42	12	2	1			517
Q4 2015	1787	333	80	23	7	4		1		448

Source: San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.

Table 5.3d Indicators per member by quarter and year, 2013–2015 (percentage)

	0	1	2	3	4	5	6	7	8+	Members with one or more indicators
Q1 2013	75%	18%	5%	2%	0%	0%	0%	0%	0%	25%
Q1 2014	77%	15%	5%	2%	1%	0%	0%	0%	0%	23%
Q1 2015	77%	16%	5%	1%	0%	0%	0%	0%	0%	23%
Q2 2013	74%	18%	6%	2%	0%	0%	0%	0%	0%	26%
Q2 2014	75%	18%	5%	1%	0%	0%	0%	0%	0%	25%
Q2 2015	79%	16%	4%	1%	0%	0%	0%	0%	0%	21%
Q3 2013	74%	19%	5%	2%	1%	0%	0%	0%	0%	26%
Q3 2014	78%	17%	4%	1%	0%	0%	0%	0%	0%	22%
Q3 2015	80%	15%	4%	1%	0%	0%	0%	0%	0%	20%
Q4 2013	76%	17%	5%	2%	0%	0%	0%	0%	0%	24%
Q4 2014	76%	17%	4%	2%	1%	0%	0%	0%	0%	24%
Q4 2015	80%	15%	4%	1%	0%	0%	0%	0%	0%	20%

Source: San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.

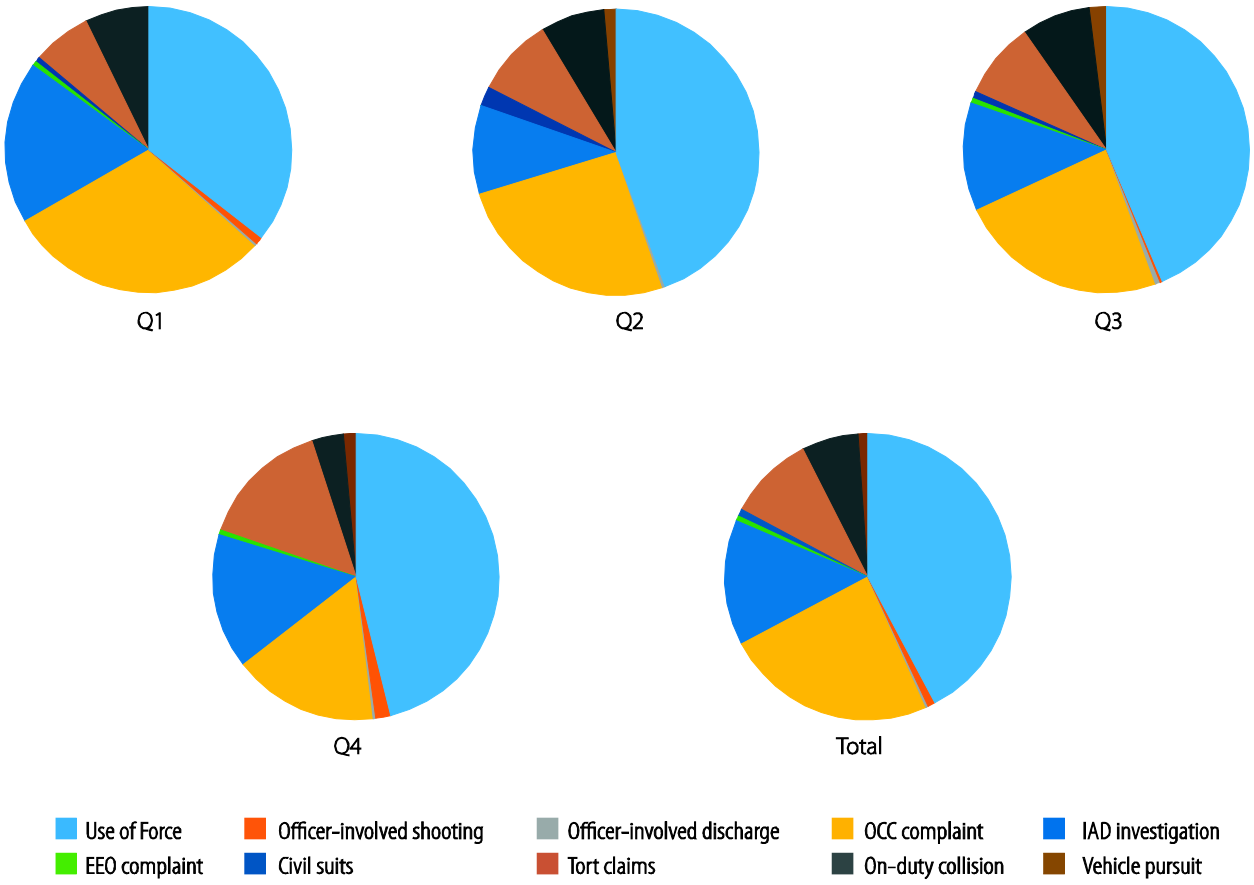
As identified in table 5.3a–d on pages 126 and 127, as with the decrease in EIS alerts there has also been a decrease in EIS indicators for the period 2013–2015. During this time frame, indicator behavior dropped approximately 18.2 percent.

Table 5.4. Indicators by quarter, 2015

	Use of force	Officer-involved shooting	Officer-involved discharge	OCC complaint	IAD investigation	EEO complaint	Civil suit	Tort claim	On-duty collision	Vehicle pursuit	Total
Q1	243	7	1	205	126	3	5	44	49	—	683
Percent	35.6%	1.0%	0.1%	30.0%	18.4%	0.4%	0.7%	6.4%	7.2%	0%	
Q2	272	—	2	157	60	1	13	54	45	7	611
Percent	44.5%	0%	0.3%	25.7%	9.8%	0.2%	2.1%	8.8%	7.4%	1.1%	
Q3	251	2	3	136	70	3	4	50	45	10	574
Percent	43.7%	0.3%	0.5%	23.7%	12.2%	0.5%	0.7%	8.7%	7.8%	1.2%	
Q4	285	11	1	101	94	4	—	91	23	7	617
Percent	46.2%	1.8%	0.2%	16.4%	15.2%	0.6%	0%	14.7%	3.7%	1.1%	
Total	1051	20	7	599	350	11	22	239	162	24	2485
Percent	42.2%	0.8%	0.3%	24.1%	14.1%	0.5%	0.9%	9.6%	6.5%	0.1%	

Source: San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.

Figure 5.4. Indicators by quarter, 2015



As observed in table 5.4 on page 128 and in figure 5.4, use of force is the most frequently reported indicator, accounting for 42.2 percent of all indicators. OCC complaints account for 24.1 percent of all indicators.

When broken down by district, indicators provide for a more global view of possible trends for review. For example, Tenderloin and Mission lead all other districts in reported use of force incidents at 156 and 145 reports, respectively. These two districts alone account for almost 33 percent of all reported use of force within the 10 patrol districts.

Furthermore, while the data used in this review are focused on the period 2013–2015, review of EIS indicator data for the first quarter of 2016 identifies a similar trend. For this period, both Mission and Tenderloin are the districts with the highest reported use of force, accounting for 30.7 percent of all reported use of force indicators at 593. However, for the first quarter of 2016, officers assigned to the Mission District far exceed the other districts with 107 reports of use of force. The next closest district, Tenderloin, has 75 reports of use of force, but Mission exceeds this rate by almost 30 percent.[142] This increasing trend is of concern and will be monitored during the CRI-TA implementation phase.

142. Data obtained by the assessment team from the SFPD EIS Unit June 22, 2016.

EIS needs to be an organizational priority. Its goal should be more than tracking employee actions and generating supervisory reports. The philosophical goals of EIS are identifying at-risk employees and interceding to improve overall performance. Pursuant to DGO 3.19, the EIS Board has responsibility for review of aggregate information, but assessment team members observed little action based upon data analysis during the assessment. The EIS Board consists of the following individuals:

- Deputy Chief of Administration (Chair) (current practice has placed the chief of staff as chair)
- Deputy Chief of Field Operations
- Commanding Officer of Risk Management
- Commanding Officer of the Training and Education Division
- Officer in Charge of the EIS Unit
- Officer in Charge of the Behavioral Sciences Unit
- Police Officers Association Representative
- OCC Representative

The EIS Board meets to discuss the EIS thresholds, and these thresholds are publicly provided as quarterly reports at the Police Commission meetings. A certain level of administrative authority and direct command over parties with roles in the EIS process is required for the EIS program to be effective. At present, the SFPD does not have a cohesive organizational approach to EIS.

Office of Citizen Complaints

OCC, a civilian-staffed local governmental agency, has responsibility for investigating public complaints against police officers that are not criminal in nature.[143] Upon completion of its investigations, OCC makes nonbinding recommendations for discipline to the police chief if the complaint is sustained. If the chief declines OCC's recommendations to file disciplinary charges, OCC has the authority to file disciplinary charges directly with the Police Commission itself.

Staffing the Office of Citizen Complaints

OCC is headed by Executive Director Joyce Hicks.[144] OCC's approved budget for fiscal year 2015–2016 was $5,562,081.[145] Staffing for OCC is established by city charter, which requires that OCC consist of no less than one line investigator for every 150 sworn SFPD members.[146] The police officer staffing minimum threshold is established by city charter at 1,971 officers.[147] Given the SFPD's current staffing level (2,220 sworn members at the end of 2015) at the time of this report, the minimum staffing requirement for line investigators is 15.[148]

143. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
144. City and County of San Francisco, "Office of Citizen Complaints."
145. OCC, *The Office of Citizen Complaints 2015 Annual Report*.
146. City Charter § 4.109, Police Commission, San Francisco City Charter Article IV.
147. City Charter § 4.127, Police Department, San Francisco City Charter Article IV.
148. City Charter § 4.127, Police Department, San Francisco City Charter Article IV.

At the close of the 2016 second quarter, OCC had five investigator vacancies including two line investigators and three senior investigators.[149] In anticipation of expanded responsibilities for investigating all officer-involved shooting incidents, a budget increase to $7,770,373 is expected to be adopted for 2016–2017 that includes positions to handle the new responsibilities.[150]

San Francisco's city charter requires OCC to present quarterly recommendations, known as the Sparks' Report, concerning SFPD policies and practices that enhance police-community relations while ensuring effective public services to the Police Commission.[151] These recommendations do not require action on the part of the SFPD but rather inform the department of issues arising out of OCC's investigations that are policy related. Team members found the Sparks' Report to be comprehensive in addressing a variety of risk and community issues regarding the SFPD.[152]

However, the Sparks' Report reflects missed opportunities. Although the SFPD has implemented recommendations and continues to work with OCC and other stakeholders on a variety of issues identified within the report, OCC has no authority to require the SFPD to examine its recommendations or adopt them. For example, OCC forwarded several good practice recommendations relevant to the *Final Report of the President's Task Force on 21st Century Policing* to the SFPD on September 18, 2015. These recommendations included convening quarterly meetings between key OCC and SFPD staff members and incorporating principles of procedural justice in certain practices. As of July 13, 2016, OCC has received no response from the SFPD regarding this recommendation,[153] nor is the SFPD required to respond pursuant to existing policy and law.

Intake of public complaints

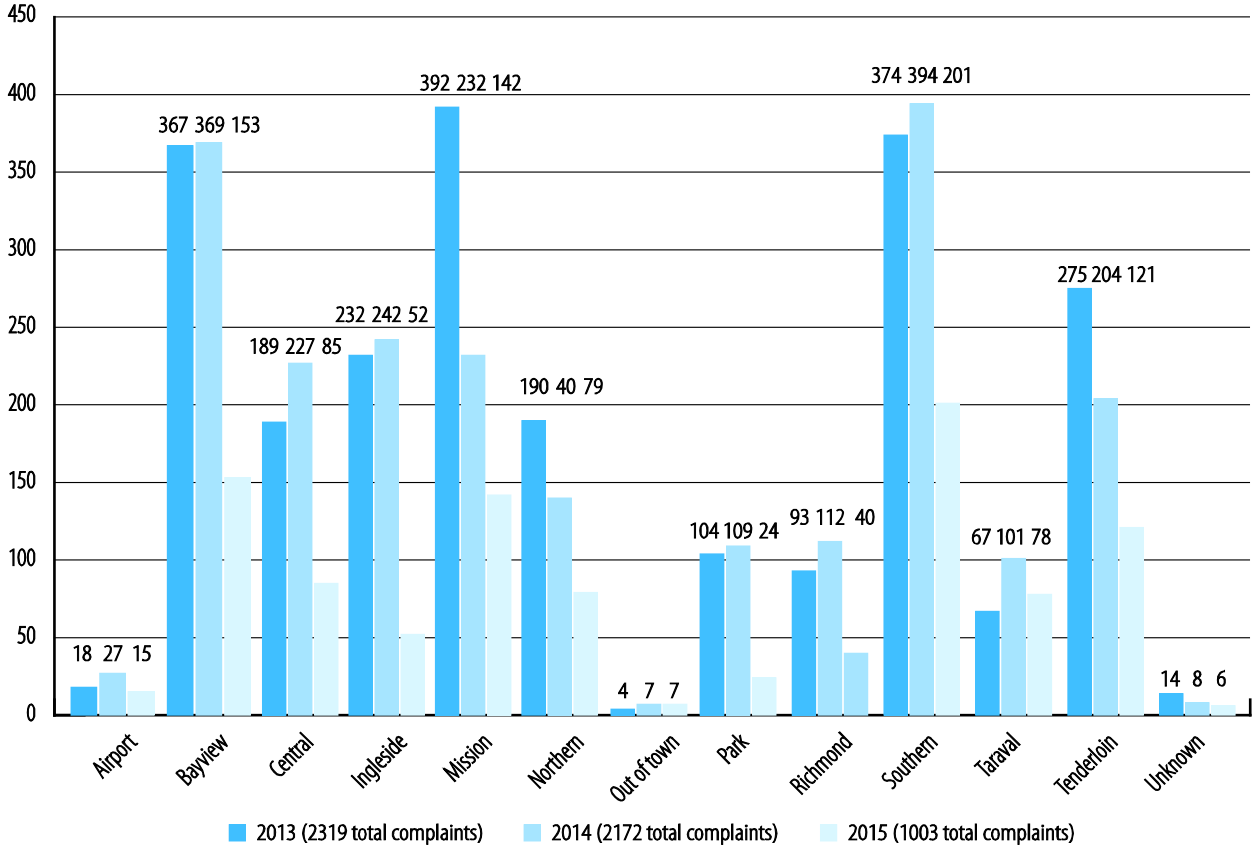
All complaints that fall under OCC's jurisdiction are investigated unless they show proper conduct on the face of the allegation.[154] Except for cases of officer-involved shootings, OCC is a reactive agency pursuant to its statutory authority. This means a member of the public must make a complaint for OCC to initiate an investigation; OCC cannot investigate of its own accord. In the event of criminal allegations against SFPD officers or allegations related to off-duty conduct, both of which fall outside OCC's jurisdiction, OCC refers the complaint back to the SFPD.[155]

OCC has a preference for in-person complaints but also accepts written and anonymous complaints.[156] Complaint forms are available at the district stations, OCC, and various locations throughout San Francisco, such as with local advocacy groups. Completed forms can be mailed directly to OCC. Complainants also have the options of filing complaints by telephone call with either the SFPD or OCC and filing online through the OCC website. When the SFPD receives a complaint, pursuant to DGO 2.04 its policy is to

149. OCC, *The Office of Citizen Complaints Quarterly Reports: Second Quarter 2016.*
150. OCC, *The Office of Citizen Complaints Quarterly Reports: Second Quarter 2016.*
151. City Charter § 4.109, Police Commission, San Francisco City Charter Article IV.
152. Police Commission, *San Francisco Police Department/Office of Citizen's Complaints Status of General Orders/Policy Proposals 1st and 2nd Quarter 2016*.
153. Police Commission, *San Francisco Police Department/Office of Citizen's Complaints Status of General Orders/Policy Proposals 1st and 2nd Quarter 2016*.
154. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
155. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
156. City and County of San Francisco, "Office of Citizen Complaints: Complaint Process."

document the information on a complaint form and forward the original to OCC. The commanding officer receives a copy of the complaint form and ensures that any attachments or additional information that may inform the investigation are forwarded to OCC.

Figure 5.5. OCC complaint distribution intake by district, 2013–2015 totals

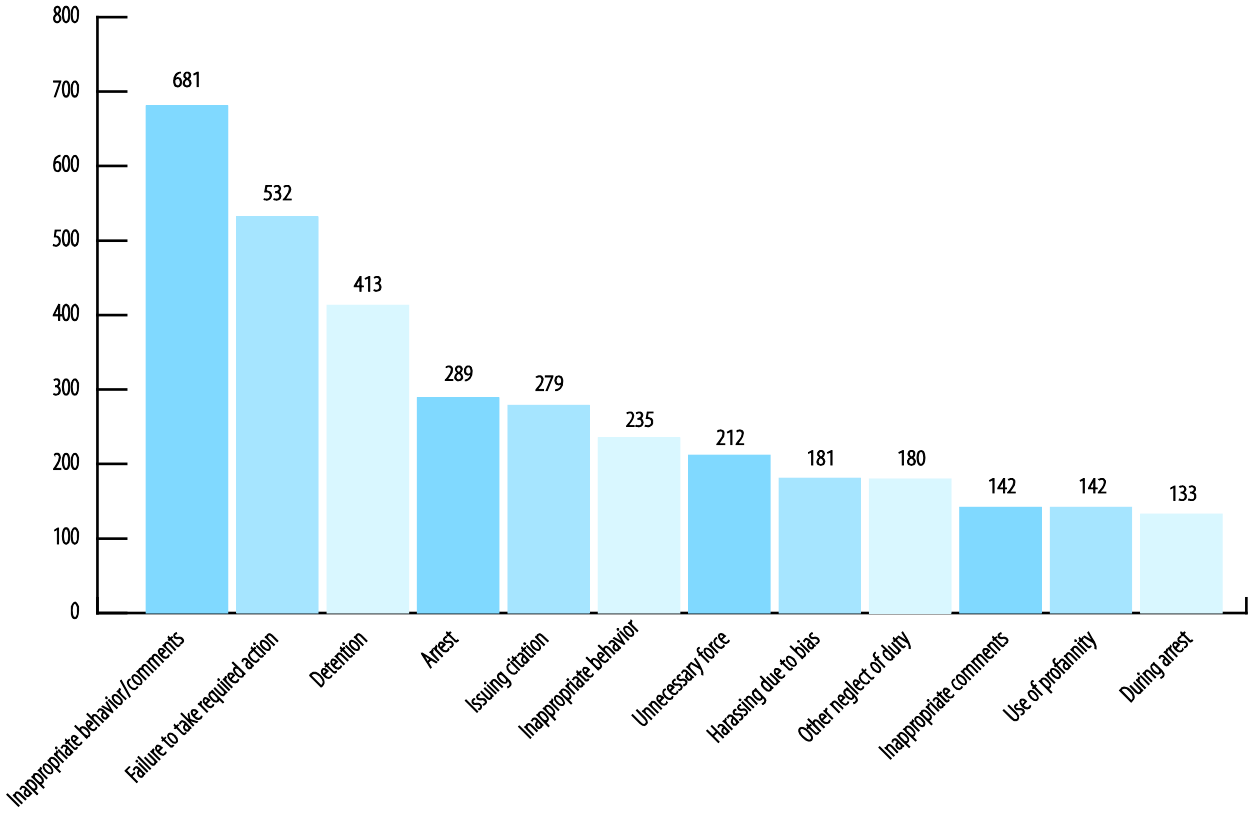


Source: Data obtained by the assessment team from the Office of Citizen Complaints May 12, 2016

Complaints are tracked regarding the source from which they originated. As demonstrated in figure 5.5, OCC received 5,494 complaints for the period 2013–2015. Of those, the majority of complaints came from Southern District followed by Bayview District. Mission had a significant drop in complaints from 2013 to 2015, for a total decrease of 63.7 percent. However, because minimal data analysis is done surrounding complaints in the SFPD, the ability to capitalize upon the decrease in public complaints is limited. Absent analysis and understanding of the contributing factors to the decrease, this potential success story cannot be replicated in reducing complaints across the city or even for identifying what factors contributed to the decrease.

For a sense of the overall nature of complaints within San Francisco, figure 5.6 on page 133 identifies the distribution of OCC complaint intake. The majority of complaints arose from the category Inappropriate Behavior/Comments. Failure to take Required Action was the next most prevalent complaint, followed by Unnecessary Force and Harassing due to Bias.

Figure 5.6. OCC top 12 complaint totals, 2013–2015



Source: Data obtained by the assessment team from the Office of Citizen Complaints May 12, 2016

When OCC undertakes an investigation in which an SFPD officer is accused of misconduct by a member of the public, it develops a preliminary investigation, which is essentially a collection of the information and available documentation.

When a complaint against a police officer is sustained, the OCC director makes a recommendation for discipline to the police chief.[157] The OCC director can recommend a suspension of no more than 10 days or alternatively can recommend that the police chief file charges with the Police Commission.[158] OCC states that it follows the SFPD discipline matrix, as discussed later in this chapter, to direct this process.[159]

157. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
158. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
159. San Francisco Police Department, *Disciplinary Penalty & Referral Guidelines*.

Once OCC has made its determination and recommendation, the police chief either refers the case to the Police Commission or hears the matter directly.[160] If the chief decides to hear the case directly, the chief determines whether to sustain OCC's findings and what discipline to impose.[161] Therefore, by default, when the police chief retains decision authority over an OCC investigation and recommendation, the penalty will be no more than 10 days' suspension.[162]

In the event the chief declines OCC's recommendation to file a charge with the Police Commission, after conferring with the chief the OCC director can file charges with the Police Commission directly.[163] OCC did not use this process during the CRI-TA assessment period.

Investigative findings

At the conclusion of their respective disciplinary investigation, both the SFPD's IAD and OCC make a statement of findings and recommendations for discipline if the complaint is sustained. Findings on complaints are categorized as depicted in table 5.5.

Table 5.5. SFPD and OCC categories of findings for disciplinary investigations

IAD*	OCC†
• Improper conduct • Insufficient evidence • Proper conduct • Unfounded • Training failure	• Sustained • Not sustained • Proper conduct • Unfounded • Policy failure • Supervision failure • Training failure • Info only • No finding • Mediated

* San Francisco Police Department, *Supervisory Investigations Manual*.
† Data obtained by the assessment team from the Office of Citizen Complaints May 12, 2016.

OCC and the SFPD do not use the same categories for findings. This lack of correspondence is an issue because the investigations of both OCC and the SFPD cover one employee group, SFPD officers, who have a single administrative disciplinary process. The determinations of these oversight agencies are further complicated by the fact that where the agencies share titles for their findings, they define them differently. For example, both the SFPD and OCC use a finding of Proper Conduct. However, OCC defines it as "The evidence proved that the acts occurred; however, such acts were justified, lawful, and proper,"[164] while the SFPD defines Proper Conduct as "The evidence proves that, while the incident occurred, the actions taken by the member were lawful and/or conformed to Department regulations."[165] Although this is a subtle

160. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
161. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
162. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
163. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
164. Office of Citizen Complaints, *Office of Citizen Complaints Procedures Manual*.
165. San Francisco Police Department, *Supervisory Investigations Manual*.

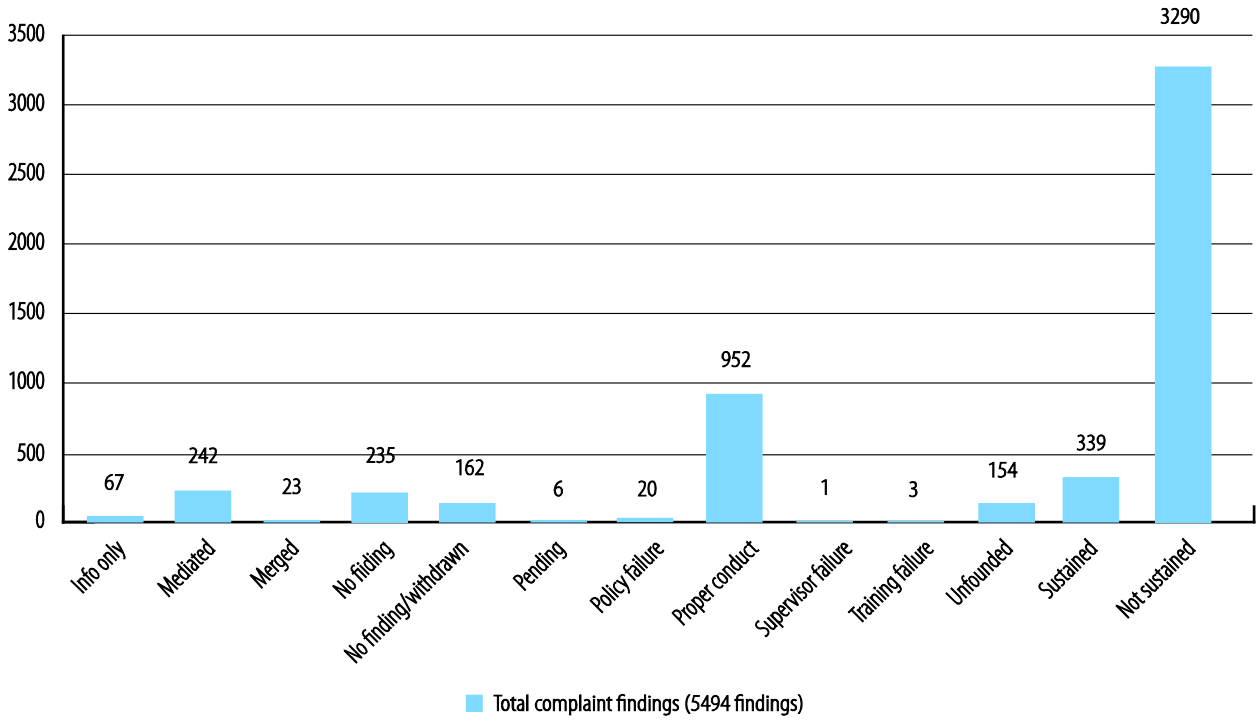
difference, administrative process language is important because there is legal precedence to how standards are applied, and different definitions can have significant impact on the process. In addition, the different categories for findings in table 5.5 on page 134 create challenges for ensuring accuracy and sufficiency of the disciplinary record. Also, these differences add to the challenge of identifying and addressing institutional issues, such as that of training or policy.

Finally, the assessment team was concerned by the lack of coordination between the SFPD and OCC around shared responsibilities, such as ensuring discipline is recommended in a uniform manner. While both are independent agencies, their work of ensuring the accountability and proper conduct of SFPD officers is shared. Team members believe that formal partnership agreements on shared areas of responsibility would help advance accountability in the SFPD.

Reported findings 2013–2015

As noted in figure 5.7, OCC sustained 339 complaints and found 952 complaints to have been proper conduct. Almost 60 percent of complaints were not sustained, meaning there was insufficient evidence to prove or disprove the allegation made in the complaint.

Figure 5.7. OCC complaint findings, 2013–2015

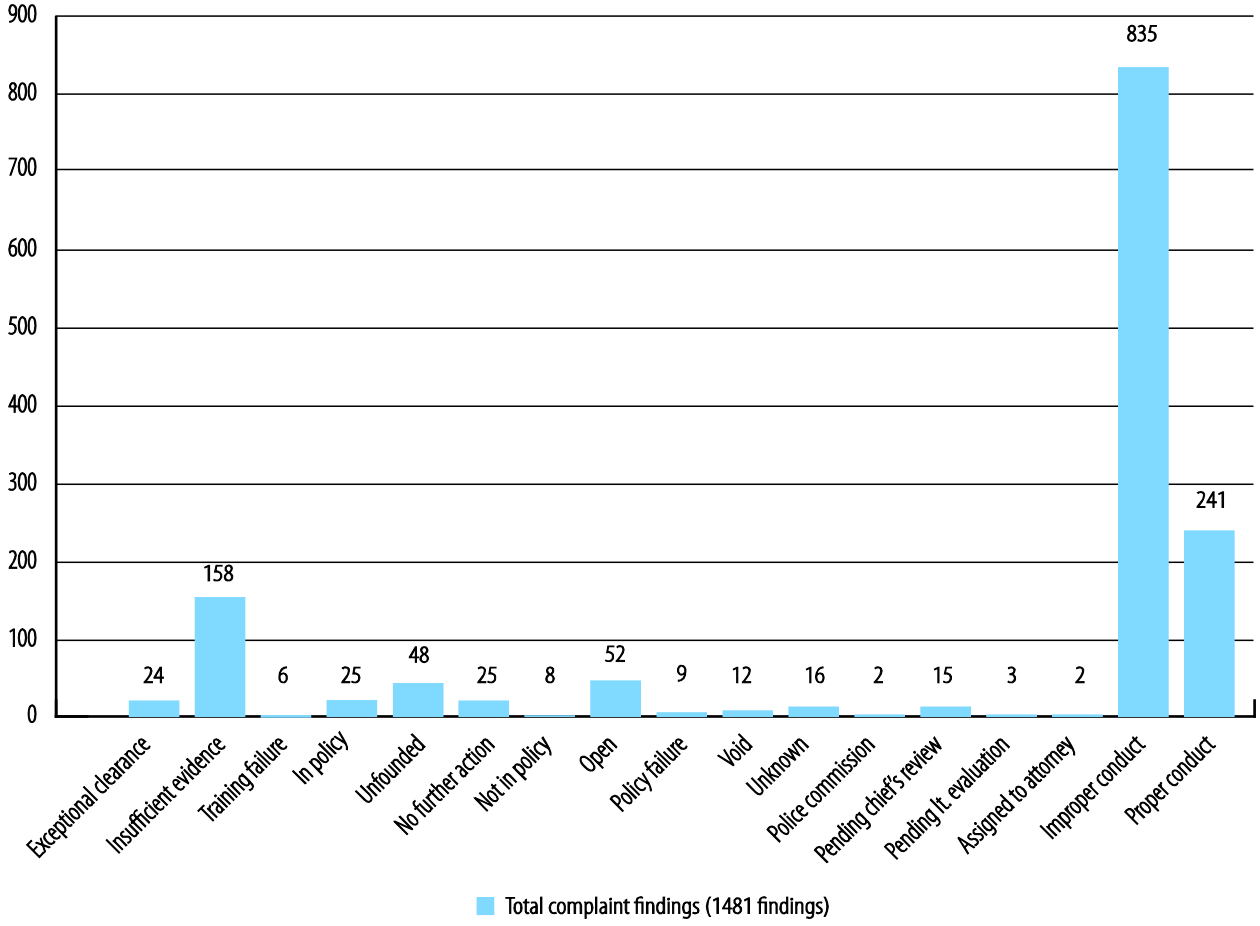


Source: Data obtained by the assessment team from the Office of Citizen Complaints May 12, 2016

In data provided by the SFPD's IAD, the SFPD returned a finding of Insufficient evidence in 10.7 percent of all findings. As depicted in figure 5.8 on page 136, improper conduct was found in 56.4 percent of all findings, while proper conduct was found to have occurred in 16.3 percent of all findings. Taking into account that OCC sustained cases are included in the SFPD's totals, the SFPD's higher sustained rate may

reflect the fact that the investigative complaints are generated internally by persons in management positions with specific knowledge of the incident and the procedures, policies, and appropriate conduct required of police officers.

Figure 5.8. SFPD complaint findings, 2013–2015



There were a total of 1,481 findings for the 1,156 complaints filed with the SFPD.

Source: Data obtained by the assessment team from the SFPD's IAD June 17, 2016

Adjudication

Adjudication is an important factor in accountability. The public and police officers want to be assured that the imposed discipline is appropriate to the misconduct. The SFPD shares responsibility with the Police Commission for imposing discipline.

Mediation of public complaints

Mediation involves the informal resolution of a complaint or dispute between two parties through a face-to-face meeting in which a professional mediator serves as a neutral facilitator and where both parties ultimately agree that an acceptable resolution has been reached.[166] OCC uses mediation to resolve some public complaints before final resolution.[167]

Mediation is an emerging practice because many resident complaints against police and other problems stemming from police-community interactions are often the result of misunderstanding or miscommunication.[168] Mediation focuses on understanding, problem solving, and reconciliation, which are seen as beneficial in addressing the community issue.[169] IAD does not use mediation in adjudication of complaints.

OCC determines whether a complaint is eligible for mediation, and for it to go to mediation both the complainant and the accused officer must agree to the mediation.[170] Cases that are successfully mediated are not considered disciplinary proceedings in an officer's record and are considered closed as of the conclusion of the mediation process. For the period 2013–2015, OCC mediated a total of 242 complaints, as identified in figure 5.7 on page 135. Of the 5,494 cases investigated during this period, mediation accounts for slightly more than 4 percent of all findings.

Disagreement on discipline

When OCC recommends discipline, conflict sometimes arises when the SFPD does not follow the recommended penalty. OCC has the authority to present cases where the recommended discipline exceeds 10 days' discipline directly to the Police Commission. In cases where the potential penalty is 10 days or less, OCC submits its findings directly to the police chief.

As a general practice, OCC forwards all investigations with sustained findings to the SFPD to allow for an informed review by the SFPD of its investigations. Pursuant to policy, once OCC forwards a case to the SFPD, it is under review at the SFPD for 60 days.[171] However, OCC identifies that at times, the SFPD has implemented a lower level of discipline during this review period without consultation back to OCC. Where the penalty implemented by the chief is 10 days or less, the discipline decision rests with the chief, since OCC only recommends discipline.

166. Walker, Archbold, and Herbst, *Mediating Citizen Complaints.*
167. City and County of San Francisco, "Office of Citizen Complaints: Mediation."
168. Walker, Archbold, and Herbst, *Mediating Citizen Complaints.*
169. Walker, Archbold, and Herbst, *Mediating Citizen Complaints.*
170. City and County of San Francisco, "Office of Citizen Complaints: Mediation."
171. San Francisco Police Department, *Department General Order 2.04 – Citizen Complaints Against Officers*.

OCC can appeal the chief's decision in discipline to the Police Commission if OCC disagrees with the outcome. However, OCC has not exercised this authority because of a variety of factors. Members of OCC expressed to the assessment team that when the chief lowers OCC's discipline recommendation, it undermines OCC's authority and investigative findings, thereby limiting OCC's ability to effectively collaborate around issues of officer misconduct.

Discipline penalties

The SFPD has a disciplinary matrix, last modified in 1994, that categorizes misconduct into four classes associated with suggested penalties, including termination, for each offense.[172] Each penalty is to be determined on a case-by-case basis using the following criteria:

- Severity of the offense
- Number of acts of misconduct involved
- Officer's disciplinary history
- Whether an injury or death resulted from the violation
- Whether lives were endangered
- Whether discriminatory intent was involved
- Whether property was damaged
- Whether the department's image was tarnished
- Whether the accused officer was on probation
- Whether mitigating factors affected the officer's conduct [173]

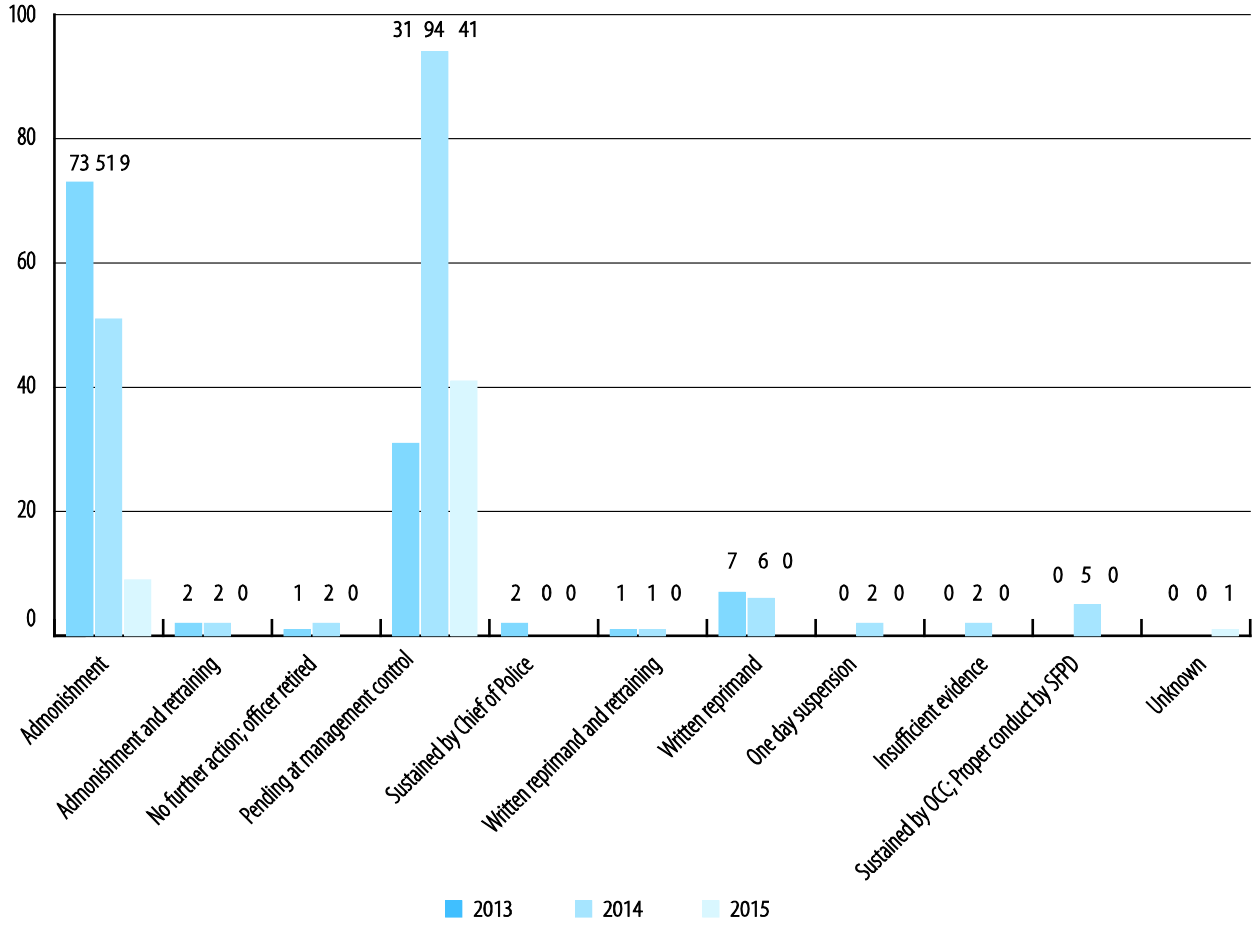
At the lower level of misconduct, class D penalties for first, second, and third offenses range from a reprimand to an increased class of misconduct (thereby enhancing penalties and possibly including termination). For all first offenses in class D, reprimand is the minimum level of discipline according to the matrix. However, as the assessment team's case file review and review of chief's decisions on discipline reflect, discipline, even reprimands, rarely occurs in cases sustained by IAD or OCC.[174]

As referenced in figure 5.9 on page 139, admonishment is the most common category of recommended discipline for OCC sustained findings. However, this category is not considered as true discipline because it is not entered into an officer's disciplinary history. The data do not identify the discipline recommendation from OCC, resulting in little transparency on whether the SFPD reduced the penalties recommended by OCC. However, a high level of admonishment occurs: 39.2 percent of all imposed discipline for OCC cases, which is not actually discipline.

As referenced in figure 5.10 on page 140, IAD investigations predominantly conclude with a finding of no further action. Similar to OCC, when IAD sustains a finding, the most common outcome is Admonishment or Admonishment and Retraining.

172. San Francisco Police Department, *Disciplinary Penalty & Referral Guidelines*.
173. San Francisco Police Department, *Disciplinary Penalty & Referral Guidelines*.
174. City and County of San Francisco, "Police Department: OCC Decision Issued;" City and County of San Francisco, "Police Department: IAD Sustained Complaints: Chief's Decision."

Figure 5.9. OCC sustained findings and discipline, 2013–2015

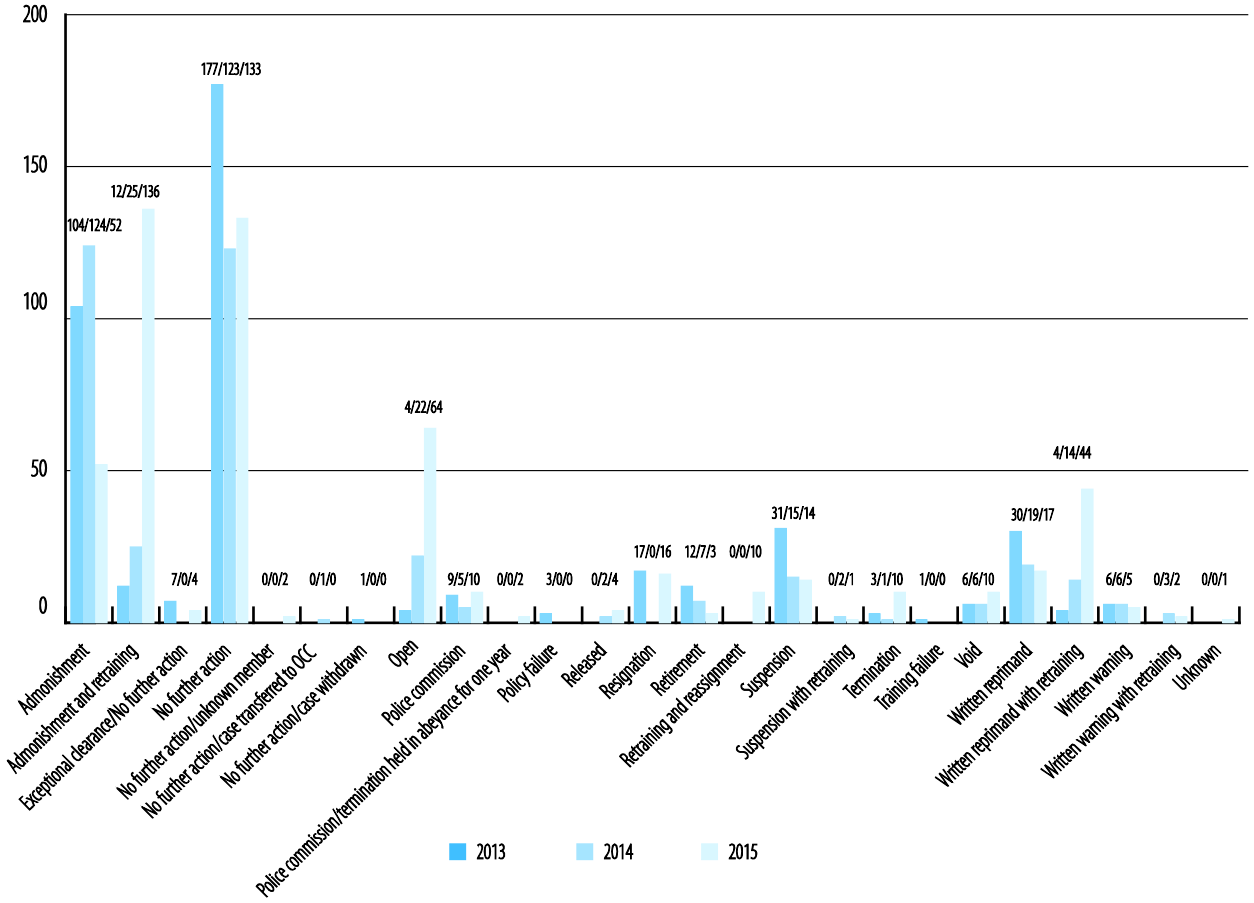


Source: Data obtained by assessment team from the Office of Citizen Complaints May 12, 2016.

For OCC cases, suspensions account for only two findings (less than 1 percent) of all discipline imposed while reprimands account for 15 findings (4.4 percent) of all discipline imposed. This compares to 63 findings (7.5 percent) of suspensions for all discipline in IAD discipline findings and 128 findings (15.3 percent) of reprimands for all IAD cases.

It is not clear to the assessment team whether the disciplinary matrix is being appropriately applied because the officer's history was not always reviewed as part of the investigation or in reporting the discipline decision. During the case file reviews, team members observed repeated misconduct findings where discipline was not advanced to a higher penalty, particularly for the IAD category of Failure to Appear.

Figure 5.10. SFPD IAD outcomes, 2013–2015



Source: Data obtained by the assessment team from the SFPD Internal Affairs Division June 17, 2016.

Moreover, neither admonishment nor training is noted on an officer's disciplinary record. As identified, admonishment and training are the most frequent outcomes of sustained investigations. This level of discipline appears to be inconsistent with the disciplinary matrix because the matrix does not identify admonishment as a category of discipline. Team members learned that there is no tracking mechanism to confirm that the training was appropriate to the underlying complaint, that the training was completed, or that the training became a matter of the employee's record. The goal of discipline is correcting action, and regularly imposing discipline of little consequence to misconduct undermines discipline's deterrent value.

Police Commission

The Police Commission is responsible for setting policy, conducting disciplinary hearings on charges of police misconduct, imposing discipline, and hearing police officers' disciplinary appeals.[175] Both OCC and the SFPD report to the Police Commission,[176] which is composed of seven civilian commissioners: four appointed by the mayor and three by the Board of Supervisors. The Police Commission meets weekly in both a public meeting and then a closed meeting.[177] President Suzy Loftus heads the Police Commission since her election to the position in September 2014.

According to San Francisco City Charter § 4.109, the Police Commission is "empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department."[178] Therefore, the Police Commission is the authority that publishes policy for the SFPD.

In addition, the Police Commission hears all police discipline matters that involve suspensions of more than 10 days and has the authority to remove the chief, either separately or jointly with the mayor.[179] The Police Commission is currently leading the selection process for a new chief of the SFPD.[180]

The Police Commission plays a vital role in adjudication of complaints against police officers. The president of the Police Commission assigns disciplinary cases to individual commissioners on a rotating basis. Commissioners are then responsible for managing adjudication of the matter through review and hearing of cases assigned to them. They present their findings to the full Police Commission, which votes on the level of corrective action or discipline to impose.

The role of adjudication is significant, especially given commissioners' other responsibilities. Police Commissioners are not full-time employees but rather volunteers paid a minimal stipend. In this essentially volunteer capacity, commissioners attend weekly meetings, adjudicate cases of discipline, and engage in a variety of other civic outreach and meetings related to their roles.

In addition, the rules require that only one commissioner "shall be a retired judge or an attorney with trial experience."[181] At this time, several of the commissioners are attorneys.

Penalty decisions of the Police Commission

The most serious misconduct cases are adjudicated at the Police Commission. For the period 2013–2015, the Police Commission was assigned 37 cases. The Police Commission imposed discipline in 19 of those cases as reflected in table 5.6 on page 142 and the rest remained active before the Police Commission. Resignation and retirement accounted for 47 percent of the disciplinary hearing outcomes, sometimes

175. City and County of San Francisco, "Police Department: Police Commission."
176. City Charter § 4.127, Police Department, San Francisco City Charter Article IV; City Charter § 4.109 Police Commission, San Francisco City Charter Article IV.
177. City and County of San Francisco, "Office of Citizen Complaints: Frequently Asked Questions."
178. City Charter § 4.109, Police Commission, San Francisco City Charter Article IV.
179. City Charter § 4.109, Police Commission, San Francisco City Charter Article IV.
180. City and County of San Francisco, "Police Department: Search for San Francisco Chief of Police."
181. City Charter § 4.109, Police Department, San Francisco City Charter Article IV.

years after the cases began, as table 5.7 shows. Two cases resolved by resignation or retirement in the first quarter of 2015 were first initiated in 2013. When suspension was the outcome, suspensions ranged from 15 days to 75 days.

Table 5.6. Disciplinary action by the Police Commission, 2013–2015

Year	Number of cases
2013	4 cases
2014	6 cases
2015	9 cases
Total	19 cases

Table 5.7. Discipline decisions by the Police Commission, 2013–2015

Decision	Number	Percentage
Resignation	7	37%
Retired	2	11%
Suspension with stipulations	6	32%
Suspension with no stipulations	1	5%
Appeal of chief's decision withdrawn	2	11%
Returned to chief to be handled administratively	1	5%
Total	19	100%

Complex operating environment

The separate processes that contribute to police oversight in San Francisco create a complex operating environment. The SFPD, OCC, and the Police Commission all have distinct roles and therefore unique responsibilities for public engagement on the issue of police misconduct. Much of the focus on police misconduct is inward-facing and centered on the process of investigation and adjudication of complaints. Similarly, SFPD policies associated with public complaints, which drive the actions of the Police Commission and OCC, tend to be process-directed and codify internal practice around reporting and collective bargaining practices. As a result, the complaint process in San Francisco has very little transparency, particularly regarding IAD investigations.

During the CRI-TA assessment, coordination of the complaint process emerged as a challenge facing the SFPD and its oversight partners. Indeed, in interviews with the assessment team, representatives of the District Attorney's Office, OCC, and the SFPD described a relationship that was often adversarial. Further, the fact that several governmental agencies, including the District Attorney's Office, the OCC, and the Public Defender's Office, have sought authority—or greater authority—to investigate officer misconduct is evidence of the lack of trust in the ability of the SFPD to investigate itself. Further, the ongoing discourse exacerbates the public's perception of the SFPD's trustworthiness. In addition, institutional partners raised concerns with the SFPD's transparency and ability to address officer misconduct. This environment is not conducive to the transparent, fair, and impartial system of accountability for SFPD officers that officers and the community deserve.

Resourcing and independence of the Police Commission

The Police Commission is reliant upon the SFPD for administrative support, access to file information, and guidance from SFPD members. For example, a member of the SFPD serves as the Police Commission secretary. Duties include recording Police Commission minutes and scheduling disciplinary hearings and appeals. Scheduling includes sending all required hearing notices and ensuring all required documents are part of the Police Commission record.

All parties observed by the assessment team acted with commitment and dedication to their roles. However, the Police Commission's reliance upon the SFPD for administrative support and preparation for its cases is not good practice for true independence. Furthermore, the Police Commission is presented as a component of the SFPD on the department's website. While this is most likely a function of resource optimization, it presents the Police Commission to digital visitors and the public as part of the SFPD rather than as serving in a standalone oversight role.

Many commissioners have full-time careers of their own, which necessitates even greater reliance and guidance from members of the SFPD. The assessment team observed that the Police Commission had no paid independent professional staff to assist them in completing its important functions and relies on the SFPD for such support.[182] Assessment team members were informed that the quality of case presentation varies according to the skill and engagement of the assigned commissioner. All parties the team interviewed regarding disciplinary hearings raised the issue of resources and the ability to prepare and adjudicate discipline in a timely manner.

Resolving serious complaints of misconduct, as well as making discipline decisions that have significant impact on the career and finances of police officers, are too important to relegate to what is essentially a volunteer, part-time civic engagement. Notwithstanding the commitment of the Police Commission as a whole, a modern, procedurally just law enforcement organization requires a strong oversight body that is consistent and staffed in accordance with its responsibilities. The SFPD should work with the City and County of San Francisco and the Police Commission to identify solutions to ensure appropriate support for the disciplinary hearing process that provides for sufficient independence and resourcing.

Institutional coordination and communication

The fairness and impartiality of complaint investigation practices and procedures are critical to building community trust. However, in addition to legal issues, the SFPD faces structural issues that create barriers to open, fair, and impartial investigative processes.

182. During the assessment phase, the Police Commission received funding for a research analyst and began its hiring and onboarding practice for the position.

Roles, authority, and operational responsibilities

SFPD leadership has the responsibility to advocate for consistent, fair practices that hold officers accountable for misconduct through an open and transparent process. The accountability process in San Francisco is a system replete with checks and balances and includes independent agencies with independent responsibilities. This structure is not unique, as law enforcement agencies in many cities such as Chicago and Los Angeles operate under external civilian oversight investigation and a police board.

The SFPD, OCC, and the Police Commission are committed to their roles in supporting police accountability. However, since no one person or department has full responsibility, the system of accountability in San Francisco suffers from a significant level of compartmentalization. Given each organization's clearly defined responsibility, assessment team members were surprised to find that there was no operating protocol in place to facilitate the investigative processes and to de-conflict and share information on investigations. The Sparks' Report recommendation that OCC and the SFPD meet quarterly, as discussed earlier in this chapter, is one way to develop better coordination and communication. The SFPD must build trust with its partners in investigating police accountability if it is to be seen as a model law enforcement agency.

The value of protocols between key partners

The compartmentalization of investigative responsibilities also contributes to process issues. The team learned that delay in investigations or findings are often attributed to faults in partner systems. However, assessment team members' review of the IAD investigation files revealed timing gaps across the entire investigative process. Access to basic records from partner agencies is often protracted and requires overcoming administrative hurdles, such as requiring supervisor approval on written requests for routine data needs. The lack of protocols among the institutions charged with ensuring police accountability is challenging the SFPD's ability to maintain an effective system of oversight and transparency.

The SFPD also suffers from an absence of internal protocols and procedures, which has a negative impact on investigations and coordination. Evidence of the lack of protocols in Internal Affairs came to light as a result of a texting scandal in 2014, in which SFPD officers exchanged biased text messages. During the ongoing criminal investigation, the department did not investigate the matter as administrative misconduct. Some SFPD supervisors had knowledge of the offensive messages but did not forward them to IAD for investigation because they believed they had a legal obligation to protect the integrity of the federal investigation. By the time the investigation into the officers' misconduct was put forth for disciplinary adjudication, a California Superior Court judge ruled that the one-year statute of limitations for disciplining peace officers had expired. At the time of this report, the San Francisco City Attorney's Office appeal of the decision to the California Court of Appeals is still pending.[183]

The negative public impact from this incident was considerable. The San Francisco District Attorney's Office and OCC related that they had no knowledge of the incident until it was published by the media. On its end, the District Attorney's Office initiated a Blue Ribbon Panel to conduct a review of the potential

183. City Attorney of San Francisco, "Herrera's Appeal."

impact of SFPD officer bias on its criminal cases for prosecution. Establishing effective policies and protocols, predicated upon communication, will allow for identified responsibilities and roles. Such practices may also help improve working relationships.

Accountability and transparency sources

San Francisco provides a range of information on officer misconduct. The Police Commission has an active, up-to-date website with a variety of information relative to misconduct and actions involving the SFPD. Specific to misconduct, the Police Commission posts Veronese Reports, which identify the case number, violation, charges, proceeding, and penalty information on officers who have been disciplined on its website. These reports include a limited narrative on the underlying action and the discipline but do not provide information on the accused's past disciplinary history, which would contribute to the penalty.[184] The Police Commission also posts the outcomes of sustained IAD and OCC complaints along with those pending the chief's decision.

OCC's reporting on misconduct investigations has limited information. OCC provides its findings, quarterly and annual reports, and some general public information on its website.

California law as a barrier to transparency

A network of legal barriers limits the transparency of policing in California and the ability of communities to hold their law enforcement agencies accountable. California law places tight restrictions on the release of law enforcement records and information related to criminal investigations. In California, Penal Code §§ 832.5, 832.7, and 832.8 govern the confidentiality of peace officer personnel records and constitute an exemption to the California Public Records Act. Peace officer or custodial officer personnel records, records maintained by any state or local agency, or information obtained from these records are confidential except by evidentiary discovery.[185] Police misconduct records are also confidential, and criminal or civil litigation through order of the court is the only way to obtain such documentation. Moreover, when materials are disclosed, they are often subject to protective orders, thereby preventing their public dissemination.

In *Copley Press*, *Inc*. v. *Superior Court* in 2006, the California Supreme Court effectively tightened the confidentiality protections afforded officers, making it even more challenging for members of the public to view law enforcement misconduct records.[186] Legislators have proposed but not successfully advanced California Senate Bill SB 1286, which is aimed at making misconduct and disciplinary information available to the public. SB 1286 would require formal findings that officers had used excessive force, engaged in sexual assault, or acted dishonestly or improperly become a matter of public record. SB 1286 would also

184. Thompson, "Latest Attempt at Police Transparency."
185. Cal. Pen. Code § 832.7, http://codes.findlaw.com/ca/penal-code/pen-sect-832-7.html; Cal. Pen. Code § 832.5, http://codes.findlaw.com/ca/penal-code/pen-sect-832-5.html; Cal. Pen. Code § 832.8, http://codes.findlaw.com/ca/penal-code/pen-sect-832-5.html.
186. *Copley Press, Inc.* v. *Superior Court*, 39 Cal. 4th 1272 (2006).

require the disclosure of formal findings of investigations into cases in which officers used lethal force or caused serious bodily injury.[187] The result of California's legal stance around police accountability is a system that is built upon nondisclosure rather than public dissemination.

The reach of confidentiality protections and their stifling impact on accountability emerged during the assessment team's observation of a Firearm Discharge Review Board (FDRB) meeting. The FDRB is an oversight board that conducts reviews of officer-involved shooting incidents, as discussed later in this chapter. During this meeting, the FDRB was informed that an associated allegation of misconduct was under investigation arising out the firearm discharge under review. Team members perceived this allegation to be connected to officers' conduct that led to the shooting incident and presumed the conduct would be informative to FDRB's review. However, the IAD sergeant presenting the shooting investigation case to the FDRB stated that the other allegation under investigation could not be discussed because of confidentiality restrictions. Such a restriction seemed to be overly cautious, as the FDRB has responsibility for assessing the overall factors leading to the officer-involved shooting incident. An effective review requires discussion of all contemporaneous actions involved in a shooting incident for a complete evaluation.

Outcome reporting

Despite the efforts at publishing materials related to officer misconduct and police action regarding arrests and traffic stops, community members have valid concerns related to transparency and accountability in the SFPD that are perpetuated by a lack of information on the SFPD's accountability systems and processes. Community members have continued to voice concerns over how complaints are investigated and adjudicated by the SFPD, to the extent that one panel review of the SFPD concluded that there was a code of silence and lack of transparency leading to a failure of accountability.[188]

The assessment team consistently heard the community's frustration stemming from unsatisfactory communications regarding complaints including the status of the investigation, the timeliness of the investigation, the disposition of the complaint investigation, and the outcome.

The assessment team spoke with a number of complainants who stated they were not informed of the outcome of their complaint. OCC members confirmed the complainants' critique of the process and the limitation on public disclosure: OCC does not name the officer or publicize the investigative details and discipline resulting from the complaint, nor does the SFPD. This lack of transparency is especially problematic in investigations where complainants are asked to facilitate the investigation. Under the current model, complainants do not receive the benefit of closure or being informed of the outcome despite investing time and energy into participating in the complaint process.

187. An act to amend Sections 1043 and 1045 of the Evidence Code and to amend Sections 832.5 and 832.7 of the Penal Code, relating to peace officers, California, Senate Bill 1286 failed May 27, 2016 in committee.
188. Cordell, Reynoso, and Tevrizian, *Report of the Blue Ribbon Panel*.

With respect to officer-involved shootings, community mistrust is evidenced in the ongoing demand for and focus on obtaining a U.S. Department of Justice Civil Rights Division investigation of the SFPD in response to the officer-involved shooting incidents that include those of Mario Woods, Alex Nieto, and Luis Góngora. The independent institutional layers of review have not satisfied community expectations of transparency and accountability. If the SFPD is to gain trust in all of the communities of San Francisco, it needs to address these perceptions directly.

In community forums and interviews, the assessment team heard repeatedly that the community does not have full trust in the integrity of the SFPD. Team members recognize that officers may be raising valid concerns over privacy. Addressing discipline matters in a law enforcement agency is a complex issue interwoven with legal and collective bargaining implications. However, a system that releases minimal or no information on sustained findings of misconduct to the public is not a system of accountability. The best path forward is to place a high priority on ensuring transparency in misconduct reporting wherever and whenever possible.

Policy promulgation in the SFPD

Policy directs behavior, and in the SFPD, DGOs and Department Bulletins are the governing policies. DGOs contain the policies and procedures of the SFPD and are the rules governing conduct of SFPD officers. Because the power to set policy for the department rests with the Police Commission, enacting or revising policy has proven to be an arduous task. DGOs, some of which date back to 1994, are not always consistent with current policing standards.

To compensate for the dated DGOs and to provide direction to its employees, the SFPD is guided by a system of temporary directives, Department Bulletins, that keep pace with policing changes. Department Bulletins communicate the leadership's expectations regarding policies and procedures on a variety of matters, from significant risk areas such as use of force to social announcement. Department Bulletins are less transparent than DGOs, which are published on the SFPD's website. They also expire after two years.

Written Directives Unit

The Written Directives Unit is staffed by a lieutenant, a sergeant, and a civilian staff member. As stressed throughout this report, policies drive practice and are critical to principled and procedurally just policing practices. For an organization the size of the SFPD with the risk profile that exists in modern policing, this is an understaffed unit. For example, in the first quarter of 2016, the Written Directives Unit wrote and staffed 46 Department Bulletins and had 19 open projects regarding DGOs.[189]

The work of the Written Directives Unit should be developing codified, transparent policies that help to inform officers in their daily duties with clear, consistent direction. However, the unit's current staffing levels are insufficient to support such action. OCC has assumed a drafting and developmental role on several DGO initiatives. While collaboration is beneficial to both OCC and the SFPD, the assessment team is

189. San Francisco Police Department, *San Francisco Police Department Written Directives Unit Summary*.

concerned that the SFPD is not directing appropriate focus on developing improved policies. As indicated by the Sparks' Report, many orders remain open without significant progress on identified problems, even when supported by the SFPD.[190]

Department General Orders

One of the marks of a professional and progressive law enforcement agency is the development, implementation, and consistent maintenance of a General Orders Manual that reflects policies, procedures, and practices that meet best practices and standards in policing. Policies of law enforcement agencies need to be routinely updated to reflect legal and organizational changes such as safety updates. Up-to-date policies allow employees to understand what the organization expects of them. The SFPD's General Orders Manual guides the day-to-day duties of SFPD officers and is considered the final authority on policies and procedures.

Unlike many other law enforcement agencies, the SFPD does not have sole authority to draft its policies and procedures. Section One of the General Orders Manual outlines the organizational structure of the SFPD beginning with the Police Commission and then describing the rank structure of the organization from the position of police chief to police officer. According to DGO 1.01, the duties of the Police Commission are "to organize, reorganize, manage, and set policy for the department."[191] In addition, the Police Commission "adopts rules and regulations to govern the Department."[192] Therefore, the authority to draft policies for the SFPD rests with the Police Commission.

The current version of the General Orders Manual was distributed on July 19, 2015, superseding all policies and procedures, orders, and directives issued before that date. However, while the new edition was printed in 2015, many of the actual policies contained in the General Orders Manual have not been updated in decades. Many of the DGOs retain issue dates from 1994. This is a significant concern for the assessment team.

As noted earlier, critical risk areas require routine updating, and policing has evolved in the last 20 years. The use of force policies have not been updated in years, as identified in table 5.8.

Table 5.8. Use of force policy revision dates

Policy title	Adopted or revised
5.01 Use of Force	10/04/95
5.02 Use of Firearms	03/16/11
8.11 Officer-Involved Shootings and Discharges	04/15/09

190. Police Commission, *San Francisco Police Department/Office of Citizen's Complaints Status of General Orders/Policy Proposals 1st and 2nd Quarter 2016*.
191. San Francisco Police Department, *Department General Order 1.01 – Organizational Structure*.
192. San Francisco Police Department, *Department General Order 1.01 – Organizational Structure*.

That these important policies are not routinely updated raises valid concerns over the SFPD's commitment to the constitutional use of force and the credibility of the SFPD's investigations of such incidents. The SFPD did update certain key elements of its use of force policy through Department Bulletins, but these are not publicly published and therefore do not serve to assuage public concern over the SFPD's commitment to transparency in its practices.

Department Bulletins

Department Bulletins address a range of issues from critical risk areas such as officer-involved shootings to routine administrative issues. One advantage of Department Bulletins is that they can be quickly drafted in response to emerging issues.

Sensitive to the perception that SFPD orders may be outdated, SFPD leadership developed a system of internal Department Bulletins by which the chief issues policies or information to guide employees in the performance of duty, as outlined in DGO 3.01 – Written Communication Systems. These Department Bulletins are organized in three levels:

1. Category A Department Bulletins are reserved for matters of policy and procedure
2–3. Category B and C Department Bulletins are used for other types of correspondence.[193]

Department Bulletins supersede DGOs but sunset after two years.[194]

Furthermore, as various members of the SFPD and external stakeholders identified, a principal disadvantage of Department Bulletins is that they are sometimes developed within bureaus that do not communicate with or engage with subject matter experts on the specific topic. This in turn results in disjointed implementation that may require further correction.

While many DGOs are posted on the SFPD's website, none of the Department Bulletins is posted online. This is a considerable transparency issue, because SFPD issued 262 Department Bulletins in 2015 alone. The assessment team found that the SFPD's present use of Department Bulletins is inconsistent with the role and intent of the Police Commission regarding police policy and contributes to a lack of transparency regarding its policies and procedures.

Policy requirements: officer knowledge and adherence

Policy is the framework for SFPD officer action; it guides their decisions and actions. Clear policies are needed to help employees make the right decisions. Officers are required to have a working knowledge of all departmental orders, pursuant to DGO 3.01 – Written Communication System. The act of opening a Department Bulletin e-mail is the equivalent of accepting responsibility for knowledge of the order.

193. San Francisco Police Department, *Department General Order 3.01 – Written Communication System*.
194. San Francisco Police Department, *Department General Order 3.01 – Written Communication System*.

Officer accountability for performance and behavioral expectations depends in part upon the manner in which internal directives are disseminated and stored. At present, the SFPD's DGOs and Department Bulletins are stored electronically in PDF format. However, the team heard from many SFPD members that the current storage process is not user-friendly and that PDF documents are not easily searchable for policy review or other administrative purposes.

In addition, members pointed out that the Department Bulletins' two-year life span created logistical difficulty for the organization. In some cases, the issued Department Bulletin has been modified to incorporate additional changes or perspectives creating an environment that can be best described as "dueling" Department Bulletins. According to some members, the short life of Department Bulletins creates confusion for employees who are subject to the policies as well as for those employees tasked with determining whether Department policies have been violated.

Despite anecdotal evidence of confusion around Department Bulletins, the assessment team found policies relating to conduct and discipline to be fairly well understood by SFPD members. A review of Internal Affairs case files does not suggest that officers are confused about the applicability of policy. In their review, team members did not encounter any file wherein an officer attributed a failure to adhere to policy or their behavioral infraction to lack of knowledge or misunderstanding of existing policy.

Communications challenges with Department Bulletins

Assessment team members came to understand that SFPD officers did not always feel they were properly engaged or informed regarding departmental policies. The use of force policies were under revision before the start of the assessment and entered into the collective bargaining process as this report was being published. However, unlike the protracted process for the draft use of force orders, the decision to require patrol officers to carry a 36-inch baton as a mandatory uniform item came with little discussion. On April 30, 2016, the SFPD issued Department Bulletin 16-071, Department-Issued Impact Weapons, which requires patrol officers to carry the 36-inch baton while on patrol duty.

The assessment team observed that most officers did not know why the policy was implemented. Many came back from days off to find this a new requirement and had to quickly ensure they were properly equipped. Some officers expressed concern over being required to carry the baton when they have not been trained in its proper use and implementation for routine field operational use. Until the SFPD issued the Department Bulletin, the 36-inch baton was an instrument employed for crowd control and officers were specifically trained to engage the baton under crowd control factors. Training and Education Division members responsible for defensive tactics and patrol sergeants stated they had not been asked to provide input into the decision to require use of the instrument before the Department Bulletin's release. At the time team members met with Training and Education Division staff, they were developing a training curriculum to address how to use the 36-inch baton in other situations. However, this was after the release of the Department Bulletin and while officers were now required to carry the batons as a mandatory uniform item.

The assessment team spoke with officers who addressed the impracticality of riding in a vehicle or running with the baton affixed to their utility belt when performing normal and expected duties. Some officers believed they could store the instrument in the vehicle and retrieve it in situations where it was specifically needed while others stated it needed to be on them at all times. Team members observed officers tripping over their batons as they exited their vehicles, while others were wearing them when engaging in ball games with children as part of a community engagement.

This discussion is important not to evaluate the merits of whether or not officers should carry a 36-inch baton but rather to illustrate that the decision to require the 36-inch baton appears to have been made without adequate input from key internal constituents. It also illustrates how the practice of using Department Bulletins, despite being well-intentioned, is subject to criticism that Department Bulletins are used to avoid internal and external input from stakeholders.

Contemporary law enforcement agencies must be attuned to evolving expectations regarding the role of police in modern society. The expectations are foremost with respect to how members of a law enforcement agency relate to and interact with the public and other stakeholders. It is therefore vital for an organization to be guided by contemporary internal directives in order to guide the considerable discretionary authority granted to police. Such directives must be aspirational in terms of informing employees of the agencies' expectations of how police are to relate to members of the public and society rather than being mere prescriptive guidelines or "how-to" manuals. Nationally, emerging practices identify that internal directives be continuously assessed and updated to ensure compatibility with contemporary standards.

The SFPD's current process for reviewing and updating official department policies does not support such action. The Police Commission's authority over DGOs supports one of the core concepts of "co-produced policing" as identified in the *Final Report of the President's Task Force on 21st Century Policing*. Public input, participation, knowledge, and understanding of police procedures is one way for the SFPD to hold itself accountable to the public. However, as shown through the protracted time it has taken to implement the body-worn camera policy and update the use of force policy, efforts at transparency have been impacted by existing organizational practices.

Performance evaluation

Accountability is also about the systems that measure and improve organizational and employee performance. To be on the forefront of promising practices, the SFPD must commit to individual and agency performance evaluations. In police agencies cognizant of contemporary practices, both employees and the agency itself are subject to periodic review and analysis. Performance evaluation, early intervention, and remedial training are important factors in assisting police agencies in creating internal and external trust within its employees and the communities they serve. From an external perspective, engaging in community surveys, seeking accreditation, and benchmarking accomplishments against organizational goals and the department's strategic vision are vital to creating an adaptive organization capable of serving community needs while meeting overall law enforcement standards.

The SFPD has developed a policy for the periodic evaluation of officer performance that requires sergeants to maintain a Performance Improvement Binder for all officers.[195] However, the practice of engaging in a written performance appraisal for all employees does not appear to be institutionalized across the department. The team spoke with a number of supervisors who indicated they had neither performed nor been subject to a performance evaluation in years. These comments were confirmed by observations and discussions with officers and other members of the SFPD.

Ongoing formal review of performance helps unite organizational goals and individual action. These are opportunities to engage in constructive coaching and mentoring. Furthermore, annual reviews and performance discussions can afford officers an opportunity to define their organizational role and goals for overall improvement. Finally, they provide articulable standards for performance, promotion, and other enrichment opportunities.

Organizational performance

The assessment team was told that routine internal audits are not a matter of practice in the SFPD despite references to audits within various policies. For example, DGO 3.19 – Early Intervention System requires an audit every six months, but this does not occur. Audits are a function of the Risk Management Unit, but the lack of data and supporting staff make conducting audits challenging. Interviews with supervisors and command staff indicated that audit practices were not a priority in the SFPD.

The newly implemented body-worn camera pilot program requires audits of member compliance with the provisions of DGO 10.11 – Body-Worn Cameras. The assessment team has concerns that absent resourcing and a prioritization of auditing for accountability in the SFPD, the audit will not be sufficiently supported. A robust internal auditing process is key to organizational accountability because it is a means by which to self-identify and correct issues across the organization. The SFPD needs to prioritize the role of auditing as a means to ensure organizational accountability and risk management and develop mechanisms to support such practices.

Technology and accountability

Data, analysis, and informed decision-making capacity are necessary for effective management of a large police organization. As of December 2015, the SFPD had more than 2,720 employees of whom 2,220 were sworn officers and an annual operating budget of $566,270,469.[196] For an organization of this size, surprisingly little of its management decisions regarding operations and personnel are supported by data and technology. The single most prevalent issue raised by department members, across all ranks, during discussions with the assessment team was how the absence of good technology limits individual and department effectiveness. While criminal investigative data has traditionally been the priority for most law enforcement agencies, data limitations exist even for informing day-to-day police operations in the SFPD.

195. San Francisco Police Department, *Department General Order 3.18 – Performance Improvement Program*; San Francisco Police Department, *Performance Appraisal Guide*.
196. Lee, *Mayor's 2015–2016 and 2016–2017 Proposed Budget*.

Much of the data intake by the SFPD remains manual, and there is little integration or even direct linkage to supporting systems or agencies, such as the Department of Emergency Management. The SFPD can provide for crime reporting and other such data, but analysis of arrests is limited by the poor record-keeping practices around arrests, as identified in appendix D of this report beginning on page 270. The ability to link data to an in-depth analysis requires significant resources and time.

Although administration data was an issue not traditionally prioritized within law enforcement agencies, good data are critical to effective management. During times of increasing demand and limited resources, the better a department can manage its personnel and automate practices the more effective it can be at the larger mission of public safety. The quality of the management data in the SFPD is far less than the team originally anticipated. The absence of good data significantly impacts effective overall organization management because managers do not have the necessary information to make sound strategic decisions or provide independent support for organizational decisions overall.

As it relates specifically to discipline, both the SFPD and OCC use different information technology systems and collection practices for complaint data, investigations, and reporting. There is minimal use of these data as a routine management tool. CompStat data regarding traffic, use of force, and IAD do not extend beyond reporting total counts in a year-to-year format. EIS quarterly reports document issues, including complaint counts and statistics which are identified as trends or district-specific patterns. However, data are not further analyzed other than to report the overall counts in the SFPD. There was minimal use of data and data were not easily accessible in support of management needs.

The assessment team found no evidence of a robust data-led management process in the SFPD. In response to requests, the team was informed that most inquiries around personnel, including training records, discipline data, performance data, and any relational analysis, would require significant hours of development. Data returned were segmented and often not correlated in a format that allows for meaningful review. Beyond informing management, better data analysis and collection would help the SFPD develop the ability to proactively address community concerns and trends in officer conduct.

Transparency requires better data collection and management

The SFPD has an enormous amount of information and data that, when analyzed, could serve as a foundation for improving the agency and the profession. However, collection of data is but an initial step. The SFPD needs to advance its data capacity to be able to digest the information it holds in a consistent, easily accessed format that provides management with real-time information to help inform their practice. Better data collection and management would also improve the transparency of the SFPD's practices for its employees and the community, particularly as it relates to accountability. Assessment team members often heard community members and institutional partners state that the SFPD's poor data capacity enabled its lack of transparency.

At present, the SFPD maintains a website with information for the community's consumption. In addition to crime information and other issues associated with the SFPD's public safety role, the department also posts accountability data.

For example, the SFPD maintains several sets of accountability information on its website:

- Data surrounding EIS along with IAD findings on completed officer misconduct investigations.[197]
- White House Police Data Initiative, which reports officer-involved shooting data, officer demographics, and traffic stop data. However, the data fields are limited for all categories and are not available in an easily digestible format for the public. The officer-involved shooting report includes a descriptive narrative that provides the public with a good summary of the data for shooting incidents occurring from 2000 to the present.[198]
- Reform Initiatives, a page that is currently populated with the SFPD's reporting pursuant to Administrative Code 96A, which requires the SFPD to report on use of force and arrests in a consistent, quarterly format.
- Public Commendation / Complaint, a page that provides information on how members of the public can provide feedback on the SFPD. Members of the public can register complaints online but cannot provide compliments.
- Search tool, which allows users to find links to reports posted by the Police Commission.[199]

A new report, posted on July 26, 2016, outlines the analysis of the SFPD's use of force incidents and arrests for the first quarter of 2016. This is a promising good practice, as it has extensive data and indicates significant analysis on the part of the SFPD. However, its posting date also highlights the time required to develop and publish the report. SFPD personnel explained that up to this point data were collected manually but that the data collection systems were re-tooled to include the mandated data fields for analysis. The assessment team will monitor this new reporting and analysis for good practice and potential to inform improvements in other accountability data as part of the CRI-TA implementation phase.

At an organizational level, universities and institutional research organizations commonly analyze law enforcement agency data in an effort to assist the agency in improving performance or to provide informed research on a subject or practice that has implications across the law enforcement profession. Contemporary law enforcement agencies proactively seek outside review of the agency by partnering directly with local universities, including participating in surveys or platform studies.

To date, despite the proximity of neighboring Silicon Valley and some of the most prestigious research universities in the world the SFPD has not leveraged these resources to assist in addressing its digital and technological needs or to improve its data capacity and analysis to improve the management and oversight of the SFPD.

197. San Francisco Police Department, *4th Quarter 2015 Early Intervention System Panel Meeting*.
198. City and County of San Francisco, "Police Department: Data." The White House Police Data Initiative seeks smarter, data-driven ways of improving community policing efforts and reducing use of force incidents. A variety of technology solutions are being evaluated across the United States as a way to identify technology solutions to current police issues. Smith and Austin, "Launching the Police Data Initiative."
199. City and County of San Francisco, "Police Department."

Assessing the SFPD's complaint files

The assessment team conducted a file review of the complaints in SFPD's possession. The sample totaled 117 complaint files, and team members reviewed 45 complaint files. As part of this analysis, files were from the years 2013, 2014, and 2015. The majority of these investigations were low-level complaints, with 26.7 percent arising out of failure to appear in court or for training.

As a means of evaluating quality control of the investigation, the assessment team assessed whether investigators employed standardized forms and captured sufficient content and whether files were comprehensive and consistent.[200]

Assessment team members assessed the following investigative minimum standards:

- All allegations are clearly stated and clearly answered.
- All relevant facts bearing on the truth of each allegation are clearly stated.
- All evidence, such as photos or recordings, is included or its means of retrieval specified.
- Contact and identification information for all persons interviewed and for the investigator(s) is included.
- The report is impartial, with no bias for or against any party.[201]

Beyond minimum standards, assessment team members gave consideration to report quality based on the following standards:

- The report is logically organized with the aim of helping the reader understand it.
- Its language is clear, and where special terms are used they are defined. The reader does not have to presume or guess the meaning of a term.
- The report avoids conclusory statements wherever possible.
- Sentences and paragraphs are direct, simple, and easy to understand, using the fewest words to clearly convey the point.
- Estimates of time, distance, or other quantities are as precise as reasonably useful but need not be precise beyond that.
- Unless explicitly permitted by agency policy, personal opinions are avoided. If they are permitted, they should include explicit evidence to support the opinion.[202]

Last, assessment team members assessed whether IAD investigations were completed within a reasonable time frame except in cases where local statute contradicts or personnel and financial resources available make that timeframe not feasible.[203]

200. COPS Office, *Standards and Guidelines for Internal Affairs.*
201. COPS Office, *Standards and Guidelines for Internal Affairs.*
202. COPS Office, *Standards and Guidelines for Internal Affairs.*
203. COPS Office, *Standards and Guidelines for Internal Affairs.*

Overall, the assessment team found that the SFPD's IAD complaint investigations had minimal investigative value. The actions in the files were accurately recorded, reported, and documented but were often not investigated. There was little evidence of interpretation of facts and their meaning. For example, in one matter, an employee was being investigated for failure to appear at a required training session. It turned out that the employee lied about being present for training and it was verified that the employee was not present. Rather than treating this statement as a false statement, it was founded as a failure to appear for training, a lesser disciplinary matter.

In addition, the SFPD does not follow an investigative template, and therefore the reporting format is not consistent. Information was not consistently provided for complainant, victim, witness, or officer identifiers.

In its review of selected IAD case files, the assessment team found that although case files contained similar information, there was no consistent format or structure to the case files, including location of key documents or evidence. This variability was especially true for officer-involved shooting case files.

While IAD and the overall maintenance of the files were secure, there was no isolation of compelled statements. The SFPD needs to establish standard operating procedures for maintaining file separation and containment of criminal investigations. This is critical to ensuring that officers' rights are protected and that criminal investigations can be fully investigated.

In addition, the SFPD's present state of data and recordkeeping for disciplinary matters does not allow for more sophisticated analyses or for meaningful searches and reporting mechanisms.

Assessment team members also determined that timeliness of investigations was an issue. The majority of the SFPD's investigations ran close to a full year. This was also an issue for OCC investigations as observed by the team. California Code 3304 requires administrative investigations into police officers to be completed within a year. In the SFPD, many investigations languished for the duration of this year for no apparent reason and many reflected unexplained gaps in the investigative period. Such practices are indicative of a less than robust supervisory oversight. The chain of command and IAD must be held accountable for the timeline established for completing the investigations. In several of the instances the due dates were missed, and in a few instances IAD sent reminder notices that were ignored.

Some investigations were not sufficiently advanced. For example, in one, an SFPD supervisor was accused of improper use of force. The SFPD issued only an admonishment despite the fact that the use of force was not documented until six months after the initial incident and was approved at that time by the accused, as the supervisor reviewing the incident. No review occurred regarding the lengthy delay or the authority of the accused to approve a use of force incident as the individual engaged in the use of force being reported.

However, some cases were well-investigated. In one example, an SFPD member was using the computer for personal business. In response, the SFPD used appropriate computer resources to track the employee's usage and hold the employee to account.

Absent a template and standards, it was difficult to ascertain compliance with SFPD standards. The officer conduct investigated within the randomly generated sample was generally of a low-level issue, and therefore the cases in the sample were not priority investigations. However, assessment team members found it challenging to review the files given the lack of order of the content in each file and the lack of supervisory review of the files in terms of how they were compiled and reported.

Evidentiary standards varied as well. Review for video evidence, where appropriate, was not always conducted in a timely manner. Communication and supervisory oversight were not routinely documented as part of the investigation. No reviews were identified during the pendency of the investigation.

Assessment team members had some concerns regarding how certain aspects of investigations were not addressed, particularly where the actions of the officers could form the basis for a misconduct complaint. In one, a complainant was arrested for jaywalking after stepping into the street to request an officer's name and star number. The internal investigation did not address the probable cause or even the basis for the arrest but rather the refusal of the officer to provide their name.

In another incident, an off-duty officer was stopped and a use of force situation arose out of the traffic stop to which several officers responded. Numerous actions occurred on scene, which could have formed the basis for a misconduct investigation. However, only one officer was the subject of an internal investigation and discipline.

In reviewing the case files, it was noted that where discipline occurred, there appeared to be disparity. While the sample size was not sufficient to draw significant conclusions, the assessment team was concerned that in some investigations, the officers who received discipline were primarily ethnic or racial minorities or women. In an organization where very few officers received suspensions for misconduct, this discrepancy stood out. As part of the CRI-TA implementation, team members will further review the circumstances under which discipline is issued and its impact on internal procedural justice.

Challenges to accountability and trust

Transparency and fairness in the investigation and adjudication of complaints of misconduct is the primary way law enforcement agencies ensure accountability to their stakeholders. Internal support for accountability is crucial in rebuilding community trust.

At present, the culture of the SFPD is not directed toward building an environment of accountability. Policies are disregarded and investigations are not robust. The lack of coordination between institutional partners for investigations is a real challenge to building trust within the community. Even IAD members perceive a lack of support from the department as a whole. According to these members, not all SFPD line officers and supervisors support the need for internal investigations in ensuring transparency and building effective community relationships. IAD personnel reported arriving at a district to interview an officer and encountering district personnel, including supervisors, who would protect or conceal the officer from the investigators. From the perspective of leadership and management communications, all SFPD members need to feel valued and supported by the organization. Internal Affairs should be seen as a rewarding assignment, one that is valued by the organization.

Communities trust their police departments when they believe that complaints of misconduct are taken seriously and are vigorously investigated. During the community listening sessions and interviews with a variety of SFPD and community members, a common theme was that officers are not held to account. Review of published discipline records shows that the SFPD does not implement discipline frequently, and when it does it is rarely at a significant level. While the level of discipline alone does not indicate a failure of accountability, the lack of transparency and communication on the discipline processes and how it is addressed throughout the organization fuels community mistrust.

Findings and recommendations

Findings follow the flow of the narrative within the chapter.

Finding 55

The SFPD is not transparent around officer discipline practices.

During the community listening sessions and interviews with community members, there was a consistently stated belief, especially in the African-American and Hispanic communities, that officers are not held accountable for misconduct.

Recommendation 55.1

The SFPD should expand its current reporting process on complaints, discipline, and officer-involved shootings to identify ways to create better transparency for the community regarding officer misconduct.

Recommendation 55.2

Consistent with the current practice on Early Intervention System data, the SFPD should develop and report aggregate data regarding complaints against Department members, their outcome, and trends in complaints and misconduct for both internal and external publication.

Finding 56

The SFPD does not engage in community outreach and information regarding the discipline process and rights of the community.

The absence of information and education about the complaint system and its outcome contributes to the negative perceptions of the SFPD by residents.

Recommendation 56.1

The SFPD should work with the OCC and Police Commission to minimize obstacles to transparency as allowed by law to improve communications to complainants and the public regarding investigation status, timeliness, disposition, and outcome.

Recommendation 56.2

The SFPD should allocate appropriate staff and resources to enhance community outreach initiatives and to incorporate customer service protocols for periodic follow-up and status communications with complainants for the duration of their open cases.

Recommendation 56.3

The SFPD should work with the OCC to facilitate the same actions and outreach to the community as best suits the independence of the OCC.

Recommendation 56.4

The SFPD should ensure that the OCC public complaint informational materials are readily available in the community and in particular prominently displayed in district stations for access by the public. These materials should be designed to educate the public about confidentiality limitations on sharing investigative information to inform residents of the type of feedback they may reasonably expect, and they should be provided in multiple languages.

Recommendation 56.5

The SFPD should work with the OCC and the Police Commission to conduct community workshops on the complaint process and the roles and responsibilities of each agency relative to the overall process within nine months of the issuance of this report.

Recommendation 56.6

The SFPD should encourage the OCC and IAD to identify obstacles that interfere with optimal complaints investigations and accountability, with a goal of implementing changes to better support their intended missions.

Finding 57

The SFPD does not provide leadership in its role with respect to complaints against SFPD personnel.

Promising practices emphasize the role of effective investigation of complaints in building community trust. Procedural justice informs us that members of the public are more likely to trust law enforcement agencies when they believe their issues are handled with dignity and respect.

Recommendation 57.1

The SFPD needs to update its policies and educate personnel to appropriately recognize the importance of the first interaction between police personnel and members of the public who have complaints against the police.

Recommendation 57.2

The SFPD should institutionalize the process of explaining and assisting community members who file complaints against officers.

Recommendation 57.3

The SFPD should ensure that all personnel are trained and educated on the public complaint process and the location for the appropriate forms.

Recommendation 57.4

The SFPD should develop "next steps" and "know your rights" handouts for complainants who file complaints at department facilities.

Finding 58

The SFPD does not have a tracking system for complaints received at a district station.

Recommendation 58.1

The SFPD should establish a record system for ensuring that complaints received at a district station are forwarded properly and in a timely matter to the OCC. E-mail and fax should be considered for ensuring delivery and creating a record.

Finding 59

SFPD Internal Affairs Administrative Investigations and Internal Affairs Criminal Investigations are not effectively collaborating.

In meeting with members of IAD, the team learned that there was a lack of clarity as to roles within IA Criminal and IA Administrative, and unit members often felt that they did not have sufficient direction. Members of IAD acknowledged that they seldom meet to discuss investigations or common issues such as how to develop an effective database for case management and archival purposes. They also referenced a lack of administrative and technical resources, especially data systems, as impediments to the effective and efficient performance of their duties. However, absent protocols field assignments are subject to variance, and therefore so is the overall focus and quality of the investigative process.

Recommendation 59.1

Members, including investigators, of the IA Administrative Unit and IA Criminal Investigations Unit should meet regularly to discuss processes, practices, and the flow of assigned cases to ensure that administrative violations are timely and properly addressed.

Finding 60

Internal Affairs case tracking is insufficient to ensure the timely progression of investigations and achieving key deadlines.

Recommendation 60.1

The SFPD and OCC should jointly develop a case tracking system with sufficient security protections to assure independence that would identify each open investigation, where it is assigned, and the date the case expires for the purposes of compliance with California Government Code Section 3304(d)1, which requires the completion of an administrative investigation into misconduct within one year of the agency discovery.

Recommendation 60.2

The SFPD and OCC should establish an investigative protocol within 120 days of the issuance of this report that allocates specific time parameters for accomplishing investigative responsibilities and transfer of cases if criminal allegations are made against SFPD officers.

Recommendation 60.3

Supervisors should be held accountable for ensuring timely transfer of cases to SFPD Internal Affairs Administrative Investigations from SFPD Internal Affairs Criminal investigations when appropriate.

Finding 61

The SFPD's Internal Affairs Division does not have standard operating procedures or templates for investigation reporting.

By not having specific protocols and templates, miscommunication is occurring with the investigations.

Recommendation 61.1

The SFPD should develop a Standard Operating Procedures Manual detailing the scope of responsibility for all functions within the IAD. Standard operating procedures should provide guidance and advice on conflict reduction, whether internal or external to the SFPD.

Recommendation 61.2

The SFPD must establish clear responsibilities and timelines for the progression of administrative investigations, and supervisors should be held to account for ensuring compliance.

Finding 62

Files stored with the SFPD's Internal Affairs Division are secured, but compelled statements are not isolated.

During the file reviews, the assessment team did not find any compelled statements isolated.

Recommendation 62.1

The SFPD needs to establish standard operating procedures for maintaining file separation and containment of criminal investigations. This is critical to ensuring that officers' rights are protected and that criminal investigations can be fully investigated.

Finding 63

The SFPD does not fully support members performing internal affairs functions.

SFPD officers identified a department culture that is hostile and in some cases detrimental to the accountability role of the IAD, thereby limiting the effectiveness of the process.

At present, the culture of the SFPD is not directed toward building an environment of accountability. Policies are disregarded, and investigations are not robust. The lack of coordination between institutional partners for investigations is a real challenge to building trust within the community. Even IAD members perceive a lack of support from the department as a whole. According to these members, not all SFPD line officers and supervisors support the need for internal investigations in ensuring transparency and building effective community relationships. IAD personnel reported arriving at a district to interview an officer and encountering district personnel, including supervisors, who would protect or conceal the officer from the investigators. From the perspective of leadership and management communications, all SFPD members need to feel valued and supported by the organization. Internal Affairs should be seen as a rewarding assignment, one that is valued by the organization.

Recommendation 63.1

The SFPD should clearly define the authority of IAD and reinforce that cooperation and collaboration with IAD is mandatory.

Recommendation 63.2

The SFPD should continue to implement the tenets of procedural justice and ensure training include instruction on the importance of the IAD's functions to the integrity of the department and connection to the community.

Recommendation 63.3

SFPD leadership should demonstrate its support of the IAD's role and responsibility within the department and provide recognition and support for good investigative practices.

Finding 64

The SFPD does not routinely collaborate with the Office of Citizen Complaints.

The transparency of the complaint and disciplinary process is negatively affected by the working relationship between SFPD IAD and OCC. The lack of engagement undermines the effectiveness of both in fulfilling their respective roles and responsibilities. Issues with respect to information sharing between the

two entities, timeliness of complaint investigations, and bases for recommending progressive discipline potentially impede the investigative and adjudication processes, potentially eroding the overall integrity of the public complaint resource.

Recommendation 64.1

The SFPD should convene a joint review process within 90 days of the issuance of this report, co-chaired by OCC and SFPD senior staff, to evaluate existing complaint and disciplinary processes, policies, and liaison relationships to enhance trust and legitimacy around these issues.

Recommendation 64.2

The SFPD should immediately accept OCC's recommendation, as reported in the First Quarter 2016 Sparks' Report, to convene quarterly meetings between OCC staff and SFPD staff.

Recommendation 64.3

The SFPD should seek to improve interagency communications and identify ways of improving collaboration on investigative practices to ensure timely conclusion of investigations, shared information on prior complaints and finding of misconduct, and appropriate entry of discipline, designed to improve the overall discipline system that holds officers to account.

Recommendation 64.4

The SFPD should work with OCC to develop standards within 120 days of the issuance of this report regarding timeliness of complaint investigations, and consistency of investigative findings and practices to ensure progressive discipline is appropriately recommended.

Recommendation 64.5

The SFPD should engage with OCC to ensure that the classification for complaints and their findings are reported consistently between the two agencies to ensure better transparency.

Finding 65

The SFPD does not sufficiently analyze Office of Citizen Complaints reports and analyses of its complaints, investigations, and case dispositions.

This information is shared with the SFPD and largely available publicly on the OCC website. However, the SFPD rarely uses complaint information or aggregated data to inform change management priorities in areas such as professional conduct, community and police relations, training, and policy.

Recommendation 65.1

The SFPD should develop a department-internal priority to regularly review and analyze OCC complaint reporting to identify priorities for intervention in terms of workforce culture, training, policy clarification, or leadership development.

Recommendation 65.2

The SFPD should raise district captains' awareness of this information by requiring IAD to present a trends analysis report of OCC case activity, emerging issues, and concerns at CompStat meetings every quarter.

Finding 66

The SFPD is not required to take action on the recommendations put forth in the Office of Citizen Complaints Sparks Report.

OCC provides the Sparks Report quarterly to the Police Commission. The Sparks Report provides recommendations on policy and revisions.

Recommendation 66.1

The SFPD should meet with OCC on a quarterly basis following the release of the Sparks Report to discuss the recommendations.

Recommendation 66.2

The SFPD should make it mandatory for the Professional Standards and Principled Policing Bureau to review the Sparks Report and direct action where appropriate.

Recommendation 66.3

The SFPD should provide twice-yearly reports to the Police Commission regarding actions resulting from the Sparks Report, including whether the OCC recommendation is supported and a timeline for implementation or correction to existing practice and policy.

Finding 67

The SFPD does not analyze trends in complaints, situations that give rise to complaints, or variations between units or peer groups in relation to complaints and misconduct.

In part, this is because the SFPD does not have appropriate data systems to allow for data-led management and policing decisions.

Recommendation 67.1

The SFPD must work to develop practices that measure, analyze, and assess trends in public complaints and employee misconduct.

Recommendation 67.2

Supervisors should be provided with quarterly reports that integrate individual actions, as is currently reported by the Early Intervention Systems Unit, with aggregated information that provides complaint and misconduct data trends for the watch, district, and city.

Finding 68

The SFPD has poor data collection and analysis, which significantly impacts effective overall organization management and accountability.

The technology in the SFPD requires significant updating. However, poor data collection practices, including lack of supervisory review and accountability for improperly completed reports and form sets, contributes to the poor data environment.

Recommendation 68.1

As part of its technological capacity improvement strategy, the SFPD should develop a plan to advance its capacity to digest information it currently possesses in a consistent, easily accessible format such as a template containing key data points including officer performance indicators and crime indicators that could provide management with real-time information to inform their practice.

Recommendation 68.2

Supervisors and officers who fail to properly collect and enter information must be held accountable through discipline. Absent proper collection of data, little to no analysis can occur.

Recommendation 68.3

The SFPD should increase transparency by collecting and providing data, policies, and procedures to the public in multiple languages relevant to the local community through official SFPD website and municipal open data portals.[204]

204. President's Task Force on 21st Century Policing, *Final Report*.

Finding 69

The SFPD does not consistently apply the principles of procedural justice.

Recommendation 69.1

SFPD leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. The Police Commission, OCC, IAD, and POA leadership should be partners in this process.

Albeit conclusions are drawn from a small sample, the assessment team is concerned that in review of some investigations, the officers who received discipline were primarily ethnic or racial minorities or women. In an organization where very few officers received suspensions for misconduct, this discrepancy stood out.

Recommendation 69.2

The SFPD should task a committee to review internal discipline on a quarterly basis to assure the fairness and impartiality of the process overall and particularly to ensure that there is not bias in determination and application of discipline. This analysis should be multi-levelled to include aggregate data, trend analysis, and outcome impact on officer demographics including prior discipline and adherence to the discipline matrix.

Recommendation 69.3

The SFPD should report annually to the Police Commission the analysis of discipline including officer demographics and prior discipline histories.

Finding 70

The process to update Department General Orders is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues.

As a result, many of the Department General Orders are from the mid-1990s and do not fully reflect current policing practices.

Recommendation 70.1

The SFPD should work with the Police Commission to develop a nimble process for reviewing and approving existing and new Department General Orders that supports policing operations with codified, transparent policies.

Recommendation 70.2

The SFPD should commit to updating all Department General Orders in alignment with current laws and statutes, community expectations, and national best practices every three years.

Recommendation 70.3

Prior to promulgation of policies and procedures, the SFPD should ensure that comments are sought from members and units most affected by any practice, policy, or procedure during the initial stages of development.

Recommendation 70.4

Input and review from external stakeholders must be completed before implementation of the practice, policy, or procedure.

Finding 71

The SFPD does not have an effective process for the development and distribution of Department General Orders and Bulletins.

Clearly articulated policies are needed to help SFPD personnel make the right decisions.

Recommendation 71.1

The SFPD needs to work with the Police Commission to create a process to make timely and necessary updates to key policies.

Recommendation 71.2

The SFPD should develop a general order review matrix predicated upon area of risk, operational need, and public concern to allow for timely update and review of prioritized orders.

Finding 72

Department Bulletins are used as a workaround for the Department General Order approval process.

Recommendation 72.1

The SFPD should present all Department Bulletins that substantively change or countermand a Department General Order to the Police Commission before implementation and publish them on their website after approval is received.

Recommendation 72.2

All Department Class A Bulletins and any Department Bulletin that modifies an existing Department General Order should be posted on the SFPD's website.

Recommendation 72.3

The SFPD should limit the use of Department Bulletins to short-term direction and eliminate the authority to continue a Department Bulletin after two years.

Finding 73

The SFPD does not have an effective mechanism for determining whether an officer has accepted a policy and therefore could be held to account for its provisions.

Recommendation 73.1

The SFPD should develop a mechanism by which to track when a Department General Order or Department Bulletin has been accessed and acknowledged by a SFPD member.

Recommendation 73.2

Once a mechanism is established, the SFPD should create a protocol for notification, noncompliance, and accountability.

Finding 74

The SFPD does not provide sufficient training, supervision support, and guidance when releasing new Department Bulletins.

Training is critical, particularly when associated with risk issues such as use of force, bias, stop and seizure. It was rare that any training accompanied new policies outlined in Department Bulletins, as evidenced in the lack of training development before the introduction of the mandatory requirement to carry the 36-inch baton.

Recommendation 74.1

The SFPD should conduct a thorough and structured approach when creating new policies and procedures via Department Bulletins.

Recommendation 74.2

The SFPD should ensure that Bulletins are accompanied by appropriate training, supervision, and consistent reinforcement of the intended purpose of the policies.

Finding 75

The SFPD does not devote sufficient administrative or command-level resources to the process of creating, implementing, maintaining, and updating Department General Orders and Bulletins.

The team found that Department Bulletins updating provisions within Department General Orders were repeatedly renewed to meet the two year sunset, often without receiving any substantive updates and in place of addressing the issue within the appropriate Department General Order.

Recommendation 75.1

The SFPD should task the Principled Policing and Professional Standards Bureau with overall responsibility for development, maintenance, training, and implementation planning for Department General Orders.

Recommendation 75.2

The Written Directives Unit should be tasked to work with subject matter experts from OCC and the Police Commission to ensure policies are adopted in a timely manner and appropriately updated.

Recommendation 75.3

The Written Directives Unit should be sufficiently staffed with personnel and resources to enable the unit to function as the project managers for Department General Orders at the direction of the Police Commission.

Finding 76

Although the SFPD internally provides Department General Orders and Department Bulletins that are electronically available, the documents are not easily accessible.

Absent an easily cross-referenced system, particularly one where Department Bulletins can supersede a Department General Order, policy failure or incorrect action can occur.

Recommendation 76.1

Department General Orders and Department Bulletins should be stored in a searchable digital central repository for ease of access by officers and for administrative purposes.

Recommendation 76.2

The SFPD should provide department members access to an online electronic system for Department General Orders and Department Bulletins to provide timely updates, cross-referencing, and reporting and monitoring capabilities for managers.

Finding 77

The SFPD does not conduct routine, ongoing organizational audits, even where such practices are established in policy.

Recommendation 77.1

The SFPD should prioritize auditing as a means to ensure organizational accountability and risk management and develop mechanisms to support such practices.

Recommendation 77.2

The SFPD should develop an auditing plan and schedule for both routine and risk audits within 90 days of issuance of this report. Staffing, resources, and training need to be allocated to the process to ensure an active and robust auditing schedule.

Finding 78

The SFPD does not engage in any outside evaluations of its practices, data, or reporting.

Recommendation 78.1

The SFPD should consider partnering with local academic institutions to evaluate its reform program, particularly as it seeks to implement the recommendations in this report.

Finding 79

Evaluation of employee performance is not an institutionalized practice in the SFPD.

SFPD personnel interviewed did not recall having or conducting a performance evaluation within the department.

Recommendation 79.1

The SFPD should adopt a policy and implement the practice of completing regular performance evaluations of all department employees tailored to goals and objectives, job functions, and desired behavior and performance indicators.

Recommendation 79.2

SFPD leadership needs to create a system to ensure that all personnel are being evaluated at least twice a year.

Recommendation 79.3

The SFPD should use performance evaluations as an evaluation factor in promotions.

Finding 80

The SFPD does not have internal protocols for collaboration with regard to criminal investigations conducted by the district attorney or the United States Attorney's Office for the Northern District of California.

Police misconduct uncovered during any type of covert investigation should be reported pursuant to established protocols and protect the integrity of the investigating officers. In situations with shared areas of jurisdiction or responsibility for officer conduct, there should be protocols for roles and responsibilities for all partners.

Recommendation 80.1

The SFPD should create a policy governing the reporting of criminal activity and administrative misconduct uncovered during any type of covert investigation. Such policies will prepare the department for complex legal situations with multijurisdictional responsibilities for either criminal or administrative investigations into officer conduct.

Recommendation 80.2

Clear communication protocols, responsibilities, and roles need to be established among the key partners responsible for investigations into criminal conduct and address administrative misconduct by officers.

Recommendation 80.3

The SFPD should develop clear and defined policies and protocols to address reporting and confidentiality requirements for officers investigating criminal activity and administrative misconduct of other police officers uncovered during any type of investigation.

6. Recruitment, Hiring, and Personnel Practices

San Francisco's diversity as a city impacts the need for diversity among SFPD personnel

San Francisco takes pride in the diversity of its communities and its tolerance for activism. Early engagement and support of LGBTQ communities have fostered the image of San Francisco as a tolerant and open city. San Francisco neighborhoods include a tapestry of cultures, with significant numbers of native speakers of Chinese (7.1 percent; Chinese includes Mandarin and Cantonese), Tagalog (3.7 percent), and Spanish (14 percent).[205]

The *Final Report of the President's Task Force on 21st Century Policing* outlines two key components of improving police-community relations:

1. Departments should prioritize diversity in entry-level recruitment and ensure ongoing diversity among all levels of employment.
2. Departments need to acknowledge that their policies and staffing are of interest to the community. Departments should take steps to increase the transparency of the department by publishing and sharing the demographics of their workforce, including race, gender, age, and other relevant demographic data.[206]

Such practices occur in the San Francisco Police Department (SFPD), but the department can improve diversity in its supervisory ranks as well as improve its transparency and planning for diversity.

Methodology used to assess this objective

To evaluate diversity in the SFPD's recruitment, hiring, and personnel practices, the assessment team collected information and data in many ways including interviews; observations; focus groups; review of organization structure, relevant policies, directives, and training manuals; review of all components of the SFPD's hiring process; review of the Commission on Peace Officer Standards and Training (POST) Administrative Manual; and review of SFPD workforce data, demographic data, and—where possible—data comparison to relevant benchmarks such as national demographic data for local police departments and San Francisco community demographic data.

Policy support of diversity

Two policy documents outline the SFPD's position on diversity: its vision statement and Department General Order (DGO) 11.07 – Prohibiting Discrimination, Harassment, and Retaliation. These policies establish a vision of a discrimination-free working environment.

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205. Hendricks, "Bay Area/Report: 112 Languages Spoken."
206. President's Task Force on 21st Century Policing, *Final Report*.

The SFPD's vision statement addresses the department's hiring practices, stating that it values and rewards "hard work, ingenuity, and resourcefulness demonstrated by its employees."[207] According to its vision statement, the SFPD commits to offering state-of-the-art training, development, and career opportunities for advancement and retention to "ensure that employees see the Police Department as a lifelong career and strive to become the department's next generation of leaders."[208]

DGO 11.07 – Prohibiting Discrimination, Harassment, and Retaliation states that the SFPD "values diversity in its workforce, and is committed to fair and equal treatment of all applicants for employment and all members in the terms, conditions and privileges of employment. The Department is also committed to providing a workplace where all members are treated professionally, with courtesy, dignity and respect."[209]

Four key elements of strategic planning

Four key areas impact a department's diversity in recruitment, hiring, promotional, and personnel practices:

1. First, the department's senior command must lead by example and commit to diversity in its recruitment, hiring, promotional, and personnel practices.
2. Second, a diverse department depends on a rigorous and continuous recruitment plan aimed at reaching a variety of potential applicants.
3. Third, in actively addressing diverse candidates who culturally represent the community, the recruitment plan needs to demonstrate that the department is inclusive and welcoming.
4. Fourth, the department needs strong recruiters who maintain an active presence in the diverse communities targeted for recruitment.[210]

Recruitment and hiring

The SFPD's recruitment and hiring functions are spread across two different bureaus and several chains of command. The Professional Standards and Principled Policing Bureau oversees the Recruitment Unit, which has the responsibility to market the department to attract qualified, diverse candidates.

Thereafter, the SFPD's Administration Bureau, under the command of a deputy chief, has primary responsibility for the majority of the functions related to the hiring process and training recruits. The Background Investigation Unit, a component of the Staff Services Division of the Administration Bureau, is responsible for investigating and adjudicating the backgrounds of employment applicants. Though not involved in the other selection processes, the Background Investigation Unit coordinates with physicians, psychologists, polygraph technicians, and outside agencies to conduct background investigations of candidates.

207. City and County of San Francisco, "Police Department Vision Statement."
208. City and County of San Francisco, "Police Department Vision Statement."
209. San Francisco Police Department, *Department General Order 11.07 – Prohibiting Discrimination, Harassment and Retaliation*.
210. U.S. Department of Justice, Principles for Promoting Police Integrity; Orrick, Recruitment, Retention, and Turnover.

The Personnel Unit of the Staff Services Division of the Administration Bureau is responsible for human resources functions including the appointment and processing of new hires, promotions, and separations. Finally, the Training and Education Division of the Administration Bureau is responsible for all formalized training functions for the Department and includes the Academy, the Field Training Office, the Office of Education and Training, and the Firearms Range. Each of these units, divisions, and bureaus plays a critical role in advancing diversity in the SFPD.

Recruitment unit

The Recruitment Unit is the public face of the organization when reaching out to candidates and potential applicants. To achieve diversity in staffing, police departments must empower their recruitment offices with a strategic diversity plan and demonstrate support from senior leadership.[211] Law enforcement agencies need to ensure that they are using the right people as recruiters because recruiters demonstrate and reflect the whole of the department's dedication to bringing in the best possible candidates. Individuals committed to the organization's diversity practices and who reflect positively on the organization are ideal for the position of recruiter. As a best practice, this position should be a competitive one that is filled only by the most qualified individuals.[212] Law enforcement agencies should prioritize this role and ensure appropriate personnel are placed within the position because they help shape the future of the department as ambassadors for the organization.

The SFPD's Recruitment Unit is staffed with a lieutenant, a sergeant, and a team of four full-time recruiting officers and has the primary role of conducting outreach to potential candidates for the SFPD. Recruiting officers are assigned tours of duty ranging from two to four years. Their efforts are augmented, as needed, with temporary detailing of officers from other units. These temporary officers are paired with full-time recruiters to attend various recruitment events. Using temporary recruiters to supplement full-time staff is a common practice among other similarly sized police organizations. Such partnerships allow for a consistent field perspective in the recruiting process—a factor that is an initial draw for many applicants and facilitates the development of a representative recruiting team for specific community events.

The SFPD's Recruitment Unit implemented a robust program focused on diversity and targeted recruiting throughout San Francisco's communities. The assessment team conducted multiple interviews with staff members and supervisors and reviewed recruiting materials, including recruitment events, targeted recruiting initiatives, budget expenditures, applicant tracking, media campaigns, promotional literature, and proposals for major initiatives. Team members found that the materials are of good quality and reflect a culture that is welcoming of candidates from diverse backgrounds.

211. Orrick, Recruitment, Retention, and Turnover.
212. Orrick, Recruitment, Retention, and Turnover.

Strategies to attract recruits

The SFPD engages in several activities and programs to attract potential candidates to the department. The department offers college internships for students interested in exploring career options in law enforcement through the unpaid Police Internship Program. The Recruitment Unit offers orientations for the Police Internship Program three times a year.

Another program, Police Cadet, offers a paid position designed to engage youth in the provision of service to the community and the SFPD. The SFPD envisions the Police Cadet as a future leader in the community. This program exposes men and women to the various aspects of police work to prepare them for careers in law enforcement. The team reviewed job announcement flyers for the Police Internship and Police Cadet programs and observed cadets in various locations throughout the city. Team members noted that cadets are a diverse group with a sense of pride in their roles in the SFPD.

Regular recruiting events

The team reviewed a listing of the 2015 and first quarter 2016 recruiting events. The SFPD held a variety of events that demonstrated a focus on community, military, college or university (in and out of state), women, and minority recruits. Target audiences and recruiting events during this period included the following:

- Women – 19 events
- Military or veterans – 43 events
- African Americans – 22 events
- Hispanics – 17 events
- Asians, Filipinos, and Pacific Islanders – 10 events

Although the Recruitment Team maintains a busy schedule of recruiting events, the assessment team did not ascertain whether the it measures the effectiveness of its efforts.

Innovative recruiting tactics

To increase recruitment among applicant pools such as women, Asians, and African-American community members, the lieutenant assigned to recruitment turned to his recruiters for ideas and began implementing some of these. One is a boot camp for women held outside police headquarters. This boot camp allows female candidates and recruits the opportunity to talk to female officers about the challenges and rewards of joining the SFPD. Fostering creativity among staff members who reflect the communities the department most wants to recruit is a promising way to ensure sustained diversity in recruitment.

In 2015, the SFPD's Recruitment Unit worked with community partners to host a community-led recruitment event. In addition to more traditional information about working as a law enforcement officer, community partners provide practical information to potential recruits about how to prepare for hiring process requirements. Because the community partners had strong relationships of trust with participants, the SFPD reported that it reached many community members from underrepresented segments who might not otherwise have attended a recruitment event.

Communications and outreach

In reviewing the 2015 recruitment event summary, the assessment team noted that SFPD recruiters had collected thousands of e-mails or other contact information from interested applicants. A recruiter personally contacted every applicant by telephone or e-mail. In addition, recruiters met one on one with several applicants and held four recruitment workshops at the police academy. The department invited individuals interested in law enforcement to participate in a question and answer session with SFPD members of various ranks to practice the physical ability test. These types of personal approaches are good, but there also needs to be the ability to actively reach a broader audience. Ideally, these hands-on recruiting tactics would be supplemented by technology to facilitate ongoing engagement with candidates.

Application and selection process

The hiring process consists of multiple steps supported by the City and County of San Francisco Human Resources (City HR) and the SFPD. The process begins with the applicant submission of an online application with City HR followed by an examination administered by a private contractor secured by the city.[213] The testing protocol for SFPD entry-level officer applicants includes the following:

- Multiple choice
- Video-based testing of dimensions including critical thinking
- Interrogation and investigation skills
- Team orientation
- Ability to restrain use of authority
- Confrontation and enforcement
- Ethics
- Ability to handle stressful situations
- Organization support
- Customer and community relations skills for law enforcement officers

The testing also includes written language and reading comprehension components. There is a fee associated with the testing process, but the City and County of San Francisco has an option for applicants to apply for a fee waiver to minimize impact upon applicants with financial hardship.[214] Once applicants have successfully completed the test, the private contractor provides the SFPD with lists of prescreened candidates for further processing and employment consideration.

Hiring standards

The SFPD engages in a multi-step testing process. Like most other major city law enforcement agencies, the SFPD has instituted a testing process that must withstand a variety of legal challenges. Until recently, this process included the need to pass the Physical Ability Test (PAT). PAT is a pass-fail examination that

213. California Commission on POST, *Background Investigation Manual*.
214. City and County of San Francisco, "Civil Service Commission: Rule 211 Examinations."

assesses the physical abilities needed to perform essential police officer tasks and successfully complete academy training. City HR validates these skills. Recently, the SFPD sought to update or eliminate the PAT requirement to repeatedly pull a firearm trigger. As a result, the entire PAT must be redesigned and validated. As of the date of this report, PAT is not part of the selection process and was therefore not a part of the assessment. However, a selection process that does not include a physical abilities test is not optimal because physical skills are important for police officers. If the redesigned testing process is released during the Collaborative Reform Initiative for Technical Assistance (CRI-TA) implementation phase, the team will review the process for evidence of unintended biases.

Once a candidate is issued a conditional offer of employment letter, instructions for the background packet are sent from the Background Investigation Unit to the candidate for completion. The background packet includes an authorization to release information form and a personal history statement form. The process is fairly comprehensive and requires completion of

- a preliminary drug test;
- fingerprinting for criminal check;
- a Department of Motor Vehicles form;
- a writing sample essay;
- a supplemental personal history statement questionnaire.

Once all components are successfully completed, applicants are scheduled for an initial intake interview, during which the Background Investigation Unit conducts a thorough study of the candidate's history to determine fitness for employment. The candidate must also successfully complete psychological screening and medical examination.

The candidate's completed personal history statement is measured against the following categories to determine the candidate's overall suitability for hire:

- Criminal record
- Traffic history
- Credit history
- Education
- Military service record
- Employment history
- Personal references
- Law enforcement records checks
- Drug test
- Reported drug use
- Alcohol use
- Domestic violence
- Additional law enforcement agencies applied to and status of such applications

These standards conform to those used by other law enforcement agencies, though the assessment team did not observe their specific application to the SFPD's process because the SFPD was not processing recruits during the time of the assessment.

Background Investigation Unit

The Background Investigation Unit is staffed by seven full-time officers (most of whom are on modified duty) and 24 nonsworn investigators (most of whom are retired from the SFPD) who work on a part-time basis. The Background Investigation Unit is tasked with investigating the backgrounds of all applicants upon receipt of completed background packets. The unit's goal is to facilitate the hiring process by ensuring timely and complete background investigations.

As described to the assessment team, the background investigation process conforms to the requirements set forth under California Commission on Peace Officer Standards and Training (POST) regulations § 1953 and accompanying *Background Investigation Manual: Guidelines for the Investigator*.[215] Prior to assignment of a background investigation caseload, investigators must successfully complete a 32-to-36-hour POST-mandated certification course.

The assessment team learned that management of the Background Investigation Unit is presently developing and piloting performance measures and quality assurance metrics to evaluate the unit's investigators in terms of outcomes such as length of investigation, timeliness of investigation, numbers of contacts with the applicant, consistency of investigative approach, and hiring recommendations, among other factors. Objective measures for performance will help guide the background investigation process and, ideally, maintain efficiency within the unit.

Over the course of the assessment phase, the team heard concerns about the degree of objectivity of some of the background investigators. Concerns were raised over the degree of influence that an individual investigator might have in not recommending an applicant for hire because the applicant "does not fit the image" or "does not look like" what the investigator believes a police officer should look like. The assessment team was told of concerns over whether the biases of individual investigators might adversely impact the selection of candidates who reflect more contemporary, diverse, and younger lifestyles.

However, the team found that from 2013 to 2015, minority candidates as a whole accounted for 50.2 percent of all candidates entering the Academy. In interviews, a small group of diverse candidates felt supported by their background investigator whom they felt worked with them to get them through the process successfully. Despite the diversity of the SFPD as a whole and ongoing diverse hiring, community complaints about an unfair process remain. During the CRI-TA implementation phase, the team will continue to monitor the process and the implementation of performance standards within the unit.

215. California Commission on POST, *Background Investigation Manual*.

Psychological evaluation

The SFPD contracts with a private vendor to administer the pre-employment psychological screening, written testing, and oral interview. For the SFPD, the psychological assessment consists of a four-hour test battery using the California Psychological Inventory, the Personality Assessment Inventory, and a 300-item psychological history questionnaire. In addition, applicants complete a 45-minute structured interview with a psychologist. The psychological testing protocol fully complies with POST standards requiring that two psychological dimensions be tested: one to measure emotional stability of the applicants and a second to measure normal functioning and range of behavior.

The U.S. Equal Opportunity Commission identifies that agencies have adopted a rule of thumb under which they will generally consider a selection rate for any race, gender, or ethnic group that is selected at less than four-fifths or 80 percent (i.e., 80 percent of the selection rate for the group with the highest selection rate).[216] The "80 percent rule" is not a legal definition but rather a practical means of keeping attention on serious discrepancies in rates of hiring.[217] The psychological screening for the SFPD has been internally reviewed and assessed by the vendor used to provide the testing. The pass rate on the psychological examination for African American applicants is 80 percent, for Hispanic applicants is 83 percent, for Asian applicants is 79 percent, for White applicants is 83 percent, and for female applicants is 81 percent.[218] Therefore there is no evidence that the SFPD's psychological screening process has a negative impact on diverse candidates.

Hiring panel

Once the processing is completed, the SFPD convenes a hiring panel. The hiring panel determines the list of candidates that will be forwarded to the police chief for final hiring approval. The hiring panel is comprised of the command staff from the Administration Bureau, representatives from the Background Investigations Unit, and the psychological consultants who perform the psychological assessment screening. The purpose of panel review is to consider, evaluate, and reconcile applicants' suitability for hire based on the completed background investigation and psychological assessment processes.

The hiring panel is an opportunity to assess each of the key components of the hiring processes including the psychological background, the polygraph, and the background investigation for each applicant. To begin, the background investigator who conducted the investigation into the candidate presents an overview, summarizes key findings from the background investigation process, provides overall impressions, identifies any concerns, raises unresolved questions, and makes a recommendation for suitability for hire based on the background investigation data. The psychologist who conducted the assessment for the applicant then presents the findings of the testing and interview. The team found this process to be robust and reflective of the key issues in hiring candidates.

216. U.S. Equal Employment Opportunity Commission, "Adoption of Questions and Answers."
217. See Matthies, Keller, and Lim, "Identifying Barriers," for more information on applying the rules through a barrier analysis.
218. Data were provided to the assessment team by the SFPD June 2016.

The hiring panel then holds a discussion to corroborate and validate findings from both the background investigation and psychological assessment processes. Administration Bureau Command staff, who have hiring authority, can raise questions or concerns. Based on the outcomes of the testing processes, there are four potential outcomes for each applicant:

1. Recommended for hire
2. Disqualified for hire
3. Deferred for a subsequent academy class
4. Deferred pending additional investigation or information

Candidates who fall in the latter two categories have the opportunity for subsequent panel review once any impediments are overcome. For example, someone in category 3 might be on military deployment, and someone in category 4 might have missing history information or another unresolved issue as a result of the background investigation.

Hiring is subject to budget appropriation, and not all persons deemed eligible are hired. Once the hiring panel deems a candidate recommended for hire, eligible candidates are placed on a hiring list and remain eligible for two years from the date they were approved. However, psychological testing, medical examination, and polygraph exam results are valid for only one year, so a candidate who is approved but not immediately hired would need to undergo such testing again, an arrangement that adds to the overall cost of hiring a candidate.

The SFPD notifies applicants who are not selected either that they did not pass the background investigation or the psychological assessment or that they were not selected because of the presence of better-qualified applicants. Failure on either the background investigation or the psychological assessment provides a right of appeal.

The assessment team observed the hiring panel process and found it to be comprehensive, well-documented, and effective in bringing multidisciplinary perspectives to consensus about an applicant's suitability for recommendation for hire.

Academy training

There are two training components to preparing a recruit to become a police officer: the Academy Basic Course Training and Field Training Program. The Academy's goal is to prepare recruits mentally and physically to advance into the SFPD's Field Training Program, a 17-week program that occurs in the field under the tutelage of a Field Training Officer.

The Academy recruit training consists of 1,080 hours of instruction.[219] Recruits are evaluated on academics and must also learn operational tactics, including how to operate an emergency vehicle under stressful and nonstressful conditions. During an interview with the academy supervisory staff, the assessment team was informed that in the past, recruits often had trouble successfully completing the course on emergency

219. City and County of San Francisco, "Police Department: Administration."

vehicle operations and control. In one case, an academy trainer stated it was because "women do not know how to drive." However, the SFPD now provides an orientation specifically for emergency vehicle operations and control before recruits take the course.

Emergency vehicle operations remains an area in which recruits fail to complete academy training successfully. From 2013 through 2015, 17.3 percent of recruits were terminated because of a failure to complete emergency vehicle operations successfully. This area, both the orientation class and actual training for emergency vehicle operations and control, bears monitoring during the CRI-TA implementation phase to determine whether the orientation class has a positive impact on the failure rate and whether it has disparate impact on certain diversity classifications.

The assessment team found that the curriculum and practices used in the Academy conform to California Commission on POST standards. However, training must evolve to prepare recruits to deal with complex and emerging issues in today's law enforcement environment. The *Final Report of the President's Task Force on 21st Century Policing* notes, "As our nation becomes more pluralistic and the scope of law enforcement's responsibilities expands, the need for more and better training has become more critical. Today's line officers and leaders must meet a wide variety of challenges including international terrorism, evolving technologies, rising immigration, changing laws, new cultural mores, and growing mental health crisis."[220]

Like many agencies across the country, the SFPD is re-engineering its Academy curriculum to include de-escalation training, use of force training with a focus on the sanctity of life, and training on impartial policing and procedural justice. In March 2016, national policing experts hosted a day-long training event discussing the state of use of force in the SFPD, which subsequently informed some of its internal practices. Most of these programs are in the developmental stage and have not been fully implemented. Addressing these training needs is critical to achieving a procedurally just and fair policing organization. Therefore, the team will monitor their development and execution during the CRI-TA implementation phase.

Diversity of recruits

A total of 619 recruits entered the Training Academy from February 2, 2013, through June 3, 2016. Of those 619 recruits, 503 passed and entered field training and 116 individuals were separated. Of those 116 separations, 12 (10.3 percent) were resignations and 104 (89.7 percent) were releases (terminations). The reasons for termination are detailed in table 6.1on page 182. Of the 619 recruits, 308 (49.8 percent) were White, 121 (19.5 percent) were Asian/Filipino, and 113 (18.3 percent) were Hispanic, as shown in table 6.3 on page 182.

220. President's Task Force on 21st Century Policing, *Final Report*.

Table 6.1. Terminations from Training Academy, February 2, 2013–June 3, 2016

Reason for termination	Percentage	Number
Injury/Medical	13.5%	14
Simulations	36.5%	38
Physical training	1.0%	1
Defensive tactics	8.7%	9
Written exams	9.6%	10
Range	3.8%	4
Emergency vehicle operations and control	17.3%	18
Policy/Attitude violations	9.6%	10

Of the 619 recruits entering the academy, 526 (85 percent) were men and 93 (15 percent) were women. Of the 116 separated by resignation or release, 88 (75.9 percent) were men and 28 (24.1 percent) were women. Women are disproportionately represented in the release group, as shown in table 6.2. The gender of SFPD recruits entering the Academy is comparable to that of the general population of sworn officers. However, as the training period progresses, women are reduced in number at a higher rate of change (30.1 percent) than male recruits (16.7 percent).

Table 6.2. Separations from academy to FTO by gender

	Entering academy (619)	Entering FTO (503)	Total separated (116)	% of change
Male	526 (85%)	438 (87.1%)	88 (75.9%)	-16.7%
Female	93 (15%)	65 (12.9%)	28 (24.1%)	-30.1%

Table 6.3. Separations from academy to FTO by race or ethnicity

	Entering academy (619)	FTO (503)	Total separated (116)	% of change
American Indian	1 (0.2%)	0 (0%)	1 (0.8%)	-100%
Asian/Filipino*	121 (19.5%)	96 (19.1%)	25 (21.6%)	-20.7%
African American	59 (9.5%)	45 (8.9%)	14 (12.1%)	-23.7%
Hispanic	113 (18.3%)	81 (16.1%)	32 (27.6%)	-28.3%
Other	17 (2.7%)	10 (2%)	7 (6.0%)	-41.2%
White	308 (49.8%)	271 (53.9%)	37 (31.9%)	-12.0%

*The race or ethnicity category of Filipino was left separated from Asian, as provided by the SFPD; they were combined when conducting the analysis.

Table 6.3 identifies the race or ethnicity breakdown of the 116 recruits who were separated from the SFPD after entering the Academy and before being released to field training.

As compared to White candidates, all minority candidates are more severely impacted by release, with Hispanic candidates having the highest rate of change (28.3 percent). White candidates had a significantly lower release change rate (12.01 percent). The duration of the assessment phase did not allow for significant analysis and observation regarding the impact of these rates of release.

Nonetheless, the Academy could improve its tracking and analysis of human resource data to develop and assess the impact of various training stages upon recruit retention and identify mechanisms to mitigate these impacts. Familiarizing recruits with emergency vehicle operations is one example of mitigating disparate impact. Ideally, the Academy should conduct an annual analysis and develop standards to address such impacts. Review of the training modalities and how the SFPD uses data to inform hiring and recruit training practices will continue in the CRI-TA implementation phase.

Field training

The final step in the selection process is the 17-week Field Training Program. There are currently 126 field training officers (FTO) throughout the SFPD. An officer has to have three years of service in patrol with the SFPD to be considered for the FTO position. The position requires additional work and unplanned overtime to complete daily observation reports and entails the added responsibility of ensuring the safety of another officer. Taken together, these factors tend to make the position less attractive for officers who can select their assignments. The team learned that most FTOs do the job because they enjoy training others. Training takes place at the Central, Southern, Bayview, Mission, Northern, Ingleside, and Tenderloin districts. Each district has FTO coordinators who are specific supervisors responsible for monitoring the progress of the recruits at their respective district stations. There are three phases in the program where new officers are assigned to different shifts with three different FTOs. The recruit stays at the same district station for all three phases.

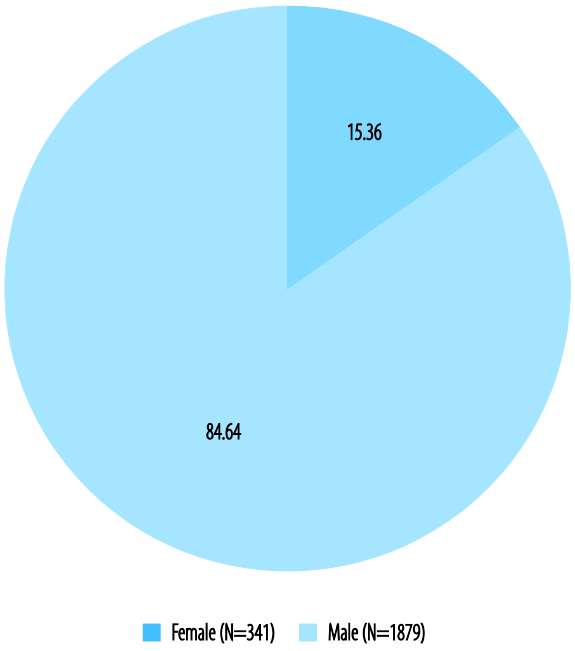
SFPD's diversity in staffing

The SFPD's sworn population reflects a relatively diverse organization. In particular, the supervisory and leadership ranks of the department are diverse, with a solid representation of women and minorities across positions of responsibility.

The SFPD most recently released staffing data from 2015. Women constitute 15 percent of the organization, as shown in figure 6.1 on page 184. The national average, according to 2013 data (the most recent available) from the Bureau of Justice Statistics, is 12.2 percent.[221] Almost 20 percent of SFPD first-line supervisors are women, compared to the national average of 10 percent.[222]

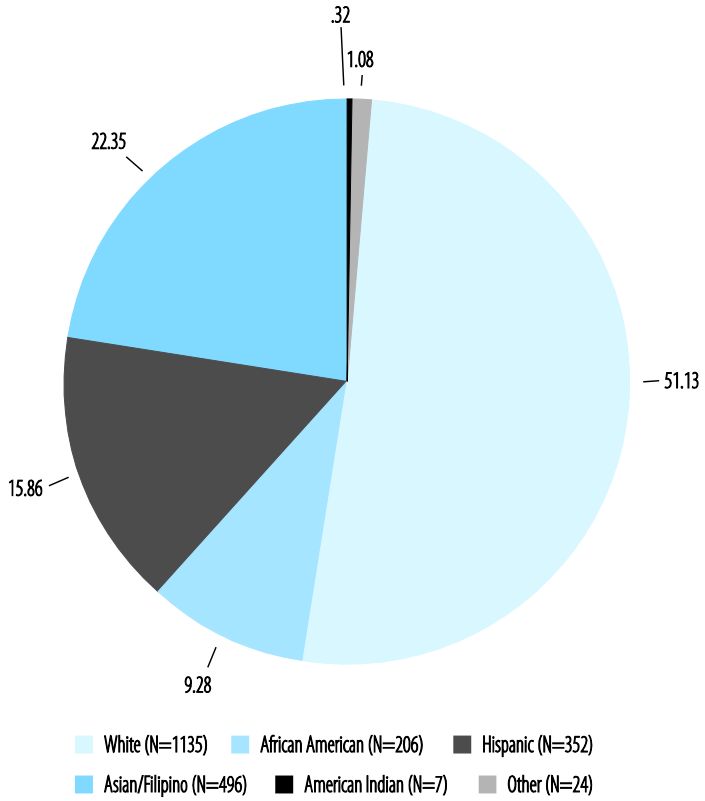
221. Reaves, "Local Police Departments."
222. Reaves, "Local Police Departments."

Figure 6.1. Sworn sex breakdown, 2015



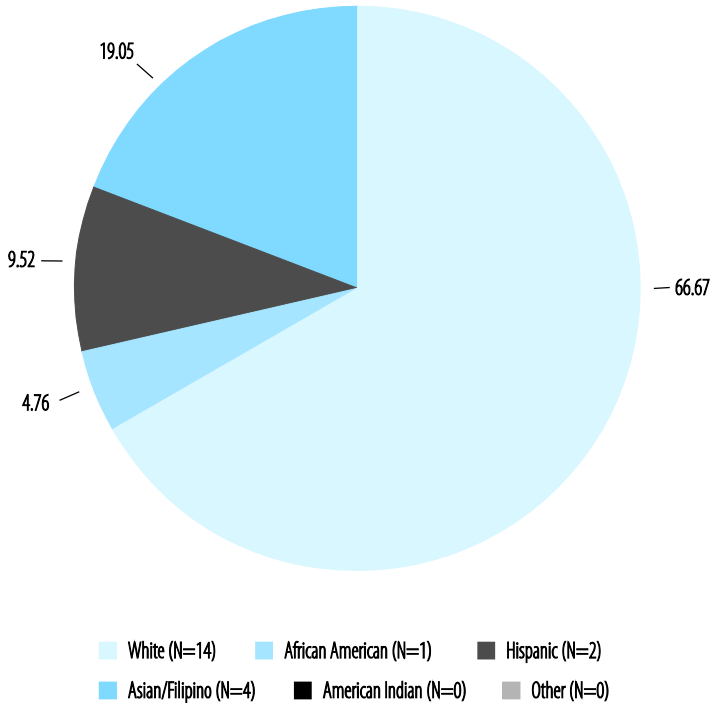
San Francisco has a diverse representation of 48.87 percent of non-White personnel, significantly higher than the national average of 27 percent. Reflecting in part the city's demographic makeup, Asian personnel account for 22.35 percent of the workforce, African-American personnel for 9.28 percent, and Hispanic personnel for 15.86 percent, as identified in figure 6.2 on page 185.

Figure 6.2. Sworn race or ethnicity breakdown, 2015



However, this information reveals some disparity by rank. As depicted in figure 6.3 on page 186 and table 6.4 on page 187, White officers are somewhat overrepresented compared with their workforce presence in the ranks of sergeant, lieutenant, captain, and inspector. African Americans are underrepresented in sergeant and captain ranks compared to their overall representation in the workforce, as depicted in table 6.4 on page 187. The lack of minority representation in the front-line supervisory ranks is concerning because these positions are the most community-facing, especially in San Francisco, where first-line supervisors and captains are responsible for developing and implementing community policing tactics in their districts.

Figure 6.3. Rank of captain, race or ethnicity breakdown, 2015



Hispanics are underrepresented in the sergeant, lieutenant, and captain ranks, and Asians are somewhat underrepresented in the sergeant, captain, inspector, and deputy chief and chief ranks. The greatest disparity is in minority representation at the rank of captain in comparison to White officers. The rank of captain serves as the point of the entry into the SFPD's command, so a disparity at the rank of captain may limit racial minorities' ability to make decisions and impact the shape and direction of the SFPD as an organization.

Table 6.4. Diversity by rank, 2015

	Police Officer (N = 1588)	Sergeant (N = 446)	Lieutenant (N = 111)	Captain (N = 21)	Commander (N = 5)	Assistant Inspector and Inspector (N = 42)*	CSI manager (N = 1)	Deputy Chief and Chief (N = 6)	Total sworn force (N = 2220)
Gender									
Male	86.27% (1370)	80.04% (357)	81.98% (91)	85.71% (18)	80.0% (4)	78.57% (33)	100% (1)	83.33% (5)	84.64% (1879)
Female	13.73% (218)	19.96% (89)	18.02% (20)	14.29% (3)	20.0% (1)	21.43% (9)	0% (0)	16.67% (1)	15.36% (341)
Race or ethnicity									
White	48.61% (772)	58.97% (263)	51.35% (57)	66.67% (14)	40.0% (2)	54.76% (23)	100% (1)	50.0% (3)	51.13% (1135)
African American	9.38% (149)	7.62% (34)	12.61% (14)	4.76% (1)	20.0% (1)	14.29% (6)	0% (0)	16.67% (1)	9.28% (206)
Hispanic/ Latino	16.94% (269)	12.78% (57)	13.51% (15)	9.52% (2)	20.0% (1)	16.67% (7)	0% (0)	16.67% (1)	15.86% (352)
Asian/ Filipino/ Native Hawaiian/ Pacific Islander†	23.17% (368)	20.4% (91)	22.52% (25)	19.05% (4)	20.0% (1)	14.29% (6)	0% (0)	16.67% (1)	22.35% (496)
American Indian/ Alaska Native	0.38% (6)	0.22% (1)	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	0.32% (7)
Other	1.51% (24)	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	1.08% (24)

* This position is being eliminated by attrition and is now filled by the rank of sergeant.
† The race or ethnicity category of Filipino was combined with Asian, Native Hawaiian, and Pacific Islander for comparison to national data purposes only.

During the majority of interviews and briefings with SFPD command, management, supervisors, sworn members, civilian members, and recruit personnel, the assessment team heard that the SFPD strongly values workforce diversity and actively encourages principles of diversity and inclusion in its personnel practices. Many individuals shared anecdotal accounts expressing pride in organizational diversity as a cultural value and in the diverse composition of the SFPD's workforce, as evidenced by the numbers of women and racial and ethnic minority members. The team interviewed a few police academy recruits who resoundingly identified diversity of the workforce and the perception of sincere cultural openness to all groups as positive factors influencing their decision to join the SFPD over other law enforcement agencies.

However, assessment team members also heard a level of discord. Individuals raised issues such as a lack of diversity in the newly established Professional Standards and Principled Policing Bureau. Members of Police Employee Groups (PEG), which represent various diverse populations in the SFPD, stated that they felt unserved by the collective bargaining unit and were sometimes not supported by management. Some female supervisors disclosed that although they had good rank representation, their role in organizational decisions was limited.

Selection and assignment to command-level positions, particularly in the captain to commander roles, is important for advancing diversity because individuals in these roles influence organizational decisions and community service delivery. When the team first arrived, the female command-level personnel were only in the transportation command; however, they are now placed in Administration Bureau and operational roles. At the time of this report, African Americans are underrepresented at the rank of captain.

Diversity is more than just race and gender. True diversity, as noted by the *Final Report of the President's Task Force on 21st Century Policing*, includes race, gender identity and sexual orientation, language, and life and cultural experiences. Law enforcement agencies' staffing plans should factor these characteristics and experiences into their efforts to expand diversity.[223] To overcome perceptions that law enforcement is a closed culture, the SFPD needs to reflect diversity at all levels and across all department components to provide high-quality, effective policing. Increasing diversity at the captain and commander rank is critical for ensuring the department receives full value from its diverse workforce in maintaining its vision and supporting the communities of San Francisco.

As a whole, the SFPD is a diverse organization, as depicted in figures 6.4a and 6.4b on pages 189 and 190. The SFPD collects diversity data on gender and racial and ethnic status for its police officers. The SFPD does not collect information on other types of diversity but does prioritize hiring persons fluent in the languages represented in San Francisco's communities.[224] However, through interviews and observations with many SFPD police officers, the assessment team identified that the department does demonstrate a range of true diversity.

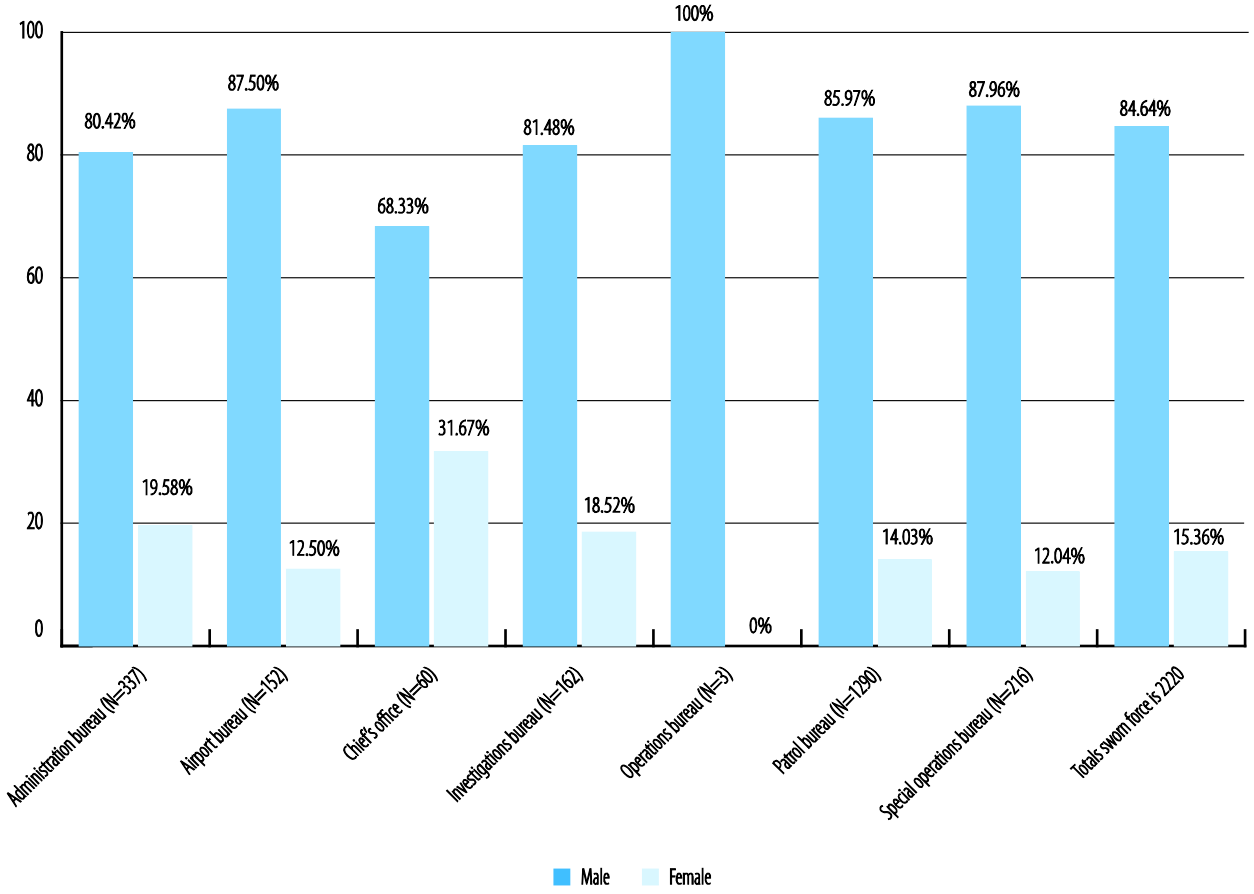
The SFPD is to be commended for its hiring focus and practices that seek to ensure diversity and for maintaining diversity in the organization. However, to create an inclusive and diverse organization, ongoing organizational support of diversity must continue and be prioritized throughout the Department

223. President's Task Force on 21st Century Policing, *Final Report*.
224. City and County of San Francisco Department of Human Resources, "Entry Level (Q-2) Police Officer."

for all ranks and assignments. Management decisions related to staffing have impact upon the diversity of SFPD, which in turn affect the perception of SFPD as an organization that supports diversity, both internally and externally, within the communities it serves.

The team observed that certain ranks and units of assignment do not reflect the overall diversity of the Department. Although collective bargaining agreements limit some of the ability of management to assign police officers, management has the authority to assign police officers once their field training is completed, as well as lieutenants and above, at its discretion.

Figure 6.4a. Gender by bureau, 2015

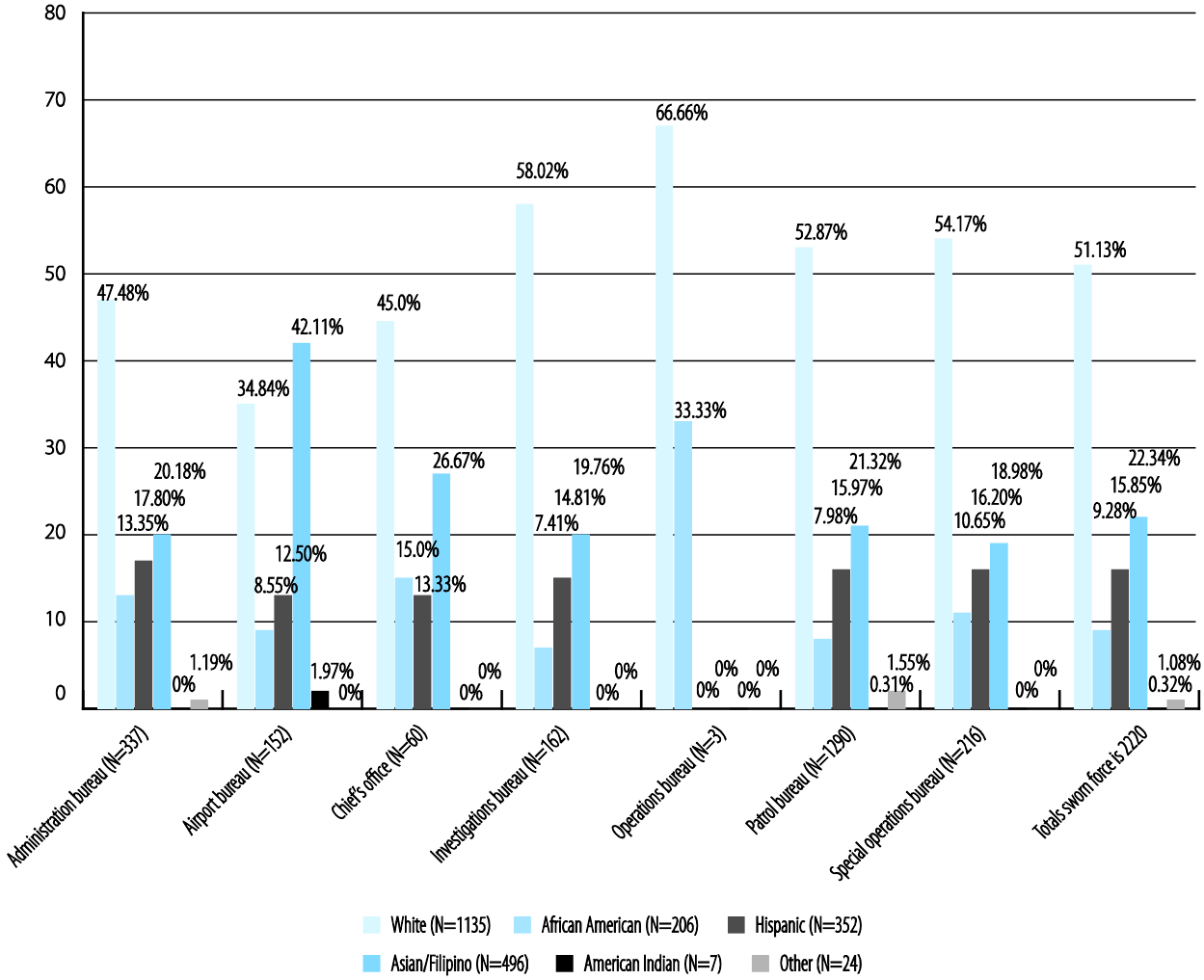


Although the SFPD is diverse, some bureaus and ranks within those bureaus could improve their representation of the diversity of the organization. As demonstrated in figure 6.4a and in figure 6.4b on page 190, the operational bureaus of Administration, Airport, Chief of Staff, Investigations, Patrol, and Special Operations are not as diverse as the organization.[225] Exact representation should not be required, and variances exist in almost all of the bureaus compared to the SFPD's overall population. However, diversity is representative of the overall female and male ratios within the operational bureaus with the exception of Special Operations and Airport Bureaus, where women are underrepresented, and in the

225. The Operations Bureau is an administrative function. However, the Chief's Office is included—given its responsibility for operational units, including IAD and Youth and Community Engagement—at the end of 2015.

Administration and Investigations Bureaus, in which women are slightly overrepresented. Women have double the representation in the Chief of Staff's office compared to their overall number in the department, as depicted in figure 6.4a on page 189.

Figure 6.4b. Race or ethnicity by bureau, 2015



The bureaus reflected were those in existence as of December 31, 2015 and do not reflect the current bureau structure of the SFPD. (The SFPD has stated that these numbers do not accurately reflect the total staffing as of December 31, 2015; however, the data provided are accurately represented in the figure.)

With regard to racial and ethnic diversity within the operational bureaus, African American employeess are underrepresented in the Investigations and Patrol Bureaus and overrepresented in Administration, the Chief of Staff's office, and Special Operations Bureaus, also as depicted in figure 6.4b. These disparities matter, because an underrepresentation of an ethnic and racial minority in patrol means that community members do not see the diversity as it exists across the organization. White employees are overrepresented in the Investigations and Special Operations Bureau and underrepresented in the

Administration, Airport, and Chief of Staff Bureaus. Hispanic employees are slightly underrepresented in the Chief of Staff's office. Asian employees are significantly overrepresented in the Airport Bureau but overall are fairly well-represented throughout the department.

Table 6.5. Gender and race or ethnicity for Patrol Bureau Captains, 2015 (N = 12)

Race or ethnicity	Female	Male
White	2	7
Black/African American	0	1
Hispanic/Latino	0	1
Asian/Filipino/Native Hawaiian/other Pacific Islander	0	1
American Indian/Alaska Native	0	0
Other	0	0

While the Bureaus are generally diverse, disparity in diversity at individual ranks is more apparent. Most need to improve overall ethnic and racial representation at specific ranks. One example is at the rank of captain in patrol, where out of 12 captain positions there are three racially or ethnically diverse captains—one who is Asian, one who is African American, and one who is Hispanic—compared to nine White captains, as depicted in table 6.5. Diversity at this rank is important, as this position in patrol is the lead on the community policing practices for the SFPD. Because captains are the community face of the SFPD at the district level, a lack of diversity at this rank can contribute to a perception that the department is not diverse.

Table 6.6. Gender and race or ethnicity by bureau for police officer, 2015

	Administration Bureau (N = 276)		Airport Bureau (N = 117)		Chief's Office (N = 20)		Investigations Bureau (N = 36)		Patrol Bureau (N = 975)		Special Operations Bureau (N = 164)	
Gender	Female	Male	F	M	F	M	F	M	F	M	F	M
Race or ethnicity												
White	21	98	4	36	3	1	4	18	71	428	9	79
Black/ African American	8	31	1	9	1	4	0	2	12	63	2	16
Hispanic/ Latino	15	40	4	15	0	4	0	4	18	141	4	24
Asian/ Filipino/ Native Hawaiian/ other Pacific Islander	8	51	3	42	2	5	2	6	21	198	0	30
American Indian/ Alaska Native	0	0	0	3	0	0	0	0	2	1	0	0
Other	0	4	0	0	0	0	0	0	3	17	0	0

Table 6.7. Gender and race or ethnicity by bureau for sergeant, 2015

	Administration Bureau (N = 34)		Airport Bureau (N = 21)		Chief's Office (N = 30)		Investigations Bureau (N = 93)		Patrol Bureau (N = 236)		Special Operations Bureau (N = 32)	
Gender	Female	Male	F	M	F	M	F	M	F	M	F	M
Race or ethnicity												
White	7	19	2	6	7	12	10	43	22	115	4	16
Black/African American	0	2	0	0	1	1	1	7	7	13	1	1
Hispanic/Latino	1	1	0	0	3	0	6	7	5	29	2	3
Asian/Filipino/ Native Hawaiian /other Pacific Islander	1	3	1	12	1	5	1	18	5	39	0	5
American Indian/Alaska Native	0	0	0	0	0	0	0	0	1	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

A variety of disparities in gender and racial or ethnic minorities appear in the bureau ranks. For example, Special Operations has only 15 women assigned out of 164 officers.

Table 6.8. Gender and race or ethnicity by bureau for lieutenant, 2015

	Administration Bureau (N = 11)		Airport Bureau (N = 11)		Chief's Office (N = 6)		Investigations Bureau (N = 13)		Patrol Bureau (N = 56)		Special Operations Bureau (N = 13)	
Gender	Female	Male	F	M	F	M	F	M	F	M	F	M
Race or ethnicity												
White	1	5	1	3	1	2	2	7	8	22	0	4
Black/African American	1	1	2	1	0	1	0	0	2	4	1	1
Hispanic/Latino	0	1	0	0	0	0	0	2	1	9	0	2
Asian/Filipino/ Native Hawaiian/other Pacific Islander	0	2	0	4	0	2	0	2	0	10	0	5
American Indian/Alaska Native	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Within the Patrol Bureau at the rank of police officer, only 75 officers out 975 officers assigned are African American. Along with captains, patrol is the point of most frequent contact for members of the community. A lack of diversity for African Americans can contribute to the perception that the SFPD is not diverse.

Supervisory positions within all bureaus are visible reflections of the organization's commitment to diversity and its commitment to developing personnel for future leadership positions. As depicted in tables 6.6, 6.7, and 6.8 on pages 191 and 192, certain racial or ethnic disparities are apparent.

At the rank of lieutenant, of the 11 assigned to the Investigations Bureau, four are ethnic or racial minorities. Eight out of 93 sergeants in the Investigations Bureau are African American. At the rank of sergeant, there are no African-American or Hispanic sergeants in the Airport Bureau, while of the 34 sergeants in the Administration Bureau, there are only two African-American sergeants and two Hispanic sergeants.

Practices that support diversity, inclusion, and sustainability at all levels of the organization are fundamental to creating and maintaining a diverse workforce. To advance employees, law enforcement agencies must provide opportunities for all members in an equally competitive environment.

Promotion process

The City HR Public Safety Team conducts the initial promotional testing for the SFPD. There is no set schedule for testing because it depends on the department's need. The SFPD maintains the promotional eligibility lists for three years, but the lists can be extended by agreement between the SFPD's chief of police and the City HR director, pursuant to any legal requirements. During an interview with City HR, the assessment team learned that in past years, the SFPD had not exhausted any promotional hiring list.

When a test is needed, City HR conducts a job analysis and considers the minimum qualifications for candidates and the scope of duties for the rank to be tested. This analysis is informed by an assessment of the knowledge, skills, and abilities required for success in the particular rank. To validate promotional testing instruments, City HR strives to achieve 90 to 100 percent incumbent participation in validating the job requirements, including knowledge, skills, and abilities. As part of this process, for example, SFPD members with the rank of sergeant validate promotional tests for sergeants while lieutenants validate the tests for lieutenants. The applicants are tested on competencies derived from the incumbent validation process and emerging issues facing law enforcement leaders.

For promotion to the sergeant, lieutenant, and captain positions, applicants must complete a written scenario-based test and an oral scenario-based test. The two test scores are weighted to arrive at an overall promotion score.[226] Applicants also complete a secondary criteria form that surveys experience and performance factors such as foreign language skills, education, specialized qualifications and training, awards and commendations, and discipline.

226. City and County of San Francisco: Department of Human Resources Public Safety Team. 2014. Interview Guide: Q-2 Police Officer.

Based on the combination of test scores and secondary criteria factors, the Personnel Unit prepares a list of eligible candidates, facilitates the scoring, and compiles applicant packages for review by the deputy chiefs. The promotion panel consists exclusively of deputy chiefs who review packages for the eligible applicants with a focus on secondary criteria. Also in attendance are the City HR Director or Manager and the Chief City Attorney. The selection rules allow candidates to be grouped within sets of 10, and the panel forwards the eligible group to the police chief, who can select any candidate from that group. The police chief has final selection authority.

Once selections have been made by the police chief, a process ensues to determine how to assign the newly promoted to vacancy opportunities based on the specific skill sets and requirements of the various supervisory positions, taking into consideration factors such as individual career development, career track, succession planning, and mission requirements.

Data from 2013 to 2015 reveals promotions increased diversity across different ranks as depicted in table 6.9, with a positive trend for promotions for racial minority groups in the SFPD's workforce. In 2015, fully 50 percent of the merit promotions were minorities. In 2014, 46 percent of promotions went to racial minorities, and in 2013, 38.6 percent of the promotions went to racial minorities. Overall, the promotion rate for women has declined from 26.0 percent to 13.6 percent.

Table 6.9. Promotions by gender and race or ethnicity, 2013–2015

	2013 (114 Promotions)	2014 (87 Promotions)	2015 (88 Promotions)
Gender			
Male	73.68% (84)	82.76% (72)	86.36% (76)
Female	26.32% (30)	17.24% (15)	13.64% (12)
Race or Ethnicity			
White	61.40% (70)	54.02% (47)	50.0% (44)
Black/ African American	4.39% (5)	8.05% (7)	11.36% (10)
Hispanic/ Latino	15.79% (18)	12.64% (11)	17.05% (15)
Asian/ Filipino/ Native Hawaiian/ Pacific Islander	18.42% (21)	25.29% (22)	21.59% (19)
American Indian/ Alaska Native	0% (0)	0% (0)	0% (0)
Other	0% (0)	0% (0)	0% (0)

Across the SFPD, the assessment team heard from officers who stated they did not feel that they had a viable chance for promotion. In an organization that does not routinely conduct performance evaluations, it is often difficult to validate the qualities that support promotional choices. Although the overall data show a level of diversity among the ranks, various interview sources raised concerns about the transparency of the promotion process. Concerns were raised that components of the promotional process, including review by the panel of deputy chiefs, the ability to group candidates rather than select candidates based on score, and the chief's ultimate selection authority, allow for subjectivity and bias in the selection process.

The SFPD recognizes the role of PEGs in representing the issues and perspectives of diversity interest groups within the workforce. PEGs include a Women's Police Officers Association (POA), Latin POA, Filipino POA, Asian POA, Pride Alliance, and Officers for Justice. Individually, the groups advocate for their members to

- protect against discrimination;
- ensure fair, sufficient, and transparent opportunities for their members for career-enhancing assignments and promotion;
- encourage positive relationships with the minority communities in San Francisco;
- support diversity recruiting efforts;
- mentor and develop their members to increase their competitive success for advancement;
- facilitate communication with SFPD leadership around diversity concerns and group-specific agendas.

Most representatives the assessment team met described a positive environment in the SFPD for their role and value. In addition, most described visible improvement over the last few years in both the receptivity for their group in the department and advancement opportunities for their members in terms of promotion to positions of responsibility and selection for sought after assignments. However, there was not consensus among all representatives regarding the degree of respect and influence the PEGs receive from SFPD leadership relative to anti-discrimination, diversity recruiting, hiring, and promotion policies and practices. Team members perceived a lack of clarity and consensus among individuals and groups interviewed about the proper role of PEGs in the SFPD, as some perceive the groups as exclusive rather than inclusive, disjointed in their collaboration with other groups, and carrying too much influence on the promotion process.

Finally, testing processes provide opportunities for the SFPD to develop a culture of learning, inform officers on advancement requirements, and provide positive feedback in the overall testing environment. However, the team heard cynicism about promotion selections as too heavily influenced by nonmerit factors, such as the police employment groups that advocate on behalf of various employee populations, "who you know," "where you went to school," or "face time" in headquarters positions.

SFPD's need for a strategic diversity plan

Although SFPD staffing is generally diverse, the department does not have a strategic plan outlining its vision, mission, and purpose or its diversity objectives. A strategic plan is a component of internal procedural justice, which begins with the clear articulation of organizational core values.[227] A strategic plan further serves to ensure a department's diversity objectives are achieved in terms of goals, action items, metrics to measure progress, and accountability for success. To maintain and further develop the benefits that diversity brings to the department, the SFPD must make a strategic plan a cultural imperative, develop the structures and processes that continue to facilitate diversity, and ensure its continued progression from hiring through career progression, including promotion.

227. President's Task Force on 21st Century Policing, *Final Report*.

Role of performance appraisals

Despite policies and forms to support performance appraisals, the SFPD does not require the completion of performance appraisals across the organization. The department's Employee Performance Appraisal Guide was last updated in 1995.[228] Throughout the department, employees confirmed that they never received a performance appraisal. The lack of performance appraisals does a disservice to employees who cannot identify their goals or progress and is a missed opportunity to develop a shared organizational vision and provide guidance for employee development. Absent recognized performance measures, it is difficult to determine the reasons some people advance through an organization when compared with other equally situated and qualified individuals. The lack of transparency to the process also contributes to officer perceptions.

Senior leadership should provide transparency, feedback, and outcome analysis for promotional exams to foster continued interest in advancing through the SFPD. Positive organizational culture, as created through ongoing and constructive employee interaction with management, correlates with an officer's positive interaction with the public. Regular and constructive meetings between members and their supervisors foster personal development, support employees' goals, and give them a voice in their organization. In a positive organizational culture, evaluation processes foster employee development and reinforce and instill organizational values. The SFPD should develop performance measures that provide transparency in achievement and goal setting. To develop leaders who embody the principles of procedurally just policing, the SFPD needs to prioritize and incorporate those values in its internal employment processes.

Training needs analysis

Although a number of training initiatives are being reviewed and developed internally by the SFPD, the assessment team did not learn of any training needs analysis underway to support overall organizational goals and needs or as they relate to recruits, continuing professional training development, or promotional training. Further, the SFPD does not conduct routine review and assessment of the efficacy of the training provided to recruits, continuing professional training development, and developmental training for supervisory and other promotions. Given the investment in hiring recruits and the ongoing need for appropriate skills development for SFPD officers, a training needs analysis is critical to inform and drive the training delivered by the department. As of the release of this report, the SFPD's training focus is reactive in that it is developing and implementing training based on public demand for increased procedural justice and improved use of force decisions from its police officers.

In an organization that does not routinely conduct performance evaluations or training needs assessments, it is difficult to fully analyze knowledge deficits. However, training should be structured to address the organizational needs and to develop leadership at all levels in the department as identified in a strategic plan, predicated upon development of a highly trained and professional workforce.

228. San Francisco Police Department, *Performance Appraisal Guide*.

Findings and recommendations

Findings follow the flow of the narrative within the chapter.

Finding 81

Despite a relatively good record in hiring diverse candidates, perception remains in the community that the SFPD seeks to eliminate diverse candidates from its hiring pool.

A lack of community engagement perpetuates this perception over hiring requirements.

Recommendation 81.1

The SFPD should clearly articulate its hiring and background standards as a matter of building community trust and ensuring applicants are prepared.

Recommendation 81.2

The SFPD should publish annual statistics on the demographics of applicants for each stage of the hiring process.

Recommendation 81.3

The SFPD should develop and implement applicant tracking and hiring data collection and reporting procedures to capture information such as

- *recruitment sources for applicants who are hired and not hired;*
- *whether applicants are the result of personal referral, Internet, career center, print media, job fair, community or other outreach event, school career center, radio, television, outplacement service, or social media;*
- *passage rate by gender, race, and ethnicity for each major selection hurdle including written test, physical abilities, oral interview, polygraph, psychological assessment, hiring panel, and medical;*
- *selection rates by race, gender, and national origin;*
- *attrition rates by race, gender, national origin, and phase in training.*

Finding 82

The SFPD does not fully engage its applicants throughout the hiring process.

Given the lengthy and intensive process for hiring, the SFPD needs to develop a program for engaging quality candidates early on and keeping them interested in and involved with the department.

Recommendation 82.1

The SFPD should develop an active social media and website presence to entice qualified candidates and keep them engaged throughout the application process.

Recommendation 82.2

The SFPD should consider creating information boards and "applicant only" websites and providing ongoing updates and department information to applicants during the hiring process.

Finding 83

The SFPD is not administering a physical ability test (PAT)

The SFPD sought to update or eliminate the PAT requirement to repeatedly pull a firearm trigger. As a result, the entire PAT must be redesigned and validated. As of the date of this report, the PAT is not part of the selection process and was therefore not a part of the assessment. However, a selection process that does not include a physical abilities test is not optimal because physical skills are important for police officers. PATs are supposed to ensure a police officer's ability to perform effectively and simulate police officer work. However, some elements of the test for SFPD applicants may be outdated and inconsistent with emerging practices.

Recommendation 83.1

The SFPD should work with City HR to reinstitute a valid PAT that is aligned with current policing and state POST requirements within 180 days of this report.

Recommendation 83.2

The SFPD should continuously evaluate the PAT process to ensure no unintended impact for any of the diverse candidates it seeks to hire.

Finding 84

SFPD recruitment and hiring practices are disjointed.

The SFPD currently has three separate units within two bureaus that handle recruitment and hiring practices, each reporting to different organizational chains of command. The SFPD's recruitment and hiring functions are spread across two different bureaus and several chains of command. The Professional Standards and Principled Policing Bureau oversees the Recruitment Unit, which has the responsibility to market the department to attract qualified, diverse candidates.

Thereafter, SFPD's Administration Bureau, under the command of a deputy chief, has primary responsibility for the majority of the functions related to the hiring process and training recruits. The Background Investigation Unit, a component of the Staff Services Division of the Administration Bureau, is responsible for investigating and adjudicating the backgrounds of employment applicants.

The Personnel Unit of the Staff Services Division of the Administration Bureau is responsible for human resources functions including the appointment and processing of new hires, promotions, and separations. Finally, the Training and Education Division of the Administration Bureau is responsible for all formalized training functions for the Department and includes the Academy, the Field Training Office, the Office of Education and Training, and the Firearms Range.

Each of these units, divisions, and bureaus plays a critical role in advancing diversity in the SFPD. However, by splitting up the chains of command, recruitment and hiring practices become disjointed.

Recommendation 84.1

The SFPD should reorganize its recruitment and hiring practices under one bureau to provide cohesion and ensure resources are strategically used toward recruiting and hiring goals.

Recommendation 84.2

The SFPD should establish a recruiting and hiring committee to continuously improve and streamline processes for applicants. The process should be as user-friendly as possible.

The group should study and recommend operational best practices to achieve mutual recruitment, assessment, background investigation, and hiring selection goals that promote greater workforce diversity objectives.

Finding 85

The SFPD's Recruitment Unit has implemented an active recruitment program focused on diversity and targeted recruiting throughout San Francisco but does not measure or validate the effectiveness of their outreach and events.

Recommendation 85.1

The SFPD should continue supporting and overseeing this initiative and ensure the Recruitment Unit continues to implement best practices for recruitment, training, and outreach to improve diversity and cultural and linguistic responsiveness of the SFPD.[229]

Recommendation 85.2

The SFPD should consider assigning more resources, by way of community outreach and recruiting officers, to further engage underrepresented communities.

229. President's Task Force on 21st Century Policing, *Final Report*.

Recommendation 85.3

The SFPD should expand its community partnerships and outreach to create a community ambassador program to identify and train community leaders to aid in the SFPD's recruitment process.

Recommendation 85.4

The SFPD should explore approaches to measure or validate the effectiveness of their recruitment outreach and events. The SFPD could do a community satisfaction survey or conduct GIS analysis to see whether all communities have access to these events.

Finding 86

The Background Investigation Unit is staffed by part-time investigators and is comprised of a mix of modified duty officers and retired officers.

Recommendation 86.1

The SFPD should staff the Background Investigation Unit with full-time investigative personnel who have the required training and requisite experience and who are invested in the area of investigations.

Recommendation 86.2

The SFPD should ensure that there is diversity within the investigators that comprise the Background Investigation Unit.

Finding 87

The Background Investigation Unit lacks valid performance measures to evaluate background investigators.

Recommendation 87.1

The Background Investigation Unit should continue the process of developing and implementing performance measures to evaluate the unit's investigators in terms of outcomes such as length of investigations, timeliness of investigations, numbers of contacts with the applicant, consistency of investigative approach, and hiring recommendations.

Recommendation 87.2

The SFPD should evaluate the overall background investigation process including the demographics of candidates interviewed and progressed for hiring decisions.

Finding 88

Gender, racial, and ethnic minority recruits were terminated at a higher rate from recruit training than White male recruits.

Gender, racial, and minority candidates accounted for 68.1 percent of all recruit terminations.

Recommendation 88.1

The SFPD should conduct ongoing review and analysis of release rates and their impact on diversity and identify mitigation measures to support the success of diverse candidates.

Recommendation 88.2

The SFPD should evaluate why recruits are failing and develop additional training mechanisms to assist recruits in successfully completing California POST requirements.

Recommendation 88.3

The SFPD should evaluate whether orientation for recruits has positively impacted disproportionate termination rates related to Emergency Vehicle Operations Training failure. If not, the SFPD should identify other strategies to assist recruits.

Recommendation 88.4

The SFPD should continually audit and review each phase of the hiring process to ensure there are no unintended consequences that limit the advancement of its diversity goals.

Finding 89

The SFPD lacks a strategic plan for diversity including recruitment, retention, and advancement.

The SFPD is to be commended for its diversity in overall staffing.

Recommendation 89.1

As part of the Strategic Plan (recommendation 39.1), the SFPD should develop a comprehensive diversity strategic plan that articulates the department's vision and commitment to organization-wide diversity initiatives including recruiting, hiring, and retaining a diverse and high-performing workforce. For this recommendation, the diversity strategic plan should

- *identify specific diversity recruiting priorities that are informed by empirical data that identify areas of underrepresentation;*
- *identify specific recruiting activities and targets for diversity recruiting emphasis;*
- *establish specific responsibilities for implementing and supporting action items for diversity program staff;*
- *establish performance measures to track progress, solidify commitment, and ensure accountability across the organization for diversity in all ranks and units.*

Finding 90

The SFPD does not have representative diversity within all its ranks in the organization, especially in the supervisory and leadership ranks.

Through visible commitment to diversity at all ranks of the department, the SFPD can establish itself as a welcoming organization for all communities.

Recommendation 90.1

The SFPD should regularly and systematically capture and report the demographic composition of its supervisory, management, and senior leadership ranks to establish an ongoing mechanism to conduct comparative analyses against the overall workforce composition.

Recommendation 90.2

The SFPD should commit to ensuring transparency and diversity in key assignments predicated on advancing and developing a talented and diverse pool of leaders.

Finding 91

The promotion process is not transparent.

The lack of transparency has created a level of distrust of the process in segments of the department.

Recommendation 91.1

The SFPD should increase the level of transparency of the promotion process and should clearly outline the qualifications required to advance for promotion.

Recommendation 91.2

The SFPD should consider providing feedback to unsuccessful candidates for promotion as a means of advancing institutional knowledge and performance improvement.

Recommendation 91.3

The SFPD should ensure that there is diversity on the panel that oversees promotions and should consider adding community members or outside observers (or both) to the panel.

Finding 92

The SFPD does not require the *Final Report of the President's Task Force on 21st Century Policing* as required reading for the promotional exam.

Recommendation 92.1

The SFPD should require the Final Report of the President's Task Force on 21st Century Policing *as reading for all promotions.*

Recommendation 92.2

The SFPD needs to require this assessment report as reading for all promotions.

Finding 93

The SFPD's Police Employee Groups (PEG) have a perception that their input and contributions to the department are not seriously considered.

Recommendation 93.1

The SFPD and the Police Employee Groups should look for ways to better institutionalize and incorporate their input into department operations where appropriate. Opportunities may include using members of the PEGs to

- *serve on department panels and committees;*
- *help address issues of bias as part of the department's ongoing training by bringing forth their experience and perspective;*
- *work as community ambassadors for community members or as recruiters for hiring;*
- *address areas of institutional practices that could be considered biased.*

Finding 94

The SFPD does not maintain, analyze, or use data to support and forecast human resource needs, including diversity staffing, succession, or basic demographics.

The SFPD cannot readily identify basic demographic data on its employees or readily access training records, separation records, and other human resource data for analysis and development in the department.

Recommendation 94.1

The SFPD should identify its data needs for personnel and human resource analysis, including organizational diversity, succession and forecasting, training records, and separation data. The collection of data should allow the agency to conduct a barrier analysis.[230]

Recommendation 94.2

The SFPD should prioritize the personnel and human resource data to better inform and support management decisions and practices.

230. A barrier analysis allows an agency "to monitor progress and identify areas where barriers may operate to exclude or disadvantage any group based on gender, race, ethnicity, or disability" (EEOC, "Tips for Small Agencies;" Matthies, Keller, and Lim, *Identifying Barriers to Diversity*).

Part III. Conclusion

7. Summary

Leadership, accountability, and a vision and plan to move San Francisco Police Department (SFPD) forward are required for the department to achieve the reform recommendations contained within this report. The challenges facing the SFPD mirror many of those facing other law enforcement agencies across the nation. San Franciscans seek an active voice in the policing decisions that impact their communities. Like other residents of U.S. cities of all sizes, they want to be recognized as a true partner with their police department in helping to define what public safety means for themselves and their children for decades to come.

The assessment of the SFPD identified several clear community expectations: police transparency, evidence of progress in reducing and avoiding bias in policing, the ability to engage with the department to establish a co-produced policing approach to prioritize and ensure public safety and services for the city, and police services befitting a large, modern police department.

At many levels, SFPD personnel—from the department's leaders to its rank and file—support the community's expectations. The SFPD is poised to become a world-class policing organization, but it will take leadership, ongoing commitment to real reform, and hard work to make this happen. The first step was requesting the Collaborative Reform Initiative for Technical Assistance (CRI-TA) assessment from the U.S. Department of Justice, Office of Community Oriented Policing Services. The SFPD deserves credit and praise for this, as it is not easy to open your doors to a process that is going to identify and fully report the flaws found therein. The department has engaged fully and cooperated with the assessment. It has also demonstrated an awareness of its limitations and a desire to advance its standing and performance within the communities of San Francisco.

To do so, the SFPD needs to take a number of steps to improve its policies, practices, and perception in the community in the areas of use of force, biased policing, community policing, accountability and oversight, and diversity. These steps can be looked at as five major strategic themes that will need to be addressed in order for the SFPD to move forward to ensure procedural justice and earn community trust.

1. The importance of leadership in areas ranging from integrity to implementation

Leadership is a critical touchstone issue for the SFPD. The assessment team found the SFPD to be an organization of good intention but that sometimes failed in execution with respect to accountability and ensuring appropriate cultural standards. Leadership at all levels of the SFPD is needed to ensure a department that has the requisite integrity, ethics, and community focus to police in today's environment.

Issues that have been challenging for the SFPD, including officer misconduct and scandals, have not been systematically addressed from an organizational approach to improve the overall culture of the SFPD. The department demonstrated good practice in its community outreach after officer-involved shooting incidents, for example, hosting a town hall in the area soon after an incident. However, as a matter of overall leadership, public-facing dialogue and internal leadership were minimal.

The texting scandals were not met with any audits or integrity testing to ensure they were of a limited impact to the SFPD. The department did not deliver timely training to the organization as a whole and internal leadership was essentially mute on issues of potential bias and their impact on the department. Supervisors in the organization were not vocal in the need for SFPD members to stand apart from the negative influence of bias. Rather, the department appeared to have relied solely upon the negotiated discipline process to address officer conduct. Contract law and its provisions for discipline do not substitute for vision, guidance, or ethical standards as provided by leaders. SFPD leadership needs more visibility and voice in assuring the community that the SFPD is an ethical organization.

The team observed decisions and analysis that demonstrated ethical decision making, including the development of the Professional Standards and Principled Policing Bureau, which was a response to community demands for fairness, transparency, and accountability. However, the team also observed the SFPD's struggle to develop fair and transparent practices during the assessment. For example, a supervisor who had recently been involved in a fatal-officer involved shooting was transferred to be a part of the new bureau. The team was present at a Police Commission meeting when the decision to place that officer into the bureau became the subject of anger and protest. That SFPD management did not understand the potential impact on the community is a clear demonstration of a lack of awareness of the impact that internal decisions can have on the community. The community made it clear this felt like the department was unwilling to change.

The SFPD's missteps in anticipating public perception regarding such decisions are at the heart of some of the challenges facing the SFPD. The department's accountability is to the public and the SFPD's challenges in demonstrating this through sound decisions and leadership practices resonated across the organization throughout the CRI-TA assessment phase. Rather than creating stronger community trust through its laudable efforts in establishing a bureau focused on professional standards and principled policing, the SFPD found itself at the pointed end of public dismay over a series of decisions.

2. The vital role of communications across constituencies from officers to the public

The SFPD leadership team spoke of their commitment to community policing and serving the public. However, the assessment team learned that officers often did not have a clear understanding of the organization's expectations or reasons for required actions.

Internal communications could be improved significantly. Several members interviewed by the team did not know what collaborative reform was or what the SFPD's goals were for the program, even toward the end of the assessment. But beyond this, communication on what officers need to accomplish as part of their daily assignments and why is not evident. Policies and procedures are outdated, and internal review of policies is not a priority.

Most officers do not receive specific direction regarding their daily duties. No ongoing performance evaluations occur that allow shared goals to be developed and officers held to account for performance standards. Minimal messaging was observed regarding core values, the vision of the organization or the need for community policing.

A number of critical issues developed during the assessment, but the SFPD did not communicate well with either the team or the public regarding them or their resolution. For example, a large-scale corruption investigation concluded during the assessment, but no member of the SFPD shared information with the assessment team when the investigation's report was made public.

SFPD leadership is not visible to the public or its officers in a meaningful way. This is not to say they do not work hard. In fact, their dedication and hours of work are significant. But they need to be more effective in order to help transform the SFPD into a public-leaning organization that is more transparent and open. In order to do so, they must identify ways to open the organization to the community, as a true partner.

3. The need for a clear vision of the SFPD's future and a strategic plan

SFPD leadership must identify and drive the department's path forward. The SFPD needs to establish an overall strategic plan that provides the framework for the focus and direction of the entire department. The men and women of the SFPD demonstrated a keen understanding of their role as public servants, and many had the capacity and desire to serve their community in a more fulfilling manner.

A plan is needed to guide the ongoing commitment and actions of the department to address reform. The assessment team met with many dedicated and qualified individuals who were trying to institute reforms badly needed within the organization. However, these actions were often unit-specific and not part of a larger vision or plan. As a result, certain units had instituted good practices that were not shared across the organization. The SFPD needs to improve the communication and structure for sharing good practice among the activities of the various units in the SFPD.

Vision and leadership will set the stage for transformation and guide the department to its reform goals. With a defined plan and vision, the department will progress as a world class law enforcement agency, based upon shared, defined goals.

4. Protocols required to make oversight and accountability effective

San Francisco has a strong program of accountability and oversight of the SFPD—at least on paper. This structure includes independent civilian investigations into public complaints and a Police Commission

responsible for oversight of the organization and the discipline process. However, the absence of protocols and working arrangements with the oversight partners undermines timely and effective coordination on shared resources and the progression of investigations. Further, the discrete responsibilities limit effective identification of challenges. Complaints against police officers remain open and under investigation for extended periods of time. This precludes timely resolution of public complaints and removes the corrective impact of discipline, as it is neither timely nor swift.

The SFPD must make the accountability of its officers, the organization, and its commitment to police the people of San Francisco with fairness and integrity an overarching mission. The SFPD has not upheld its responsibilities on this end. Internal audits and inspections are essentially non-existent. From training through discipline, the SFPD must strive to inculcate a culture of responsibility, professionalism, and integrity for all SFPD members. The SFPD needs to focus on integrity and accountability as a fundamental goal within all of its strategies to deliver police services across the city.

5. Challenges in using data and technology

The SFPD needs to use and leverage technology more effectively. The assessment team was surprised at the overall poor quality of data and its minimal use across SFPD operations. Technology and data deficits regarding officer activity and the complaint system precludes management from developing proactive systems and awareness to support officer integrity and organizational accountability. Analyses of data related to bias, force, and complaints that were planned to be conducted for this assessment were challenging because of poor data sets or the absence of any data at all.

Officers spoke of constraints in performing their functions because they did not have ready access to information. A compendium of stand-alone databases inhibits information sharing across the organization. Existing programs are cobbled together in ways they were not intended to perform. The SFPD needs an overarching technology plan, one that aligns with the organization's strategic vision, and allows for "police strategies and tactics (that) must be driven by accurate, timely and reliable information supplied by current and emerging technologies and supported by the Department's systematic engagement of all of San Francisco's diverse neighborhoods."[231]

Technology is more than crime data. It is a method to generate measures of performance for the organization as a whole and to allow for further refinement of vision and goals as the organization grows. Better use of technology will help the SFPD better communicate, collaborate, and share information with the community in a timely manner.

Overall, this report lays the groundwork for the SFPD to become a world class law enforcement agency through the 94 findings identified and the 272 recommendations developed.

231. City and County of San Francisco, "Police Department Vision Statement."

8. Next Steps

During the next phase of this process, as the San Francisco Police Department (SFPD) implements the recommendations contained within this report, it will need to consider the overarching issues that attach to all of the identified objectives: the need for communication and transparency, the requirements of improved data collection and analysis, and the imperative of robust oversight and accountability. Three principal issues contributed across the board to the challenges the SFPD faces:

1. Throughout the course of the assessment, SFPD officers and personnel and community members identified a lack of communication that prevented some excellent practices and policies from improving operations across the department.
2. Closely tied to the issue of communication are shortcomings in data technology that impede department leaders from recognizing trends and making connections that could improve policing and personnel practices.
3. The department needs to focus on developing a leadership approach that demands excellence in all aspects of policing, one that works with the community to co-produce public safety as an inherent outcome of mutual trust and understanding.

Therefore, addressing these concerns as part of the reform for each objective will drive the most dramatic advancements in policing in San Francisco. Implementing the recommendations within this report represents the most promising path forward for the department. If the SFPD does so – with sustained diligence and in good faith – it will become a model policing agency in this country.

Next steps

During the Collaborative Reform Initiative for Technical Assistance implementation phase, the SFPD will work closely with the U.S. Department of Justice, Office of Community Oriented Policing Services to implement reforms as recommended herein. The SFPD's progress will be monitored and the outcomes of these reforms documented in initial and final progress reports. These reports will be publicly released. The goal of these recommendations is to reform policing in San Francisco to conform to community expectations and to improve public safety.

Part IV. Appendices

Appendix A. Findings and Recommendations

Following is the full list of all the findings identified and associated recommendations developed.

Finding 1

The majority of deadly use of force incidents by the SFPD involved persons of color.

Nine out of the 11 deadly use of force incidents from May 1, 2013, to May 31, 2016, involved persons of color.

> ***Recommendation 1.1***
>
> *The SFPD must commit to reviewing and understanding the reasons for the disparate use of deadly force. Specifically, SFPD needs to*
>
> - *partner with a research institution to evaluate the circumstances that give rise to deadly force, particularly those circumstances involving persons of color;*
> - *develop and enhance relationships in those communities most impacted by deadly officer-involved shootings and monitor trends in calls for service and community complaints to ensure appropriate police interaction occurs as a matter of routine police engagement;*
> - *provide ongoing training for officers throughout the department on how to assess and engage in encounters involving conflict with a potential for use of force with a goal of minimizing the level of force needed to successfully and safely resolve such incidents.*

Finding 2

The SFPD has closed only one deadly use of force incident investigation for the time frame 2013 to 2015.

The SFPD has been involved in nine deadly use of force incidents during the time frame of review for this assessment, 2013–2015. All but one remains open, pending a decision by the district attorney on whether the officers' actions were lawful. It is unacceptable for officer-involved shooting investigations to remain open for years.

> ***Recommendation 2.1***
>
> *The SFPD must work with the City and County of San Francisco to develop a process that provides for timely, transparent, and factual outcomes for officer-involved shooting incidents.*

Finding 3

The SFPD and the Police Commission collaboratively worked with community stakeholders to update Department General Order 5.01 – Use of Force policy.

Department General Order 5.01 was last revised in 1995. The draft revision, dated June 22, 2016, reflects policy enhancements that progressive police departments across the country have implemented, including incorporating recommendations from the *Final Report of the President's Task Force on 21st Century*

Policing. However, because of collective bargaining practices, the policy has not yet been implemented by the Police Commission as of the date of this report.

Recommendation 3.1

The Police Commission, SFPD leadership, and elected officials should work quickly and proactively to ensure that the department is ready to issue these use of force policies and procedures to all department employees immediately following the collective bargaining meet-and-confer process. The process should not be drawn out, because the goal should be immediate implementation once it has been completed.

Recommendation 3.2

The SFPD should work with the Police Commission to obtain input from the stakeholder groups and conduct an after-action review of the meet-and-confer process to identify ways to improve input and expedite the process in the future for other policy development.

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 4.1

The SFPD needs to create an electronic use of force reporting system so that data can be captured in real time.

Recommendation 4.2

In developing an electronic reporting system, the SFPD must review current practice regarding reporting use of force, including reporting on level of resistance by the individual, level and escalation of control tactics used by the officer, and sequencing of the individual's resistance and control by the officer.

Recommendation 4.3

In the interim, the SFPD should implement the use of force report that is under development within the Early Intervention System Unit and require that it be completed for every use of force incident. The assessment team identified this report to be a good start to a robust reporting system for use of force incidents in the SFPD. The SFPD should eliminate the Use of Force Log (SFPD 128 (Rev. 03/16)).

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.

Recommendation 4.5

The SFPD should continue the manual entry of use of force data until the electronic use of force report is operational. To ensure consistency and accuracy in the data, this entry should be conducted in a single unit rather than in multiple units.

Recommendation 4.6

The SFPD should audit use of force data on a quarterly basis and hold supervisors accountable for ongoing deficiencies.

Recommendation 4.7

The SFPD should assign the Training and Education Division to synthesize the issues emerging from the use of force reports and create announcements for roll call on emerging trends. The announcements can include scenarios from incidents that were troubling or complicated in some way and encourage officers to discuss with one another in advance how they would communicate and approach such situations.

Finding 5

The SFPD does not consistently document the types of force used by officers.

Out of a sample of more than 500 reported incidents of use of force, only five had documented the type of use of force on the Use of Force Log. Department Bulletin 14-111 – Documenting Use of Force, drafted April 4, 2014, requires officers to document the type and amount of force used, including the use of impact weapons, with supervisors responsible for ensuring compliance with the policy. However, through 2015, the team found that force data remained incomplete. The overall lack of consistent data collection is indicative of limited oversight of force reporting.

Recommendation 5.1

The SFPD needs to develop and train to a consistent reporting policy for use of force.

Recommendation 5.2

The SFPD needs to hold supervisors and officers accountable for failure to properly document use of force incidents.

Finding 6

The SFPD has not developed comprehensive formal training specifically related to use of force practices.

A number of training issues on emerging operational practices in the SFPD and those highlighted in the *Final Report of the President's Task Force of 21st Century Policing,* such as de-escalation, have not been adequately addressed.

Recommendation 6.1

The Training and Education Division should adopt and implement a formal Learning Needs Assessment model that identifies and prioritizes training needs and should subsequently design and present them in the most effective and efficient ways possible.

Recommendation 6.2

To support policies mandated through recent Department Bulletins, as well as to ensure implementation of best practices and policies outlined in the Final Report of the President's Task Force of 21st Century Policing, *the SFPD's Training and Education Division should prepare training on the following topics at minimum:*

- *Enhanced de-escalation*
- *Sanctity of life*
- *Enhanced service-oriented interactions with homeless individuals*
- *Improved dispatch protocols for cases requiring Crisis Intervention Team response*

Recommendation 6.3

SFPD training records should be fully automated and training data easily accessible.

Finding 7

SFPD officers have not been trained on operational field use of the mandated 36-inch baton.

Department Bulletin 16-071, which was published on April 30, 2016, requires all officers to carry a 36-inch baton as part of their daily uniform requirements. The assessment team was concerned that the Training Academy staff did not have advance knowledge of the baton policy change. During the team's visit, Training Academy staff members were drafting training guidelines for use of the 36-inch baton after the policy had already been issued. There must be good communication before and following the publication of orders that affect daily activities or provide for a change in organizational focus. This would allow for smoother implementation and ensure that appropriate training is available, particularly for key orders.

Recommendation 7.1

The SFPD must develop a policy on the use of the 36-inch baton for the use of interacting with individuals with edged weapons. The policy should also dictate the proper handling of the baton, and the policy should dictate when it is appropriate to use a two-hand stance and when a one-hand approach is needed.

Recommendation 7.2

The SFPD must develop training on the use of the 36-inch baton for the use of interacting with individuals with edged weapons. Once developed, the training should be deployed to all officers.

Recommendation 7.3

The SFPD should prohibit the use of the 36-inch baton until all officers are properly trained in its intended field use.

Finding 8

SFPD supervisors are not required to respond to the scene of all use of force incidents and are not required to fully document their actions.

Supervisors are not appropriately tasked in relation to use of force incidents. Supervisors are required to respond to the scene for use of force incidents only when injuries are reported injuries and are not

required to document their actions in the incident report. Furthermore, during the review period officers and supervisors continued to inconsistently complete use of force reporting forms.

Recommendation 8.1

The SFPD should immediately require supervisors to respond to events in which officers use force instruments or cause injury regardless of whether there is a complaint of injury by the individual. This will allow the department greater oversight of its use of force.

Recommendation 8.2

Supervisors should be held accountable for ensuring accurate and complete entry for all use of force data reporting.

Recommendation 8.3

Supervisors should be required to document their actions regarding the investigation of the use of force incident within the incident report. As recommended in this section (recommendation 3.2), a stand-alone use of force report should be developed and, when completed, should contain a section for supervisory actions relative to the incident and signature.

Finding 9

The SFPD is inconsistent in providing timely notifications to all external oversight partners following an officer-involved shooting.

Members of the SFPD acknowledged that there are occasionally notification delays because of administrative issues and the time it takes to notify required parties of an incident. Regardless of the reason, delayed notification to key partners means that those partners are not present at the earliest stages of an officer-involved shooting investigation. Notifying external oversight partners (including the district attorney and Office of Citizen Complaints [OCC]) promptly allows for timely arrival on the scene and facilitates effective and transparent external oversight of officer-involved shooting investigations.

Recommendation 9.1

The SFPD should work with the Department of Emergency Management to provide it with primary responsibility for timely notification to all stakeholders on the call-out list used immediately after an officer-involved shooting incident.

Recommendation 9.2

Until the Department of Emergency Management protocol is established, when activating the protocols for notification following an officer-involved shooting incident the Operations Center should notify representatives of IAD, the District Attorney's Office, and OCC with no lag time occurring in any of the notifications. The Operations Center log for notifications should be included as part of the investigation report case file to accurately and fully depict notifications.

Recommendation 9.3

All notified responders should be required to notify the Department of Emergency Management of the time of their arrival. This will create a comprehensive permanent record of the time of notifications and responses of the units to the scene.

Recommendation 9.4

The SFPD should explore the option for timely electronic notification to all oversight partners.

Finding 10

There is a lack of coordination and collaboration for responding to and investigating an officer-involved shooting.

The SFPD's investigative protocols are comparable to those followed by other professional major city police departments. However, IAD staff members, along with some of SFPD's partners such as members of the District Attorney's Office and the OCC assigned to respond to such incidents, are not as integrated.

Lack of collaboration and cooperation in investigating officer-involved shooting incidents can undermine procedural justice and transparency for the department. The SFPD needs to develop protocols and memoranda of agreement to ensure the highest level of cooperation and oversight into the investigation of officer-involved shooting incidents. Joint training protocols ensuring all parties are appropriately trained and working to the highest professional standards should become a matter of routine practice. These protocol agreements and practices will become more important as OCC assumes its responsibility to independently investigate SFPD officer-involved shooting incidents. The team will monitor the implementation of the new law during the CRI-TA implementation phase.

Recommendation 10.1

The SFPD should establish a formal protocol to ensure that a representative of the Homicide Detail provides OCC and District Attorney's Office investigators a timely briefing about the facts of the case and to make arrangements for a formal walk-through or gain investigative access to the incident scene as soon as possible. The highest-ranking officer on the scene should be responsible for ensuring compliance with this recommendation.

Recommendation 10.2

The SFPD should work with its accountability partners the OCC and the District Attorney's Office in officer-involved shootings to develop a formal training program in which representatives of the District Attorney's Office, SFPD Homicide Detail, and the OCC engage in regular training regarding best practices for investigating such cases. This training should be developed and implemented within 120 days of the issuance of this report.

Finding 11

The Firearm Discharge Review Board is limited in scope and fails to identify policy, training, or other tactical considerations.

The FDRB is a good practice but has devolved to essentially determining whether the shooting officer's actions were consistent with policy. However, several other layers of authority also conduct this determination. The FDRB is better served following its policy mandate to ensure that the department is continually reviewing its training, policy, and procedures as they relate to officer-involved shooting incidents.

Recommendation 11.1

The SFPD should update the Department General Order 3.10 – Firearm Discharge Review Board to require written evaluation of policy, training, and tactical considerations of discharge incidents, specifically identifying whether the incident was influenced by a failure of policy, training, or tactics and should include recommendations for addressing any issues identified.

Recommendation 11.2

The SFPD should update existing programs and develop training to address policy gaps and lessons learned. The Training and Education Division should work with the FDRB and Homicide Detail to create a presentation to inform department personnel about key issues that contribute for officer discharge incidents and to help mitigate the need for firearm discharge incidents.

Recommendation 11.3

The SFPD should update the DGO to ensure that the FDRB is staffed with a Training and Education Division representative as an advisory member to ensure an appropriate focus on development of responsive training protocols.

Recommendation 11.4

Officer-involved shooting events need to be reviewed in a more timely fashion as they relate to policy, training, and procedures. The FDRB should review incidents at the conclusion of the IAD investigation rather than waiting for the district attorney's letter of declination for charging of an officer-involved shooting incident, which can take up to two years.

Finding 12

The SFPD has significantly expanded its Crisis Intervention Team (CIT) training program; however, the SFPD does not have a strong operations protocol for CIT response.

Crisis Intervention Team training instructs officers how to effectively manage behavioral crisis situations in the field. Since February 2015, all recruits complete the 40-hour Crisis Intervention Team training before they leave the Academy. As of March 2016, 593 members—27 percent of the department—have received crisis intervention training.

Although there is a policy that supervisors are to be requested at the scene of an incident wherein a member of the public in mental health crisis is armed, more must be in place to address such situations. The team learned that CIT-trained officers are not pre-identified to facilitate their assignment to calls related to persons in mental health crisis. However, given the data issues facing the SFPD, the ability to clearly track and confirm policy adherence for identifying CIT-trained officers remains an issue.

Recommendation 12.1

The SFPD should work with the Department of Emergency Management to ensure sound CIT protocols, namely the following:

- *Ensure that dispatchers are notified at the beginning of each shift which units have CIT-trained officers assigned so they are appropriately dispatched to calls for persons with mental health disabilities.*
- *Develop protocols to ensure that mental health crisis calls for service are answered by intake personnel at the Department of Emergency Management and the information is appropriately relayed to field personnel.*

Recommendation 12.2

The SFPD should ensure an appropriate distribution of CIT-trained personnel across all shifts in all districts.

Recommendation 12.3

Newly promoted supervisors should also receive CIT training as part of their training for their new assignments.

Finding 13

The SFPD engages with the community following an officer-involved shooting incident through a town hall meeting in the community where the event occurred.

The town hall meetings following an officer-involved shooting in the relevant neighborhood is a promising practice.

Recommendation 13.1

The practice of hosting a town hall meeting in the community shortly after the incident should continue with a focus on releasing only known facts.

Finding 14

The SFPD does not have a strategy to engage with the broader community following a fatal officer-involved shooting until its conclusion.

The SFPD does not keep as active an engagement during the investigative process, and consideration should be given to publishing findings once an investigation is completed to ensure community closure.

Recommendation 14.1

The SFPD should develop an ongoing communication strategy for officer-involved shootings.

Recommendation 14.2

The SFPD should ensure that media outreach is immediate and that information conveyed is succinct and accurate.

Recommendation 14.3

The SFPD should use social media as a tool to relay critical and relevant information during the progression of the investigation.

Finding 15

The SFPD does not adequately educate the public and the media on issues related to use of force and officer-involved shootings.

Recommendation 15.1

The SFPD needs to create outreach materials related to educating the public and the media on use of force and officer-involved shooting investigations and protocols. These materials should be disseminated widely through the various community engagement events and district station meetings.

Recommendation 15.2

The SFPD should host town hall presentations to educate the public and the media on use of force and officer-involved shooting investigations and protocols.

Finding 16

Currently, SFPD officers are not authorized to carry electronic control weapons (ECW, i.e., Tasers).

These tools are less-lethal weapons that are meant to help control persons who are acting aggressively. Many police agencies use these tools and report that they have helped reduce injury to officers and community members and lead to fewer officer-involved shootings. Promising practices suggest that the use of ECWs can result in less use of force.

Recommendation 16.1

Working with all key stakeholders and community members, the SFPD and the Police Commission should make an informed decision based on expectations, sentiment, and information from top experts in the country.

Recommendation 16.2

The City and County of San Francisco should strongly consider deploying ECWs.

Finding 17

Currently, the SFPD authorizes personnel to use the carotid restraint technique.

This technique poses a significant risk in the community and is not a routinely adopted force option in many law enforcement agencies. Contemporary policing discussions regarding use of force suggest that police agencies should carefully weigh any perceived benefit of the use of carotid restraint against potential harm. It is challenging to maintain the appropriate leverage and placement in close-encounter struggles, thereby increasing the risk on an unintended, harmful outcome. The department's pending draft order on use of force would eliminate the use of the carotid restraint.

Recommendation 17.1

The SFPD should immediately prohibit the carotid restraint technique as a use of force option.

Finding 18

The SFPD does not adequately investigate officer use of force.

At present, the level of investigations in the SFPD is not sufficient as it relates to officer use of force. There is minimal documentation of witnesses, no separate or summarized interview of witnesses, no routine collection of photographic evidence, and minimal analysis of the event from an evidentiary standpoint. If a supervisor does not respond, then it falls to the officer who used force to complete the investigation, which is unacceptable.

Recommendation 18.1

The SFPD needs to develop a policy for investigation standards and response for all officer use of force.

Recommendation 18.2

The SFPD should create an on-scene checklist for use of force incidents.

Recommendation 18.3

The SFPD needs to develop a protocol for proper development and handling of officer statements.

Finding 19

The SFPD does not maintain complete and consistent officer-involved shooting files.

The SFPD maintains two separate officer-involved shooting files, one with the Homicide Detail and one with IAD. The files are incomplete with no consistent report structure. The team encountered a lack of consistency as to the investigations as well. The fact that some investigative evidence is digital while other evidence is still in paper format may contribute to this inconsistency.

Because Homicide Detail and IAD do not share protocols or standards for investigations of officer-involved shooting incidents, there is likelihood that evidence will not be properly identified or assessed, particularly with dual investigative approaches. Photos, crime scene logs, and video collection were referenced in many reports. However, these items were inventoried elsewhere without copies in the investigative files.

Investigative files did not contain preliminary finding reports or draft reports—even files that were years old. Within Homicide Detail, many files contained an initial summary report but did not document basic records of who was called to attend the scene or who was on the scene.

Recommendation 19.1

The SFPD needs to develop a standard officer-involved shooting protocol within 90 days of the release of this report.

Recommendation 19.2

The SFPD needs to create a template for all officer-involved shooting files. This template should detail report structure and handling of evidence. SFPD should refer to Officer-Involved Shootings: A Guide for Law Enforcement Leaders.

Recommendation 19.3

The SFPD should ensure that all officer-involved shooting investigations are appropriately reviewed by all levels of supervision.

Finding 20

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

Because of limitations in the manner in which use of force and arrest data were collected by the SFPD, assessment team members were unable to perform a multivariate frequency analysis, which would have shed light on whether individuals who are members of racial minorities were subjected to force more often than White individuals during arrests.

Recommendation 20.1

The SFPD needs to develop reliable electronic in-custody arrest data. It needs to ensure that these arrest data accurately reflect the incident number from the event, and the number should be cross-referenced on both the booking card and the use of force reporting form.

Recommendation 20.2

The SFPD needs to audit arrest data and use of force data monthly to ensure proper recording of use of force incidents related to arrest incidents. An audit of these data should occur immediately upon publication of this report and monthly thereafter.

Recommendation 20.3

The SFPD needs to advocate for better coordination with the San Francisco Sheriff's Department to ensure that the recording of SFPD arrest data is accurate and corresponds with SFPD incident report and arrest data.

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.

Finding 21

Community members' race or ethnicity was not significantly associated with the severity of force used or injury arising from an officer's 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.

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.

Finding 23

The SFPD allows members to shoot at moving vehicles under certain circumstances pursuant to Department General Order 5.02 – Use of Firearms.

SFPD policy provides for a variety of exceptions that allow officers to shoot at a moving vehicle, which effectively nullifies the general statement that officers are prohibited from discharging their firearm at the operator or occupant of a moving vehicle. The department's pending draft order on use of force allows shooting at vehicles when there is an immediate threat of death or injury by means other than the vehicle.

Recommendation 23.1

The SFPD should immediately implement this provision of the draft policy.

Recommendation 23.2

The FDRB should be tasked with review of all prior officer-involved shooting and discharge incidents in which firearms are discharged at a moving vehicle to

- *evaluate and identify commonalities with recommendations for policy and training as a result of the review;*
- *oversee training and policy development aimed at eliminating the need for such actions;*
- *report to the Police Commission about the outcomes of the review and the actions taken to overcome those situations that contribute to such incidents.*

Finding 24

The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents.

The advice in the memo (found in appendix K on page 390) sent on May 5, 2016, has not been completed by the SFPD. The recommended audit is to ensure organizational integrity regarding the potential for bias in departmental electronic communications.

Recommendation 24.1

The SFPD should immediately implement the bias audit as recommended by the U.S. Department of Justice COPS Office on May 5, 2016 (see appendix K).

Recommendation 24.2

Upon completion of recommendation 24.1, the outcome should be presented to the Police Commission.

Recommendation 24.3

The SFPD should immediately establish a policy and practice for ongoing audit of electronic communication devices to determine whether they are being used to communicate bias.

Recommendation 24.4

The SFPD should implement a policy and a Department General Order stipulating that there is no right to privacy in any use of department-owned equipment or facilities.

Recommendation 24.5

The SFPD should require all members to acknowledge appropriate use standards for electronic communications. This should be a signed acknowledgement, retained in the personnel file of the member, and department personnel should receive an alert reminding them of appropriate use whenever they sign onto SFPD systems.

Recommendation 24.6

The SFPD should report twice a year to the Police Commission on the outcome of these audits, including the number completed, the number and types of devices audited, the findings of the audit, and the personnel outcomes where biased language or other conduct violations are discovered.

Finding 25

The SFPD's General Orders prohibiting biased policing, discrimination, harassment, and retaliation are outdated and do not reflect current practices surrounding these key areas.

Recommendation 25.1

The SFPD should immediately update Department General Order 5.17 – Policy Prohibiting Biased Policing (effective May 4, 2011) and Department General Order 11.07 – Discrimination and Harassment (effective May 6, 2009) to reflect its current initiatives and align with best practices.

Recommendation 25.2

Upon meeting recommendation 25.1, SFPD leadership should release a roll-call video explaining the Department General Orders and reinforcing that a bias-free department is a priority.

Recommendation 25.3

The SFPD should develop and publish a comprehensive strategy to address bias. The strategy should create a framework for the SFPD to

- *be informed by the preliminary action planning that was initiated during the command-level training in Fair and Impartial Policing, which addressed policy, recruitment, and hiring; training; leadership, supervision, and accountability; operations; measurement; and outreach to diverse communities;*
- *update policies prohibiting biased policing to include specific discipline outcomes for failure to follow policy;*
- *continue to expand recruitment and hiring from diverse communities (see recommendation 84.2);*
- *partner with the communities and stakeholders in San Francisco on anti-bias outreach (see recommendation 26.1);*
- *improve data collection and analysis to facilitate greater knowledge and transparency around policing practices in the SFPD;*
- *expand its focus on initiatives relating to anti-bias and fully implement existing programs as part of the overall bias strategy, including the existing Not on My Watch program aimed at engaging officers and the community on addressing issues of bias.*

Recommendation 25.4

As part of its overall strategy, the SFPD should assess its needs for anti-bias programs across the organization, such as gender bias in sexual assault investigations.

Finding 26

There is limited community input on the SFPD's actions regarding its anti-bias policies and practices.

Recommendation 26.1

The Chief's Advisory Forum should be re-invigorated and allow for diverse communities to have meaningful input into bias training, policies, and the SFPD's other anti-bias programming. The chief should ensure that marginalized communities are given a meaningful opportunity to be a part of the Advisory Forum.

Recommendation 26.2

The SFPD should more clearly describe its anti-bias policies and practices for reporting police misconduct and its commitment to ensuring that policing in San Francisco will be bias-free.

Recommendation 26.3

The SFPD should implement an immediate public education campaign on the policies and procedures for reporting misconduct as centered on anti-bias and the initiatives underway.

Recommendation 26.4

The SFPD should work with the Police Commission to convene a community focus group to obtain input on the policies and practices as they are being developed.

Finding 27

The SFPD is not addressing the anti-bias goals set forth through the Fair and Impartial Policing training-the-trainers session.

The SFPD is to be commended for participating in the development of "train the trainers" for Fair and Impartial Policing. However, this training opportunity now needs to be integrated into an organizational approach to developing training delivery across the SFPD. Robust and ongoing training that addresses explicit and implicit biases must be a top priority, not only for the chief of police, the command staff, and the Training and Education Division, but for every member of the department.

Recommendation 27.1

The SFPD should develop a training plan based on a training needs assessment specific to the delivery of anti-bias training as part of an ongoing strategic approach to addressing bias in the SFPD.

Recommendation 27.2

The SFPD should begin anti-bias and cultural competency training of department members immediately and should not await the outcome of the training needs assessment. All officers should complete implicit bias training and cultural competency training, which should include the following topics:

- *Implicit bias awareness and skills for promoting bias-free policing*
- *The definition of cultural competence*
- *Disparate treatment, prejudice, and related terms and their application in law enforcement*
- *The history of various cultures and underrepresented groups in society*
- *Self-assessment of cultural competency and strategies for enhancing one's proficiency in this area*
- *Culturally proficient leadership and law enforcement in communities*

Recommendation 27.3

Training addressing explicit and implicit biases should employ teaching methodologies that implement interactive adult learning concepts rather than straight lecture-based training delivery.

Recommendation 27.4

To ensure first-line supervisors understand the key role they play in addressing bias, supervisor training should include coaching, mentoring, and direct engagement with problem officers.

Recommendation 27.5

All officers and supervisors should be fully trained on bias and cultural competency within 18 months of the release of this report.

Recommendation 27.6

The SFPD should measure the efficacy of such training through careful data collection and analysis practices, ideally in partnership with an academic researcher.

Recommendation 27.7

The SFPD should implement Force Options Training in a manner that reduces the impact of demographics on split-second use of force decisions and should ensure that in-service officers receive this training at least annually.

Finding 28

The SFPD's failure to fully and adequately address incidents of biased misconduct contributed to a perception of institutional bias in the department.

The SFPD responded to the racist, sexist, homophobic, and transphobic texts by a large group of officers by investigating the incident and disciplining the officers directly involved. However, given the nature of the officers' open and flagrant behavior, the SFPD should have taken action to ensure that this was not an institutionalized problem, including steps to address the behavior at the organizational level. Community perceptions that biased behaviors exist in the SFPD were exacerbated by the explicit bias demonstrated by SFPD officers in the texting scandals and the subsequent failure to take appropriate action.

Recommendation 28.1

The SFPD should investigate complaints of bias transparently and openly and recognize its potential impact upon the larger group of officers who do not hold such views and upon the affected communities of San Francisco. To address these concerns, the department should

- *identify specific roles and responsibilities for supervision of officers regarding biased behavior;*
- *analyze E-585 traffic stop incident report data and enforcement actions with a lens for possible bias or disparate treatment and require supervisors to review these analyses;*
- *identify intervention mechanisms beyond discipline to deal with potentially biased behaviors.*

Recommendation 28.2

The SFPD should provide for open, ongoing command engagement around the issue of bias, both internal and external to the department.

Recommendation 28.3

The SFPD should establish routine, ongoing roll-call training requirements for supervisors on key leadership issues, including their role in promoting fair and impartial policing.

Recommendation 28.4

The SFPD needs to engage in early identification of and intervention in behaviors that are indicative of bias through direct supervision, data review, and observation of officer activity.

Recommendation 28.5

The SFPD needs to train supervisors to recognize behaviors that are indicative of bias and intervene effectively.

Recommendation 28.6

The SFPD must address practices within the organization that reflect explicit biases and intervene with firm, timely disciplinary responses.

Recommendation 28.7

The SFPD needs to encourage all personnel to report biased behavior to the appropriate officials.

Finding 29

Allegations of biased policing by community members have not been sustained against an officer in more than three years.

Recommendation 29.1

The SFPD and OCC should establish shared protocols for investigating bias that do not relying solely on witness statements, given that bias incidents are often reported as one-on-one occurrences.

Recommendation 29.2

The SFPD should ensure that supervisors are trained on bias investigations, including all of the following:

- *How to identify biased police practices when reviewing investigatory stop, arrest, and use of force data*
- *How to respond to a complaint of biased police practices, including conducting a preliminary investigation of the complaint in order to preserve key evidence and potential witnesses*
- *How to evaluate complaints of improper pedestrian stops for potential biased police practices*

Recommendation 29.3

The SFPD should work with the City and County of San Francisco to ensure quality bias investigation training to all oversight investigators.

Recommendation 29.4

SFPD leadership should explore the options for alternate dispute resolutions regarding bias complaints, including mediation.

This is an opportunity to bring police and community members together to foster an improved understanding of police practices and community perceptions. Because bias complaints are rooted in perception and often difficult to sustain, mediation provides for a timelier, more transparent, and potentially more procedurally just resolution for the community member who lodged the complaint.

Finding 30

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

Citywide, African-American drivers were 24 percent more likely to be stopped by the police than their estimated representation in the driving population, and they were 9 percent more likely to be stopped given their estimated representation among potential traffic violators.

Recommendation 30.1

The SFPD should develop a plan to conduct further review and analysis of traffic stop data to identify the reasons and potential solutions for the traffic stop data disparities. The plan should be developed within 180 days of the issuance of this report.

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 30.3

The SFPD should provide supervisors with the results of timely data analyses regarding the E-585 traffic stop incident report activity of their officers that allow them to identify and proactively intervene when outlier officers are identified.

Recommendation 30.4

Until the data are electronic, supervisors should be provided with monthly paper reports regarding the E-585 traffic stop incident report activity of officers under their command.

Recommendation 30.5

SFPD supervisors must be trained (pursuant to recommendation 27.1) to review and assess E-585 traffic stop incident report data for disparate outcomes, particularly in relation to peer groups within the unit.

Recommendation 30.6

The SFPD should implement the data collection recommendations regarding improving traffic stop data provided in appendix F. The timing of the implementation needs to be identified in the technology plan.

Finding 31

African-American and Hispanic drivers were disproportionately searched and arrested compared to White drivers. In addition, African-American drivers were more likely to be warned and less likely to be ticketed than White drivers.

The racial disparity in traffic stops and post-stop outcomes appears to be large and statistically significant.

Recommendation 31.1

The SFPD needs to analyze the data and look for trends and patterns over time to reduce the racial and ethnic disparities in post-stop outcomes.

Finding 32

Not only are African-American and Hispanic drivers disproportionately searched following traffic stops but they are also less likely to be found with contraband than White drivers.

Recommendation 32.1

As stated in finding 31, the SFPD should complete recommendations 31.1.

Recommendation 32.2

The SFPD needs better training on the Fourth Amendment and applicable state laws on search and seizure.

Finding 33

The current E-585 traffic stop incident report does not collect sufficient or appropriate information to allow for a robust analysis of possible bias by SFPD officers.

Recommendation 33.1

The SFPD should implement the data collection recommendations in appendix F to allow for better information and analysis of stop data.

Finding 34

The SFPD does not routinely collect or analyze data on stops involving pedestrian and nonmotorized conveyances.

Recommendation 34.1

The SFPD should prioritize the collection, analysis, and reporting of all nonconsensual stop data, including pedestrian and nonmotorized conveyances.

Recommendation 34.2

The SFPD should mandate the collection of stop report data on any stop or detention of a pedestrian or person riding a nonmotorized conveyance, such as a bicycle, skateboard, or scooter. This should begin immediately and not wait until AB 953 requires such action in April 2019.

Recommendation 34.3

The SFPD should consider expanding the functionality of the E-585 traffic stop incident report data collection system to include data collection for all pedestrian and nonmotorized conveyances.

Finding 35

The SFPD does not have sufficient systems, tools, or resources needed to integrate and develop the appropriate data required to support a modern, professional police department.

Many of the department's technology and information sharing systems are outdated and not integrated and do not support ready access for analysis to inform management decisions. Progressive police supervision requires timely access to accurate information regarding officer activity, traffic and pedestrian stops, use of force, and resident complaints to help analyze officers' actions and trends. The SFPD must

conduct an assessment across the whole organization and determine how to prioritize the implementation of IT solutions for key management and operational practices.

Recommendation 35.1

The SFPD should adopt new policies and procedures for collecting traffic and pedestrian stop data, public complaints, and enforcement actions. Information for these events should be recorded accurately.

Recommendation 35.2

The SFPD should analyze its existing technology capacity and develop a strategic plan for how data are identified, collected, and used to advance sound management practices.

Recommendation 35.3

SFPD leadership should make a concerted effort to focus on data collection and to create systems and analysis protocols that will inform supervisors where incidents of potential bias or disparate treatment occur or where patterns in officer behavior exist that warrant further examination or monitoring.

Recommendation 35.4

The SFPD should continue participating in the White House Police Data Initiative and seek to expand its data collection and reporting consistent with those recommendations and the goals of the initiative.

Finding 36

The SFPD does not have an organizational performance approach to evaluating the impact of policies, practices, and procedures aimed at reducing bias within the department.

Recommendation 36.1

The SFPD should develop an audit practice to evaluate the impact on the department of the implementation of new training programs.

Recommendation 36.2

The SFPD should incorporate ongoing review and audit of anti-bias programs into a quarterly report that includes promising practices and lessons learned.

Recommendation 36.3

The SFPD should review all of its policies, procedures, manuals, training curricula, forms, and other materials to eliminate the use of archaic or biased language. For example, the SFPD should review the use of the word "citizen" in policies and forms, such as the Citizen Complaint Form (SFPD/OCC 293). This assessment should be completed within 120 days of the issuance of this report.

Finding 37

The policy for the use of Field Interview cards fails to outline sufficient guidance on when they should be completed.

Recommendation 37.1

The SFPD should establish policy that specifically governs when and how Field Interview cards are completed. This should be accomplished within 180 days of the issuance of this report.

Recommendation 37.2

The SFPD needs to reassess its use, storage, and collection of Field Interview cards to ensure data retention and collection are in accord with legal requirements. Annual audit of Field Interview cards should be part of the data retention practices.

Finding 38

There is a strong perception among community members that the SFPD is not committed to the principles of procedural justice.

The assessment team heard from community members who expressed concerns over being treated unfairly, not being given a voice, or not being able to participate in policing decisions that affect the community.

Recommendation 38.1

The SFPD needs to expand its outreach to its communities in a manner designed to demonstrate its commitment to procedural justice.

Recommendation 38.2

SFPD leadership should take an active and direct role in community engagement at the neighborhood level.

Recommendation 38.3

The SFPD should engage community members in the implementation of the recommendations in this report.

Finding 39

The SFPD does not have a department-wide strategic plan that articulates a mission and identifies the goals and objectives necessary to deliver overall policing services.

Recommendation 39.1

The SFPD needs to develop a comprehensive organizational strategic plan with supporting plans for the key reform areas identified within this report specifically directed at community policing, bias, and maintaining diversity within the department.

Recommendation 39.2

SFPD leadership should lead, mentor, and champion a community-based strategic planning initiative.

Recommendation 39.3

The SFPD should establish a Strategic Planning Steering Committee composed of representatives from the community and various sections of the department within 90 days of the issuance of this report. This

committee should collaborate to develop policies and strategies for policing communities and neighborhoods disproportionately affected by crime and for deploying resources that aim to reduce crime by improving relationships and increasing community engagement.

Recommendation 39.4

A training needs analysis must be conducted to support the training requirements recommended in this assessment. The SFPD must conduct an analysis of the needs across the organization, identify the benchmark for training, and develop a prioritized training plan based on the needs analysis. This will require solid support from the Office of the Chief of Police and the command staff if it is to succeed in strengthening the content, quality, and timeliness of the department's training. This should be completed within nine months of the issuance of this report.

Recommendation 39.5

A technology needs analysis must be conducted on how to address the technology gaps identified in this assessment. Organizational needs should be identified, and a structured plan supported by budget forecasting should be in place to address the development of the IT enterprise for the SFPD. Existing systems should be integrated to ensure full value of the data already in place in the SFPD and that IT systems and practices remain up to date.

The SFPD must analyze and expound its information technology capabilities that provide the right management information to drive key decisions on officer misconduct and overall employee performance.

Recommendation 39.6

The SFPD must conduct a gap analysis comparing the current state of the department's information gathering, analyzing, and sharing assets and capabilities with the established modern best practices. This should be completed within six months of the issuance of this report.

Recommendation 39.7

The SFPD must conduct a portfolio management assessment to identify opportunities for consolidating platform and product offerings, providing enterprise solutions across the organization instead of silos or one-off product sets. This should be completed within six months of the issuance of this report.

Recommendation 39.8

The SFPD must create a five-year technology initiative roadmap to facilitate migrating current platforms to the modern state architecture. This should be completed within 12 months of the issuance of this report.

Recommendation 39.9

The SFPD must establish clear life-cycle management policies and procedures for enterprise application maintenance, support, and replacement strategies for sustaining improved data collection, analysis, and dissemination technologies. This should be completed within 12 months of the issuance of this report.

Finding 40

The SFPD does not formalize community engagement in support of community policing practices.

The SFPD does not have a comprehensive, strategic community policing plan that focuses priorities, resources, programs, and activities for the department. Community policing involves partnerships, problem solving, and organizational transformation. In order to be a true community policing department, the SFPD needs to ensure the entire department is following the tenets of community policing systematically and strategically.

The SFPD needs to bring the community to the table in order to establish comprehensive community policing resources, programs, and activities.

Recommendation 40.1

As part of the Strategic Plan (recommendation 39.1), the SFPD should develop a strategic community policing plan that identifies goals, objectives, and measurable outcomes for all units.

Recommendation 40.2

As part of recommendation 39.3, the SFPD should direct the Strategic Planning Steering Committee to develop a strategic plan within six months of the issuance of this report that clearly defines the following:

- *The department's vision, mission, and values statements. Once these statements are in place, the committee should establish agency-wide objectives and individual goals as the guiding principles that codify the SFPD's collective beliefs.*
- *The department's strategic framework for the planning process. This framework will ensure that the process results in a plan that supports the coordination of priorities and objectives across individuals, work groups, and key operating divisions.*
- *The department's strategy to engage the community, obtain community input, and develop support for the plan and its success.*
- *The department's strategy to drive the plan down to the officer level by creating objectives that allow for individual goals that contribute to the overall plan.*
- *The department's measurement processes for individual performance and participation towards accomplishing departmental goals.*

Recommendation 40.3

As part of its plan, the SFPD should consider the role of the beat and its place within its priorities. Prioritizing beat-aligned policing would require some realignment of dispatch priorities and directed patrol.

Recommendation 40.4

The SFPD should evaluate whether implementation of foot patrol and bicycle patrol would bridge the trust gap and effectively solve crime problems in San Francisco's communities.

Recommendation 40.5

The SFPD should develop specific measurable goals for community policing engagement within six months of the issuance of this report and ensure these measurements are incorporated into the department's CompStat processes.

Recommendation 40.6

The SFPD should develop and implement a community policing practices review and development process within 90 days of the issuance of this report so SFPD units can collaborate regarding community policing efforts.

Recommendation 40.7

The SFPD should develop strategic partnerships on key community issues such as homelessness and organizational transparency to work in a collaborative environment to problem solve and develop co-produced plans to address the issues.

Recommendation 40.8

The SFPD should publish and post its annual review of progress toward the community policing goals and objectives.

Finding 41

The SFPD's community policing order Department General Order 1.08 – Community Policing (effective 9/28/11) and its Community Policing and Problem Solving manual are out of date and no longer relevant.

These overarching directives do not sufficiently reflect the vision, plan, or goals of the SFPD with regard to community policing. They need to be updated and maintained as living documents that guide the community policing activities of the organization.

Recommendation 41.1

The SFPD should work with the newly convened Strategic Planning Steering Committee (recommendation 40.2) to draft a new community policing and problem solving manual for SFPD members within 12 months of the issuance of this report

Recommendation 41.2

The SFPD should work with the Police Commission to draft a new community policing order that reflects the priorities, goals, and actions of the department.

Finding 42

The SFPD conducts community policing in silos but does not ensure community policing is systematically occurring across the department.

Without an overall strategy, the SFPD's community policing activities represent only a collection of programs aimed at engaging with the community. Some SFPD district captains are creatively engaging the community and identifying promising practices; however, by not systematically identifying these

practices they are working in silos. Every unit in the SFPD must have a community policing plan that is measurable and also coordinates with, supports, and is accountable to the organizational strategic plan. Ensuring that the whole of the organization is actively engaged with the community supports community policing goals, develops a culture that is consistent with true police-community partnerships, and allows the department to more effectively respond to community needs.

Recommendation 42.1

The SFPD should continue to grant district captains the authority to serve the diverse populations represented in their districts within the tenets of community policing. However, the department needs to provide structure and support to these initiatives in accordance with the proposed strategic community policing plan.

Recommendation 42.2

The SFPD should create an overall structure to manage the department's approach to community policing driven by a committee of senior leaders and district captains.

Recommendation 42.3

The SFPD should recognize those district captains engaged in best practices and use them as peer trainers for other captains.

Recommendation 42.4

The SFPD should provide information technology support to districts to help develop newsletters that are easily populated and more professional in appearance. Creating a uniform newsletter architecture and consistent format that allows for easy data and content uploading would create efficiencies and help develop a greater sense of community.

Finding 43

The SFPD engages in a range of successful activities, programs, and community partnerships that support community policing tenets, particularly those coordinated through the Youth and Community Engagement Unit.

The SFPD partners on a variety of projects and is to be commended. As the department expands its work with the local communities, it must continue to ensure cultural sensitivity to projects it is implementing and when seeking to partner with additional members of the community. Public perception and community customs need to be at the forefront of the decision process.

Recommendation 43.1

The SFPD should continue to actively support the programs aimed at community engagement, including Coffee with a Cop, the San Francisco Police Activities League, San Francisco Safety Awareness for Everyone, and The Garden Project.

Recommendation 43.2

The SFPD should expand its partnership with and further support neighborhood organizations that work to provide art, sports, educational, and leadership development opportunities for young people in the community.

Recommendation 43.3

The SFPD should consider reinvigorating its community police academy program to educate the community about the department's policing practices. The training should range from basic police orientation to ride-alongs with district police officers.

Recommendation 43.4

The SFPD needs to reach out to members of activist groups and those groups who are not fully supportive of the department to seek to develop areas of mutual concern and work towards trust building and resolution of shared issues.

Finding 44

The Professional Standards and Principled Policing Bureau's mission, role, and responsibilities as they relate to community policing are not clearly defined or implemented.

In the absence of structured goals and objectives, the Professional Standards and Principled Policing Bureau has little influence in guiding the community policing-related activities.

Recommendation 44.1

The chief of police should give the deputy chief of Professional Standards and Principled Policing Bureau the responsibility of advancing community policing throughout the entire department and the communities of San Francisco.

Recommendation 44.2

The chief of police should empower the deputy chief of the Professional Standards and Principled Policing Bureau to create a strategy and plan to implement, with urgency, the Final Report of the President's Task Force on 21st Century Task Force *recommendations contained in Pillar Four and the recommendations in the CRI-TA assessment.*

Recommendation 44.3

The SFPD should adequately resource the Professional Standards and Principled Policing Bureau to reflect the diversity of the community it serves and the officers of the SFPD in order to effectively coordinate community policing efforts throughout the city.

Recommendation 44.4

The SFPD, through the Principle Policing and Professional Standards Bureau, should engage and support all units by facilitating quarterly meetings among supervisors and managers to discuss cross-organizational goals and community policing plans and outcomes. These meetings should be supported by routine electronic engagement through a shared platform for sharing information.

Finding 45

The SFPD is not focused on community policing efforts across the entire department.

Recommendation 45.1

The SFPD should expand community policing programs throughout the entire agency and ensure each unit has a written strategic plan embracing community policing and measurable goals and progress, regardless of the unit's specialty.

Recommendation 45.2

SFPD leadership should provide short video messages on the importance of the entire agency understanding and embracing community policing.

Recommendation 45.3

The SFPD should consider mandating annual community policing training to the entire agency.

Finding 46

The SFPD does not collect data around community policing nor measure success within community policing functions and programs.

Recommendation 46.1

The SFPD needs to prioritize data collection practices measuring community policing and should consider reinstituting Form 509 or other such instruments to allow for consistency in data collection and reporting.

Recommendation 46.2

The SFPD should regularly assess existing community engagement programs to ensure effectiveness in a framework predicated upon sound measurement practices. Assessments should include input from participants and trusted community partners.

Recommendation 46.3

The SFPD should establish formal mechanisms to measure and support information sharing and the development of shared good practice among SFPD members, particularly district captains.

Recommendation 46.4

The SFPD should create a feedback mechanism for community engagement events to determine efficacy, replicability, and depth of relationship with community partners. A community survey could be one feedback mechanism.

Recommendation 46.5

The SFPD should publish and post any community survey results.

Finding 47

The SFPD does not consistently seek out feedback or engage in ongoing communication with the community relative to its policing practices and how the community perceives its services.

The Bay Area is home to several academic institutions, and a partnership arrangement should be considered not only for the community survey but also as a means to measure overall progress of the department's reform efforts. Such an arrangement would allow for ongoing transparent evaluation of the reforms that have been publicly promised to the residents of San Francisco.

Recommendation 47.1

The department should conduct periodic surveys to measure whether the SFPD is providing fair and impartial treatment to all residents and to identify gaps in service (see recommendation 46.5).

Recommendation 47.2

The department should create easy points of access for community feedback and input, such as providing "community feedback" or "talk to your captain" links on its website and social media pages.

Recommendation 47.3

The role of the Director of Community Engagement should be aligned with organizational communication and outreach to enhance overall messaging and community awareness of the SFPD's community policing initiatives and ongoing programs.

Finding 48

The SFPD needs to develop a robust, broad-based community forum for input on policing priorities across all communities.

Recommendation 48.1

The chief's community forum groups—African American, Arab American, Asian Pacific Islander, Business, Hispanic, Interfaith, LGBT, Young Adults, Youth, and Youth Providers—need to be re-established and structured to engage in problem solving and action regarding issues affecting the groups they represent.

Recommendation 48.2

The department needs to develop an annual reporting and measurement process of the issues raised at the forum and the progress made by the group in resolving them.

Finding 49

Many in the SFPD lack an understanding of current and emerging community policing practices such as procedural justice.

Recommendation 49.1

The SFPD should ensure that all department personnel, including civilians, undergo training in community policing as well as customer service and engagement.

Recommendation 49.2

Consideration should be given to using Field Training Officers to help develop and deliver training in the field regarding key community policing concepts as a way to augment and expand the training currently provided at the Training Academy.

Recommendation 49.3

The SFPD's training needs to expand beyond traditional community policing and include the foundation and concepts of procedural justice as related concepts.

Finding 50

The SFPD does not require agency personnel to read the *Final Report of the President's Task Force on 21st Century Policing*.

Recommendation 50.1

The SFPD should require all agency personnel to read the Final Report of the President's Task Force on 21st Century Policing.

Recommendation 50.2

The SFPD should encourage supervisors and captains to continue conversations on the Final Report of the President's Task Force on 21st Century Policing *through roll calls, in-service training, and community meetings.*

Finding 51

Training curricula do not address the complex emerging community issues in the current law enforcement environment.

Recommendation 51.1

The SFPD should provide procedural justice and explicit and implicit bias training to all department personnel including civilian staff. This training should become a permanent part of the Academy's curriculum and should be reviewed with each officer during the department's annual officer training sessions.

Recommendation 51.2

The SFPD should engage in peer-to-peer training exchanges for exposure to other departments' training curricula to identify areas for potential improvement. Areas of focus should include de-escalation training, use of force training with a focus on the sanctity of life, impartial policing, and procedural justice.

Finding 52

The SFPD has not fully engaged with all institutional and community partners to coordinate service provision to the homeless community.

Significant amounts of SFPD resources are directed at responding to issues involving the homeless community. The SFPD needs to assess and ensure that these resources are being used to their greatest value.

Recommendation 52.1

The SFPD should review and strategically align resources to support the Homeless Outreach Teams, which are currently providing service to the homeless community.

Recommendation 52.2

The SFPD should engage with the City and County of San Francisco to conduct joint strategic planning with all of its appropriate federal, state, and local partners to clearly define roles, responsibilities, and goals in continuing to address the issue of homelessness and ensure a more consistent and coordinated response to the needs of this growing segment of the city's population.

Recommendation 52.3

The SFPD should engage in data collection and analysis to measure the effectiveness of strategies aimed at all community policing issues, particularly its response to the homeless community. The analysis should be part of an ongoing review and publication and reflect the commitment to greater transparency and community engagement.

Finding 53

The SFPD does not incorporate the tenets of community policing in its evaluation of employee performance.

The President's Task Force on 21st Century Policing has recommended that law enforcement culture adopt a "guardian" mindset, which means strengthening the department's resolve to engage proper exercise of discretion and authority.

Recommendation 53.1

Performance evaluations should include officers' behaviors and efforts to meet the SFPD's community policing goals of community engagement, positive police-community interaction, and problem resolution. Establishing consistent performance evaluations is covered under recommendation 79.1.

Finding 54

The SFPD does not have multi-levels of awards and recognition that reward organizational values and goals, such as community engagement and recognition, discretion under duress, and strategic problem solving.

Rewarding behaviors and actions that reflect the values of a guardian mindset is one way to institutionalize the department's community policing goals.

Recommendation 54.1

The SFPD should support and recognize proper exercise of power and authority with good community outcomes in addition to traditionally recognized acts of bravery.

Recommendation 54.2

The SFPD should implement department-wide recognition for an officer of the month as one way to begin to advance a culture of guardianship and reward good community policing practices.

Finding 55

The SFPD is not transparent around officer discipline practices.

During the community listening sessions and interviews with community members, there was a consistently stated belief, especially in the African-American and Hispanic communities, that officers are not held accountable for misconduct.

Recommendation 55.1

The SFPD should expand its current reporting process on complaints, discipline, and officer-involved shootings to identify ways to create better transparency for the community regarding officer misconduct.

Recommendation 55.2

Consistent with the current practice on Early Intervention System data, the SFPD should develop and report aggregate data regarding complaints against Department members, their outcome, and trends in complaints and misconduct for both internal and external publication.

Finding 56

The SFPD does not engage in community outreach and information regarding the discipline process and rights of the community.

The absence of information and education about the complaint system and its outcome contributes to the negative perceptions of the SFPD by residents.

Recommendation 56.1

The SFPD should work with the OCC and Police Commission to minimize obstacles to transparency as allowed by law to improve communications to complainants and the public regarding investigation status, timeliness, disposition, and outcome.

Recommendation 56.2

The SFPD should allocate appropriate staff and resources to enhance community outreach initiatives and to incorporate customer service protocols for periodic follow-up and status communications with complainants for the duration of their open cases.

Recommendation 56.3

The SFPD should work with the OCC to facilitate the same actions and outreach to the community as best suits the independence of the OCC.

Recommendation 56.4

The SFPD should ensure that the OCC public complaint informational materials are readily available in the community and in particular prominently displayed in district stations for access by the public. These materials should be designed to educate the public about confidentiality limitations on sharing investigative information to inform residents of the type of feedback they may reasonably expect, and they should be provided in multiple languages.

Recommendation 56.5

The SFPD should work with the OCC and the Police Commission to conduct community workshops on the complaint process and the roles and responsibilities of each agency relative to the overall process within nine months of the issuance of this report.

Recommendation 56.6

The SFPD should encourage the OCC and IAD to identify obstacles that interfere with optimal complaints investigations and accountability, with a goal of implementing changes to better support their intended missions.

Finding 57

The SFPD does not provide leadership in its role with respect to complaints against SFPD personnel.

Promising practices emphasize the role of effective investigation of complaints in building community trust. Procedural justice informs us that members of the public are more likely to trust law enforcement agencies when they believe their issues are handled with dignity and respect.

Recommendation 57.1

The SFPD needs to update its policies and educate personnel to appropriately recognize the importance of the first interaction between police personnel and members of the public who have complaints against the police.

Recommendation 57.2

The SFPD should institutionalize the process of explaining and assisting community members who file complaints against officers.

Recommendation 57.3

The SFPD should ensure that all personnel are trained and educated on the public complaint process and the location for the appropriate forms.

Recommendation 57.4

The SFPD should develop "next steps" and "know your rights" handouts for complainants who file complaints at department facilities.

Finding 58

The SFPD does not have a tracking system for complaints received at a district station.

Recommendation 58.1

The SFPD should establish a record system for ensuring that complaints received at a district station are forwarded properly and in a timely matter to the OCC. E-mail and fax should be considered for ensuring delivery and creating a record.

Finding 59

SFPD Internal Affairs Administrative Investigations and Internal Affairs Criminal Investigations are not effectively collaborating.

In meeting with members of IAD, the team learned that there was a lack of clarity as to roles within IA Criminal and IA Administrative, and unit members often felt that they did not have sufficient direction. Members of IAD acknowledged that they seldom meet to discuss investigations or common issues such as how to develop an effective database for case management and archival purposes. They also referenced a lack of administrative and technical resources, especially data systems, as impediments to the effective and efficient performance of their duties. However, absent protocols field assignments are subject to variance, and therefore so is the overall focus and quality of the investigative process.

Recommendation 59.1

Members, including investigators, of the IA Administrative Unit and IA Criminal Investigations Unit should meet regularly to discuss processes, practices, and the flow of assigned cases to ensure that administrative violations are timely and properly addressed.

Finding 60

Internal Affairs case tracking is insufficient to ensure the timely progression of investigations and achieving key deadlines.

Recommendation 60.1

The SFPD and OCC should jointly develop a case tracking system with sufficient security protections to assure independence that would identify each open investigation, where it is assigned, and the date the case expires for the purposes of compliance with California Government Code Section 3304(d)1, which requires the completion of an administrative investigation into misconduct within one year of the agency discovery.

Recommendation 60.2

The SFPD and OCC should establish an investigative protocol within 120 days of the issuance of this report that allocates specific time parameters for accomplishing investigative responsibilities and transfer of cases if criminal allegations are made against SFPD officers.

Recommendation 60.3

Supervisors should be held accountable for ensuring timely transfer of cases to SFPD Internal Affairs Administrative Investigations from SFPD Internal Affairs Criminal investigations when appropriate.

Finding 61

The SFPD's Internal Affairs Division does not have standard operating procedures or templates for investigation reporting.

By not having specific protocols and templates, miscommunication is occurring with the investigations.

Recommendation 61.1

The SFPD should develop a Standard Operating Procedures Manual detailing the scope of responsibility for all functions within the IAD. Standard operating procedures should provide guidance and advice on conflict reduction, whether internal or external to the SFPD.

Recommendation 61.2

The SFPD must establish clear responsibilities and timelines for the progression of administrative investigations, and supervisors should be held to account for ensuring compliance.

Finding 62

Files stored with the SFPD's Internal Affairs Division are secured, but compelled statements are not isolated.

During the file reviews, the assessment team did not find any compelled statements isolated.

Recommendation 62.1

The SFPD needs to establish standard operating procedures for maintaining file separation and containment of criminal investigations. This is critical to ensuring that officers' rights are protected and that criminal investigations can be fully investigated.

Finding 63

The SFPD does not fully support members performing internal affairs functions.

SFPD officers identified a department culture that is hostile and in some cases detrimental to the accountability role of the IAD, thereby limiting the effectiveness of the process.

At present, the culture of the SFPD is not directed toward building an environment of accountability. Policies are disregarded, and investigations are not robust. The lack of coordination between institutional partners for investigations is a real challenge to building trust within the community. Even IAD members perceive a lack of support from the department as a whole. According to these members, not all SFPD line officers and supervisors support the need for internal investigations in ensuring transparency and building effective community relationships. IAD personnel reported arriving at a district to interview an officer and encountering district personnel, including supervisors, who would protect or conceal the officer from the investigators. From the perspective of leadership and management communications, all SFPD members need to feel valued and supported by the organization. Internal Affairs should be seen as a rewarding assignment, one that is valued by the organization.

Recommendation 63.1

The SFPD should clearly define the authority of IAD and reinforce that cooperation and collaboration with IAD is mandatory.

Recommendation 63.2

The SFPD should continue to implement the tenets of procedural justice and ensure training include instruction on the importance of the IAD's functions to the integrity of the department and connection to the community.

Recommendation 63.3

SFPD leadership should demonstrate its support of the IAD's role and responsibility within the department and provide recognition and support for good investigative practices.

Finding 64

The SFPD does not routinely collaborate with the Office of Citizen Complaints.

The transparency of the complaint and disciplinary process is negatively affected by the working relationship between SFPD IAD and OCC. The lack of engagement undermines the effectiveness of both in fulfilling their respective roles and responsibilities. Issues with respect to information sharing between the two entities, timeliness of complaint investigations, and bases for recommending progressive discipline potentially impede the investigative and adjudication processes, potentially eroding the overall integrity of the public complaint resource.

Recommendation 64.1

The SFPD should convene a joint review process within 90 days of the issuance of this report, co-chaired by OCC and SFPD senior staff, to evaluate existing complaint and disciplinary processes, policies, and liaison relationships to enhance trust and legitimacy around these issues.

Recommendation 64.2

The SFPD should immediately accept OCC's recommendation, as reported in the First Quarter 2016 Sparks' Report, to convene quarterly meetings between OCC staff and SFPD staff.

Recommendation 64.3

The SFPD should seek to improve interagency communications and identify ways of improving collaboration on investigative practices to ensure timely conclusion of investigations, shared information on prior complaints and finding of misconduct, and appropriate entry of discipline, designed to improve the overall discipline system that holds officers to account.

Recommendation 64.4

The SFPD should work with OCC to develop standards within 120 days of the issuance of this report regarding timeliness of complaint investigations, and consistency of investigative findings and practices to ensure progressive discipline is appropriately recommended.

Recommendation 64.5

The SFPD should engage with OCC to ensure that the classification for complaints and their findings are reported consistently between the two agencies to ensure better transparency.

Finding 65

The SFPD does not sufficiently analyze Office of Citizen Complaints reports and analyses of its complaints, investigations, and case dispositions.

This information is shared with the SFPD and largely available publicly on the OCC website. However, the SFPD rarely uses complaint information or aggregated data to inform change management priorities in areas such as professional conduct, community and police relations, training, and policy.

Recommendation 65.1

The SFPD should develop a department-internal priority to regularly review and analyze OCC complaint reporting to identify priorities for intervention in terms of workforce culture, training, policy clarification, or leadership development.

Recommendation 65.2

The SFPD should raise district captains' awareness of this information by requiring IAD to present a trends analysis report of OCC case activity, emerging issues, and concerns at CompStat meetings every quarter.

Finding 66

The SFPD is not required to take action on the recommendations put forth in the Office of Citizen Complaints Sparks Report.

OCC provides the Sparks Report quarterly to the Police Commission. The Sparks Report provides recommendations on policy and revisions.

Recommendation 66.1

The SFPD should meet with OCC on a quarterly basis following the release of the Sparks Report to discuss the recommendations.

Recommendation 66.2

The SFPD should make it mandatory for the Professional Standards and Principled Policing Bureau to review the Sparks Report and direct action where appropriate.

Recommendation 66.3

The SFPD should provide twice-yearly reports to the Police Commission regarding actions resulting from the Sparks Report, including whether the OCC recommendation is supported and a timeline for implementation or correction to existing practice and policy.

Finding 67

The SFPD does not analyze trends in complaints, situations that give rise to complaints, or variations between units or peer groups in relation to complaints and misconduct.

In part, this is because the SFPD does not have appropriate data systems to allow for data-led management and policing decisions.

Recommendation 67.1

The SFPD must work to develop practices that measure, analyze, and assess trends in public complaints and employee misconduct.

Recommendation 67.2

Supervisors should be provided with quarterly reports that integrate individual actions, as is currently reported by the Early Intervention Systems Unit, with aggregated information that provides complaint and misconduct data trends for the watch, district, and city.

Finding 68

The SFPD has poor data collection and analysis, which significantly impacts effective overall organization management and accountability.

The technology in the SFPD requires significant updating. However, poor data collection practices, including lack of supervisory review and accountability for improperly completed reports and form sets, contributes to the poor data environment.

Recommendation 68.1

As part of its technological capacity improvement strategy, the SFPD should develop a plan to advance its capacity to digest information it currently possesses in a consistent, easily accessible format such as a template containing key data points including officer performance indicators and crime indicators that could provide management with real-time information to inform their practice.

Recommendation 68.2

Supervisors and officers who fail to properly collect and enter information must be held accountable through discipline. Absent proper collection of data, little to no analysis can occur.

Recommendation 68.3

The SFPD should increase transparency by collecting and providing data, policies, and procedures to the public in multiple languages relevant to the local community through official SFPD website and municipal open data portals.

Finding 69

The SFPD does not consistently apply the principles of procedural justice.

Recommendation 69.1

SFPD leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. The Police Commission, OCC, IAD, and POA leadership should be partners in this process.

Albeit conclusions are drawn from a small sample, the assessment team is concerned that in review of some investigations, the officers who received discipline were primarily ethnic or racial minorities or women. In an organization where very few officers received suspensions for misconduct, this discrepancy stood out.

Recommendation 69.2

The SFPD should task a committee to review internal discipline on a quarterly basis to assure the fairness and impartiality of the process overall and particularly to ensure that there is not bias in determination and application of discipline. This analysis should be multi-levelled to include aggregate data, trend analysis, and outcome impact on officer demographics including prior discipline and adherence to the discipline matrix.

Recommendation 69.3

The SFPD should report annually to the Police Commission the analysis of discipline including officer demographics and prior discipline histories.

Finding 70

The process to update Department General Orders is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues.

As a result, many of the Department General Orders are from the mid-1990s and do not fully reflect current policing practices.

Recommendation 70.1

The SFPD should work with the Police Commission to develop a nimble process for reviewing and approving existing and new Department General Orders that supports policing operations with codified, transparent policies.

Recommendation 70.2

The SFPD should commit to updating all Department General Orders in alignment with current laws and statutes, community expectations, and national best practices every three years.

Recommendation 70.3

Prior to promulgation of policies and procedures, the SFPD should ensure that comments are sought from members and units most affected by any practice, policy, or procedure during the initial stages of development.

Recommendation 70.4

Input and review from external stakeholders must be completed before implementation of the practice, policy, or procedure.

Finding 71

The SFPD does not have an effective process for the development and distribution of Department General Orders and Bulletins.

Clearly articulated policies are needed to help SFPD personnel make the right decisions.

Recommendation 71.1

The SFPD needs to work with the Police Commission to create a process to make timely and necessary updates to key policies.

Recommendation 71.2

The SFPD should develop a general order review matrix predicated upon area of risk, operational need, and public concern to allow for timely update and review of prioritized orders.

Finding 72

Department Bulletins are used as a workaround for the Department General Order approval process.

Recommendation 72.1

The SFPD should present all Department Bulletins that substantively change or countermand a Department General Order to the Police Commission before implementation and publish them on their website after approval is received.

Recommendation 72.2

All Department Class A Bulletins and any Department Bulletin that modifies an existing Department General Order should be posted on the SFPD's website.

Recommendation 72.3

The SFPD should limit the use of Department Bulletins to short-term direction and eliminate the authority to continue a Department Bulletin after two years.

Finding 73

The SFPD does not have an effective mechanism for determining whether an officer has accepted a policy and therefore could be held to account for its provisions.

Recommendation 73.1

The SFPD should develop a mechanism by which to track when a Department General Order or Department Bulletin has been accessed and acknowledged by a SFPD member.

Recommendation 73.2

Once a mechanism is established, the SFPD should create a protocol for notification, noncompliance, and accountability.

Finding 74

The SFPD does not provide sufficient training, supervision support, and guidance when releasing new Department Bulletins.

Training is critical, particularly when associated with risk issues such as use of force, bias, stop and seizure. It was rare that any training accompanied new policies outlined in Department Bulletins, as evidenced in the

lack of training development before the introduction of the mandatory requirement to carry the 36-inch baton.

Recommendation 74.1

The SFPD should conduct a thorough and structured approach when creating new policies and procedures via Department Bulletins.

Recommendation 74.2

The SFPD should ensure that Bulletins are accompanied by appropriate training, supervision, and consistent reinforcement of the intended purpose of the policies.

Finding 75

The SFPD does not devote sufficient administrative or command-level resources to the process of creating, implementing, maintaining, and updating Department General Orders and Bulletins.

The team found that Department Bulletins updating provisions within Department General Orders were repeatedly renewed to meet the two year sunset, often without receiving any substantive updates and in place of addressing the issue within the appropriate Department General Order.

Recommendation 75.1

The SFPD should task the Principled Policing and Professional Standards Bureau with overall responsibility for development, maintenance, training, and implementation planning for Department General Orders.

Recommendation 75.2

The Written Directives Unit should be tasked to work with subject matter experts from OCC and the Police Commission to ensure policies are adopted in a timely manner and appropriately updated.

Recommendation 75.3

The Written Directives Unit should be sufficiently staffed with personnel and resources to enable the unit to function as the project managers for Department General Orders at the direction of the Police Commission.

Finding 76

Although the SFPD internally provides Department General Orders and Department Bulletins that are electronically available, the documents are not easily accessible.

Absent an easily cross-referenced system, particularly one where Department Bulletins can supersede a Department General Order, policy failure or incorrect action can occur.

Recommendation 76.1

Department General Orders and Department Bulletins should be stored in a searchable digital central repository for ease of access by officers and for administrative purposes.

Recommendation 76.2

The SFPD should provide department members access to an online electronic system for Department General Orders and Department Bulletins to provide timely updates, cross-referencing, and reporting and monitoring capabilities for managers.

Finding 77

The SFPD does not conduct routine, ongoing organizational audits, even where such practices are established in policy.

Recommendation 77.1

The SFPD should prioritize auditing as a means to ensure organizational accountability and risk management and develop mechanisms to support such practices.

Recommendation 77.2

The SFPD should develop an auditing plan and schedule for both routine and risk audits within 90 days of issuance of this report. Staffing, resources, and training need to be allocated to the process to ensure an active and robust auditing schedule.

Finding 78

The SFPD does not engage in any outside evaluations of its practices, data, or reporting.

Recommendation 78.1

The SFPD should consider partnering with local academic institutions to evaluate its reform program, particularly as it seeks to implement the recommendations in this report.

Finding 79

Evaluation of employee performance is not an institutionalized practice in the SFPD.

SFPD personnel interviewed did not recall having or conducting a performance evaluation within the department.

Recommendation 79.1

The SFPD should adopt a policy and implement the practice of completing regular performance evaluations of all department employees tailored to goals and objectives, job functions, and desired behavior and performance indicators.

Recommendation 79.2

SFPD leadership needs to create a system to ensure that all personnel are being evaluated at least twice a year.

Recommendation 79.3

The SFPD should use performance evaluations as an evaluation factor in promotions.

Finding 80

The SFPD does not have internal protocols for collaboration with regard to criminal investigations conducted by the district attorney or the United States Attorney's Office for the Northern District of California.

Police misconduct uncovered during any type of covert investigation should be reported pursuant to established protocols and protect the integrity of the investigating officers. In situations with shared areas of jurisdiction or responsibility for officer conduct, there should be protocols for roles and responsibilities for all partners.

Recommendation 80.1

The SFPD should create a policy governing the reporting of criminal activity and administrative misconduct uncovered during any type of covert investigation. Such policies will prepare the department for complex legal situations with multijurisdictional responsibilities for either criminal or administrative investigations into officer conduct.

Recommendation 80.2

Clear communication protocols, responsibilities, and roles need to be established among the key partners responsible for investigations into criminal conduct and address administrative misconduct by officers.

Recommendation 80.3

The SFPD should develop clear and defined policies and protocols to address reporting and confidentiality requirements for officers investigating criminal activity and administrative misconduct of other police officers uncovered during any type of investigation.

Finding 81

Despite a relatively good record in hiring diverse candidates, perception remains in the community that the SFPD seeks to eliminate diverse candidates from its hiring pool.

A lack of community engagement perpetuates this perception over hiring requirements.

Recommendation 81.1

The SFPD should clearly articulate its hiring and background standards as a matter of building community trust and ensuring applicants are prepared.

Recommendation 81.2

The SFPD should publish annual statistics on the demographics of applicants for each stage of the hiring process.

Recommendation 81.3

The SFPD should develop and implement applicant tracking and hiring data collection and reporting procedures to capture information such as

- *recruitment sources for applicants who are hired and not hired;*

- *whether applicants are the result of personal referral, Internet, career center, print media, job fair, community or other outreach event, school career center, radio, television, outplacement service, or social media;*
- *passage rate by gender, race, and ethnicity for each major selection hurdle including written test, physical abilities, oral interview, polygraph, psychological assessment, hiring panel, and medical;*
- *selection rates by race, gender, and national origin;*
- *attrition rates by race, gender, national origin, and phase in training.*

Finding 82

The SFPD does not fully engage its applicants throughout the hiring process.

Given the lengthy and intensive process for hiring, the SFPD needs to develop a program for engaging quality candidates early on and keeping them interested in and involved with the department.

Recommendation 82.1

The SFPD should develop an active social media and website presence to entice qualified candidates and keep them engaged throughout the application process.

Recommendation 82.2

The SFPD should consider creating information boards and "applicant only" websites and providing ongoing updates and department information to applicants during the hiring process.

Finding 83

The SFPD is not administering a physical ability test (PAT)

The SFPD sought to update or eliminate the PAT requirement to repeatedly pull a firearm trigger. As a result, the entire PAT must be redesigned and validated. As of the date of this report, the PAT is not part of the selection process and was therefore not a part of the assessment. However, a selection process that does not include a physical abilities test is not optimal because physical skills are important for police officers. PATs are supposed to ensure a police officer's ability to perform effectively and simulate police officer work. However, some elements of the test for SFPD applicants may be outdated and inconsistent with emerging practices.

Recommendation 83.1

The SFPD should work with City HR to reinstitute a valid PAT that is aligned with current policing and state POST requirements within 180 days of this report.

Recommendation 83.2

The SFPD should continuously evaluate the PAT process to ensure no unintended impact for any of the diverse candidates it seeks to hire.

Finding 84

SFPD recruitment and hiring practices are disjointed.

The SFPD currently has three separate units within two bureaus that handle recruitment and hiring practices, each reporting to different organizational chains of command. The SFPD's recruitment and hiring functions are spread across two different bureaus and several chains of command. The Professional Standards and Principled Policing Bureau oversees the Recruitment Unit, which has the responsibility to market the department to attract qualified, diverse candidates.

Thereafter, SFPD's Administration Bureau, under the command of a deputy chief, has primary responsibility for the majority of the functions related to the hiring process and training recruits. The Background Investigation Unit, a component of the Staff Services Division of the Administration Bureau, is responsible for investigating and adjudicating the backgrounds of employment applicants.

The Personnel Unit of the Staff Services Division of the Administration Bureau is responsible for human resources functions including the appointment and processing of new hires, promotions, and separations. Finally, the Training and Education Division of the Administration Bureau is responsible for all formalized training functions for the Department and includes the Academy, the Field Training Office, the Office of Education and Training, and the Firearms Range.

Each of these units, divisions, and bureaus plays a critical role in advancing diversity in the SFPD. However, by splitting up the chains of command, recruitment and hiring practices become disjointed.

Recommendation 84.1

The SFPD should reorganize its recruitment and hiring practices under one bureau to provide cohesion and ensure resources are strategically used toward recruiting and hiring goals.

Recommendation 84.2

The SFPD should establish a recruiting and hiring committee to continuously improve and streamline processes for applicants. The process should be as user-friendly as possible.

Finding 85

The SFPD's Recruitment Unit has implemented an active recruitment program focused on diversity and targeted recruiting throughout San Francisco but does not measure or validate the effectiveness of their outreach and events.

Recommendation 85.1

The SFPD should continue supporting and overseeing this initiative and ensure the Recruitment Unit continues to implement best practices for recruitment, training, and outreach to improve diversity and cultural and linguistic responsiveness of the SFPD.

Recommendation 85.2

The SFPD should consider assigning more resources, by way of community outreach and recruiting officers, to further engage underrepresented communities.

Recommendation 85.3

The SFPD should expand its community partnerships and outreach to create a community ambassador program to identify and train community leaders to aid in the SFPD's recruitment process.

Recommendation 85.4

The SFPD should explore approaches to measure or validate the effectiveness of their recruitment outreach and events. The SFPD could do a community satisfaction survey or conduct GIS analysis to see whether all communities have access to these events.

Finding 86

The Background Investigation Unit is staffed by part-time investigators and is comprised of a mix of modified duty officers and retired officers.

Recommendation 86.1

The SFPD should staff the Background Investigation Unit with full-time investigative personnel who have the required training and requisite experience and who are invested in the area of investigations.

Recommendation 86.2

The SFPD should ensure that there is diversity within the investigators that comprise the Background Investigation Unit.

Finding 87

The Background Investigation Unit lacks valid performance measures to evaluate background investigators.

Recommendation 87.1

The Background Investigation Unit should continue the process of developing and implementing performance measures to evaluate the unit's investigators in terms of outcomes such as length of investigations, timeliness of investigations, numbers of contacts with the applicant, consistency of investigative approach, and hiring recommendations.

Recommendation 87.2

The SFPD should evaluate the overall background investigation process including the demographics of candidates interviewed and progressed for hiring decisions.

Finding 88

Gender, racial, and ethnic minority recruits were terminated at a higher rate from recruit training than White male recruits.

Gender, racial, and minority candidates accounted for 68.1 percent of all recruit terminations.

Recommendation 88.1

The SFPD should conduct ongoing review and analysis of release rates and their impact on diversity and identify mitigation measures to support the success of diverse candidates.

Recommendation 88.2

The SFPD should evaluate why recruits are failing and develop additional training mechanisms to assist recruits in successfully completing California POST requirements.

Recommendation 88.3

The SFPD should evaluate whether orientation for recruits has positively impacted disproportionate termination rates related to Emergency Vehicle Operations Training failure. If not, the SFPD should identify other strategies to assist recruits.

Recommendation 88.4

The SFPD should continually audit and review each phase of the hiring process to ensure there are no unintended consequences that limit the advancement of its diversity goals.

Finding 89

The SFPD lacks a strategic plan for diversity including recruitment, retention, and advancement.

The SFPD is to be commended for its diversity in overall staffing.

Recommendation 89.1

As part of the Strategic Plan (recommendation 39.1), the SFPD should develop a comprehensive diversity strategic plan that articulates the department's vision and commitment to organization-wide diversity initiatives including recruiting, hiring, and retaining a diverse and high-performing workforce. For this recommendation, the diversity strategic plan should

- *identify specific diversity recruiting priorities that are informed by empirical data that identify areas of underrepresentation;*
- *identify specific recruiting activities and targets for diversity recruiting emphasis;*
- *establish specific responsibilities for implementing and supporting action items for diversity program staff;*
- *establish performance measures to track progress, solidify commitment, and ensure accountability across the organization for diversity in all ranks and units.*

Finding 90

The SFPD does not have representative diversity within all its ranks in the organization, especially in the supervisory and leadership ranks.

Through visible commitment to diversity at all ranks of the department, the SFPD can establish itself as a welcoming organization for all communities.

Recommendation 90.1

The SFPD should regularly and systematically capture and report the demographic composition of its supervisory, management, and senior leadership ranks to establish an ongoing mechanism to conduct comparative analyses against the overall workforce composition.

Recommendation 90.2

The SFPD should commit to ensuring transparency and diversity in key assignments predicated on advancing and developing a talented and diverse pool of leaders.

Finding 91

The promotion process is not transparent.

The lack of transparency has created a level of distrust of the process in segments of the department.

Recommendation 91.1

The SFPD should increase the level of transparency of the promotion process and should clearly outline the qualifications required to advance for promotion.

Recommendation 91.2

The SFPD should consider providing feedback to unsuccessful candidates for promotion as a means of advancing institutional knowledge and performance improvement.

Recommendation 91.3

The SFPD should ensure that there is diversity on the panel that oversees promotions and should consider adding community members or outside observers (or both) to the panel.

Finding 92

The SFPD does not require the *Final Report of the President's Task Force on 21st Century Policing* as required reading for the promotional exam.

Recommendation 92.1

The SFPD should require the Final Report of the President's Task Force on 21st Century Policing *as reading for all promotions.*

Recommendation 92.2

The SFPD needs to require this assessment report as reading for all promotions.

Finding 93

The SFPD's Police Employee Groups (PEG) have a perception that their input and contributions to the department are not seriously considered.

Recommendation 93.1

The SFPD and the Police Employee Groups should look for ways to better institutionalize and incorporate their input into department operations where appropriate. Opportunities may include using members of the PEGs to

- *serve on department panels and committees;*
- *help address issues of bias as part of the department's ongoing training by bringing forth their experience and perspective;*
- *work as community ambassadors for community members or as recruiters for hiring;*
- *address areas of institutional practices that could be considered biased.*

Finding 94

The SFPD does not maintain, analyze, or use data to support and forecast human resource needs, including diversity staffing, succession, or basic demographics.

The SFPD cannot readily identify basic demographic data on its employees or readily access training records, separation records, and other human resource data for analysis and development in the department.

Recommendation 94.1

The SFPD should identify its data needs for personnel and human resource analysis, including organizational diversity, succession and forecasting, training records, and separation data. The collection of data should allow the agency to conduct a barrier analysis.

Recommendation 94.2

The SFPD should prioritize the personnel and human resource data to better inform and support management decisions and practices.

Appendix B. Background on San Francisco

The San Francisco Police Department (SFPD) serves the City and County of San Francisco, a consolidated city-county covering 47 square miles at the northern tip of the San Francisco Peninsula in northern California. The densely settled city's population of 829,072[232] swells to approximately 950,000 during the business day.[233] Although the Bay Area, as the peninsula and surrounding environs are called, is frequently in the news for its growing high technology and start-up industry, San Francisco's economy also depends on tourism, financial services, and health care.[234] More than 24 million visitors visited San Francisco in 2015, including 18.9 million leisure visitors and 5.8 million business travelers.[235]

Table B.1. San Francisco demographic data, 2014

Race and ethnicity	Population
American Indian or Alaskan Native	0.2%
Asian	33.3%
Black or African American	5.5%
Hispanic or Latino (of any race)	15.3%
Native Hawaiian or other Pacific Islander	0.4%
White (not Hispanic or Latino)	41.4%
Other/Two or more races	3.9%

Source: American FactFinder, "County: San Francisco County, California." Selected table was "Selected Characteristics of the Native and Foreign-Born Populations."

Demographic data from the 2014 US Census Bureau's American Community Survey reflect a population comprised of 41.4 percent White, 33.3 percent Asian, 15.3 percent Hispanic or Latino (of any race), and 5.5 percent African American (see table B.1 on page 257).[236] Men represent 50.8 percent of residents and the city's median age is 38.6.[237] In 2010 there were 345,811 households, 43.7 percent of which were family households (with an average family size of 3.11). Only 16.0 percent of households, however, included children under age 18.[238]

San Francisco frequently makes national headlines for its rising rents, disparity among income levels, and sizable homeless population. Table B.2 on page 258 lists the top 10 cities in the U.S. with the greatest income disparity as of 2014. As of June 2016, a median one-bedroom apartment rented for $3,590 per month.[239] The median household income for 2014 was $78,378 according to 2014 American Community Survey estimates.[240]

232. American FactFinder, "Place within State: San Francisco city, California." Selected table was "Total Population."
233. U.S. Census Bureau, "Commuter Adjusted Daytime Population: 2006–2010 5-year ACS Table 3."
234. Labor Market Information Division, *San Francisco Bay Area Region's Economy*; Forbes, "The Best Places for Business and Careers: San Francisco, CA."
235. San Francisco Travel Association, "San Francisco Travel Reports Record-Breaking Year."
236. American FactFinder, "County: San Francisco County, California." Selected table was "Selected Characteristics of the Native and Foreign-Born Populations."
237. American FactFinder, "County: San Francisco County, California." Selected table was "Selected Characteristics of the Native and Foreign-Born Populations."
238. Bay Area Census, "San Francisco City and County."
239. O'Brien, "Zumper National Rent Report."
240. American FactFinder, "County: San Francisco County, California." Selected table was "Selected Characteristics of the Native and Foreign-Born Populations."

Table B.2. Top 10 cities with the largest income disparity, 2014

City	20th percentile income	95th percentile income	95/20 ratio
Boston, Massachusetts	$14,942	$266,224	17.8
New Orleans, Louisiana	$11,466	$203,383	17.7
Atlanta, Georgia	$16,057	$281,653	17.5
Cincinnati, Ohio	$10,454	$164,410	15.7
Providence, Rhode Island	$12,795	$196,691	15.4
New Haven, Connecticut	$12,293	$187,984	15.3
Washington, D.C.	$21,230	$320,679	15.1
Miami, Florida	$12,262	$184,242	15.0
San Francisco, California	$26,366	$383,202	14.5
New York, New York	$17,691	$249,609	14.1

Source: Holmes and Berube, "City and Metropolitan Inequality on the Rise."

According to the Brookings Institution, the three California cities of San Francisco, Oakland, and Hayward combined represent the nation's third most financially unequal metro area as measured by comparing the 95th and 20th percentile of household income of other metro areas across the United States.[241] Table B.3 reflects the racial composition of each of these three metro areas. As of 2014, San Francisco residents in the 95th percentile earned $353,486, while those in the 20th percentile earned $31,761.[242] The number of individuals living below the poverty line also reflects this income disparity. According to the American Community Survey for the period 2006–2010, there were 92,600 individuals, or 11.9 percent of the population, living below the poverty line in San Francisco.[243]

Table B.3. Racial composition across the metro Bay Area, 2014

Race	San Francisco, California	Oakland, California	Hayward, California
American Indian or Alaskan Native	0.2%	0.4%	0.3%
Asian	33.3%	16.4%	23.6%
Black or African American	5.5%	25.6%	11.2%
Hispanic or Latino (of any race)	15.3%	25.9%	40.6%
Native Hawaiian or Other Pacific Islander	0.4%	0.6%	2.2%
White (not Hispanic or Latino)	41.4%	26.5%	18.0%
Other/Two or More Races	3.9%	4.6%	4.1%

Source: American FactFinder, "County: San Francisco County, California." Selected table was "Selected Characteristics of the Native and Foreign-Born Populations."

Economic disparity contributes to police-community issues, especially as it relates to the homeless population in San Francisco. As of January 29, 2015, there were 7,539 homeless persons in San Francisco, including those living on the street and those in shelters.[244] The Coalition Against Homelessness notes that the criminalization of homelessness disproportionately affects people of color, those with mental illnesses,

241. Holmes and Berube, "City and Metropolitan Inequality on the Rise."
242. Holmes and Berube, "City and Metropolitan Inequality on the Rise."
243. Bay Area Census, "San Francisco City and County."
244. Applied Survey Research, *San Francisco Homeless.*

and gender nonconforming people.[245] Although issues facing the homeless are complex and require a variety of services, the assessment team learned that SFPD officers are often the first responders to calls for assistance involving the homeless as well as to public complaints regarding homeless individuals or communities.

San Francisco Police Department

The SFPD is guided by the vision of aspiring to serve as a "world-class police department and a leader among urban police departments by hiring and promoting talented officers and professional staff, employing the highest standards of performance, best practices in policing, and accountability, and reflecting the values of the world-class city it serves."[246] Its vision statement cites San Francisco's "international reputation for its commitment to human values: compassion, fairness, diversity, human rights, and justice."[247] Calling upon communities and members of the department to unite in a "commitment to addressing crime, violence, and quality-of-life issues by engaging one another and all city agencies in problem-solving partnerships," the SFPD promises "accurate, timely and reliable information supplied by current and emerging technologies and supported by the Department's systematic engagement of all of San Francisco's diverse neighborhoods" as drivers of departmental strategies and tactics.[248]

The SFPD's mission is to "provide service with understanding, response with compassion, performance with integrity and law enforcement with vision" in order to "protect life and property, prevent crime and reduce the fear of crime."[249] The department lists an eight-point statement of values:[250]

1. Our highest priority is the protection of human life.
2. We believe that while crime prevention is our principal goal, we should vigorously pursue those who commit serious crimes.
3. We treat members of the public with respect and dignity. We maintain the highest levels of integrity and professionalism in all actions.
4. We recognize that the department members are its greatest asset and assume responsibility to treat them professionally and support their professional development.
5. We are committed to solving neighborhood problems. We care about the quality of life in the city's neighborhoods and believe that our services must answer their needs.
6. We maintain open communication with all the communities we serve. Their input helps to determine police policies, priorities, and strategies.
7. We believe that policing strategies must preserve and advance democratic values.
8. We are committed to managing our resources in a careful, efficient, and effective manner.

245. Coalition on Homelessness, "Punishing the Poorest."
246. City and County of San Francisco, "Police Department Vision Statement."
247. City and County of San Francisco, "Police Department Vision Statement."
248. City and County of San Francisco, "Police Department Vision Statement."
249. City and County of San Francisco, "Police Department: Mission Statement."
250. City and County of San Francisco, "Police Department: Mission Statement."

Funding and staffing

The City and County of San Francisco's fiscal year starts on June 1. According to Mayor Ed Lee's proposed budget, the SFPD operated with a total budget of $548,458,371 for 2015–2016 and will see a budget increase to $566,270,469 for 2016–2017.[251] On May 1, 2016, Lee presented a proposed budget for 2016–2017 and 2017–2018 and identified $4.6 million over the next two years to be invested in fundamentally re-engineering the way police officers use force. The additional police officer training included as part of the proposal will focus on implicit bias, cultural competency, and crisis intervention while enhancing police reforms already underway. In addition to the training dollars, the city will invest in capital, equipment, and the development of less lethal options for the SFPD. This investment provides critical funding to enhance de-escalation techniques used by frontline law enforcement officers. The budget also fully funds the department's new body-worn camera program over the next two years, which will equip every patrol officer with a body-worn camera.

Departmental oversight will also be increased with $1.8 million in new funding for the Office of Citizen Complaints (OCC) over two years, which will support a 25 percent increase in investigators.[252] OCC investigates complaints against police officers made by a member of the public. OCC was recently granted the authority and responsibility to investigate every officer-involved shooting.[253]

The SFPD's sworn staffing levels are established by local legislation. In 1994, San Francisco voters passed proposition D, which amended the Charter of the City and County of San Francisco to require the SFPD to maintain a minimum 1,971 full-duty sworn officers on the force at all times.[254] On June 23, 2015, the San Francisco Board of Supervisors voted in favor of establishing a population-based police staffing policy, but the resolution was returned unsigned by Mayor Lee on July 3, 2015.[255] As a result, the 1994 staffing level continues to be the goal of the SFPD.

On February 22, 2016, Mayor Lee announced plans for police department reforms, including creating the Professional Standards and Principled Policing Bureau; adopting new policies and initiatives to train officers, especially with regard to use of force; expanding and funding crisis intervention teams; and accelerating the hiring of 250 new police officers between 2016 and 2018.[256] As of December 31, 2015, the SFPD had 2,220 sworn officers and 500 civilian employees for a total force of 2,720.[257] From February 2013 through December 2015, 619 officers were hired by the SFPD for a total of 28 percent of the overall sworn strength, making the SFPD a relatively young department in terms of seniority.

251. Lee, *Mayor's 2015–2016 & 2016–-2017 Proposed Budget*.
252. Office of the Mayor, "Mayor Lee Presents Proposed Balanced Budget."
253. Ballotpedia, "San Francisco, California, Citizen Complaints Office."
254. City and County of San Francisco Board of Supervisors, *Policy Analysis Report*.
255. Bay City News, "SF Supervisors Establish Population-Based Police Staffing;" City and County of San Francisco Board of Supervisors, Policy Analysis Report.
256. Office of the Mayor, "Mayor Lee Announces Comprehensive Police Department Reforms."
257. San Francisco Police Department, "PRA Personnel Data."

To the extent that the proposed plans correspond with the recommendations contained in this report, the Collaborative Reform Initiative for Technical Assistance (CRI-TA) team will monitor their implementation.

Organization

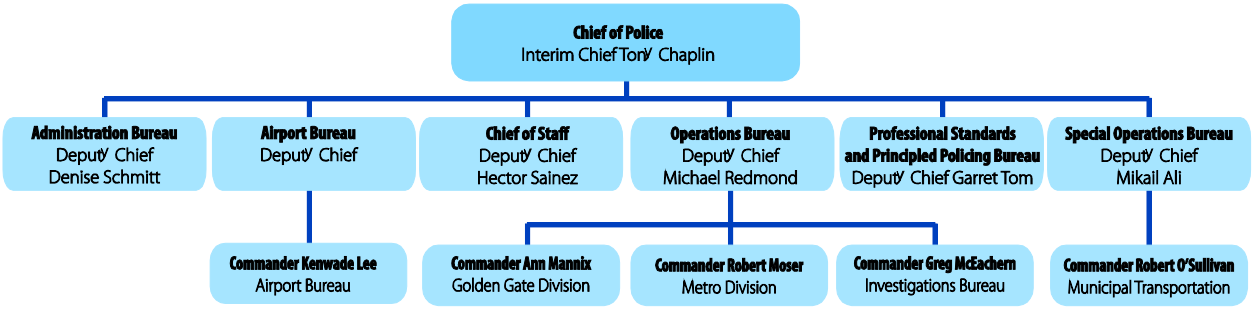
The SFPD is currently led by Interim Chief Toney Chaplin, who was appointed on May 19, 2016. He replaced Chief Gregory P. Suhr, who filled the position from April 2011 through his resignation on May 19, 2016, following an officer-involved shooting incident that resulted in the death of an unarmed civilian, Jessica Williams, on that same date.[258]

The City and County of San Francisco has engaged in a search for a new chief. Collecting community and SFPD member input in the form of surveys is part of the selection process.[259] Even under an aggressive timeline, Police Commission President Suzy Loftus indicated it is unlikely that a new chief will be selected before the end of the year.[260] Because the selection of a new chief and the subsequent future vision of the organization will be established during the implementation phase of this project, this process will be tracked and reported upon by the CRI-TA assessment team as it impacts the goal and objectives of the collaborative reform project.

SFPD command staff includes six sworn deputy chiefs, five of whom lead a departmental bureau and one who oversees the day-to-day operations of the Office of the Chief of Staff and provides administrative support to the police chief. The SFPD's five bureaus are Airport, Administration, Operations, Professional Standards and Principled Policing, and Special Operations. Each of these five bureaus is divided into several divisions, and each bureau has a distinct policing responsibility.[261] Of the six deputy chiefs, one is a White woman. The remaining deputy chiefs are men and include one Asian, one African American, one Hispanic, and one White. The deputy chief position in the Airport Bureau remains vacant and is led, as of the release of this report, by an acting deputy chief who is Asian. See figure B.1 on page 262 for SFPD's organization chart.

258. Lamb and Sabatini, "Police Chief Greg Suhr Resigns."
259. City and County of San Francisco, "Police Department: Search For Next Chief of Police Questionnaire."
260. San Francisco Police Commission, July 13, 2016 Agenda; City and County of San Francisco, "Police Commission – July 13, 2016 – Minutes."
261. City and County of San Francisco, "Police Department: Bureaus."

Figure B.1. SFPD organization chart

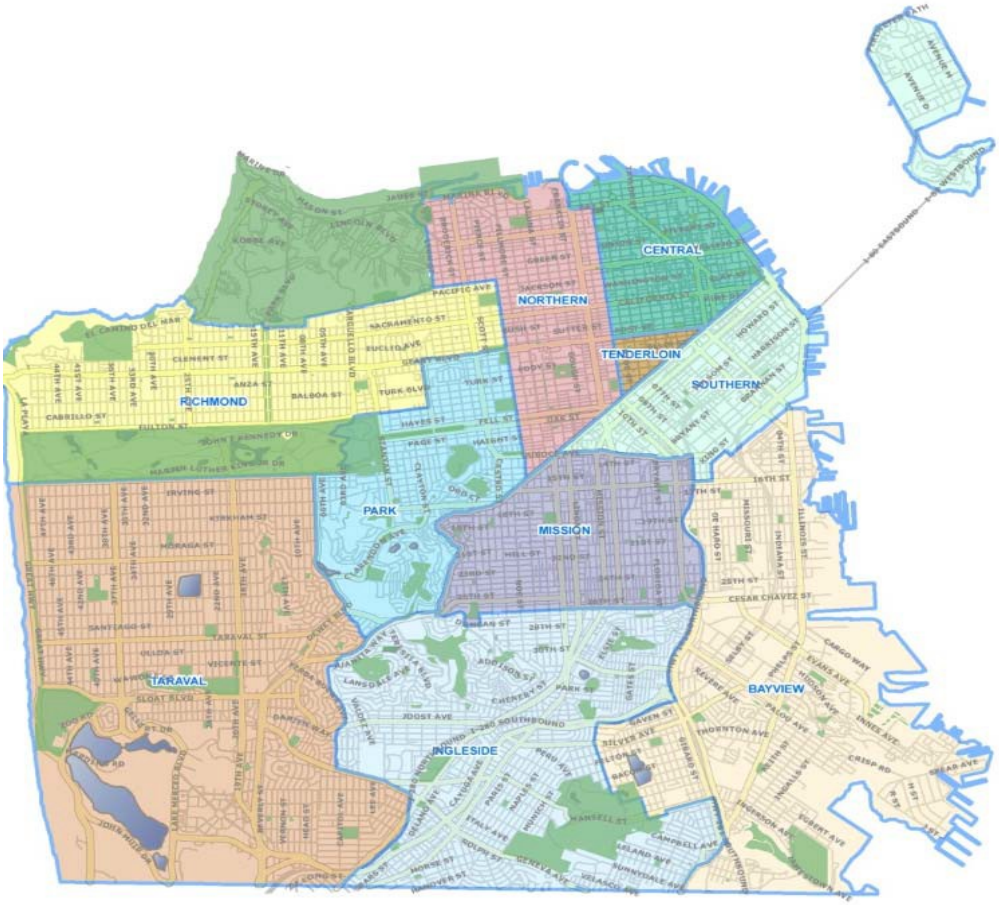


The Airport Bureau provides law enforcement services for San Francisco International Airport, and the Administration Bureau provides budget management, information technology, legal research and counsel, personnel service, and logistical support to the department. Most SFPD officers are assigned to the Operations Bureau, which manages the patrol and investigative policing practices and includes the Investigations Division as well as the Patrol Division. The Patrol Division's two groups, the Metro and the Golden Gate Divisions, oversee 10 district stations (see figure B.2 on page 263).

Pursuant to Department Bulletin 16-019, effective February 13, 2016, the SFPD established the Professional Standards and Principled Policing Bureau.[262] The Professional Standards and Principled Policing Bureau was established to provide support to the entire department in the implementation of community policing reforms.[263] Last, Special Operations provides support to the basic patrol functions of the SFPD through deployment of supplemental tactical, traffic, homeland security, motorcycle, mounted, and marine assets and serves as the command center for planned and unplanned events.[264]

262. San Francisco Police Department, *Professional Standards and Principled Policing Bureau*.
263. Barba, "New SFPD Bureau."
264. City and County of San Francisco, "Police Department: Bureaus."

Figure B.2. SFPD patrol district map



Recent key events

As noted earlier, San Francisco prides itself on being an open and engaging city of great diversity. However, various events have influenced San Francisco's police-community relationship over the last few years. A changing socioeconomic environment has created friction across communities, and a growing racial disparity within San Francisco has impacted police-community relations. Among major cities, San Francisco has the one of the lowest percentage rates of African-American residents compared to the total population. In particular, the SFPD has recently come under scrutiny for a number of incidents related to use of force, accountability, and oversight.

Two killed as the result of officer-involved shootings; police chief resigns

On April 8, 2016, San Francisco's Department of Public Health's Homeless Outreach Team observed Luis Góngora appear to be swinging a knife indiscriminately and called the SFPD.[265] The SFPD reported the responding officers issued commands to drop the knife in both English and Spanish and deployed four beanbag rounds to subdue Mr. Góngora. According to the department, when Mr. Góngora ran at an officer with the knife, officers responded by firing at him, killing him.

On May 19, 2016, Jessica Williams was attempting to flee in a suspected stolen car, according to the SFPD. Ms. Williams, who was not armed, was shot and killed by SFPD officers during this incident.[266]

The same day as Ms. Williams' death, San Francisco Mayor Ed Lee requested that Chief Greg Suhr resign. Suhr's resignation was effective that day, May 19, 2016. His replacement, Interim Chief Chaplin, was named to the post and remains in that position as of the date of this report. The COPS Office provided technical assistance to Chaplin during the transition by bringing together a cadre of peers who have been through similar situations for a one-day peer-to-peer exchange. A nationwide search for the SFPD's new chief is ongoing.[267]

Community issues regarding credibility, transparency, and accountability

In June 2016, following a five-month investigation, the City and County of San Francisco Civil Grand Jury released a report entitled *Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings*. The civil grand jury found, in part, that as long as the SFPD retains jurisdiction over officer-involved shooting investigations, the public will have the perception that the investigations are biased.[268]

In May 2015, the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement was convened in response to the 14 SFPD officers who were found to have been exchanging racist and homophobic text messages. The Blue Ribbon Panel was tasked with answering whether the racial and homophobic bias demonstrated by the texts reflects institutionalized bias in the SFPD and, if so, to what extent. The panel released its report on July 11, 2016, and found that "SFPD is in need of greater transparency; lacks robust oversight; must rebuild trust with the communities it serves; and should pay greater attention to issues of bias against people of color, both officers and members of the public. In short, the Panel concludes that the SFPD is in urgent need of important reforms."[269]

265. Wong, "San Francisco Police Release Details."
266. Schultz, Ho, and Veklerov, "No Sign of Weapon on Woman."
267. De Graaf and Robinson, "Named: The Unarmed Black Woman."
268. City and County of San Francisco Civil Grand Jury, *Into the Open.*
269. Cordell, Reynoso, and Tevrizian, *Report of the Blue Ribbon Panel.*

San Francisco crime statistics

The SFPD's 2014 annual report identified a steep drop in the number of reported robberies and burglaries but a sharp increase in reported aggravated assaults.[270] Unlike the trend in some other major city police departments, 2014 also marked the city's eighth consecutive year of declining gun violence.

Table B.4. San Francisco Police Department Uniform Crime Report statistics

Offense	2015	2014	2013	Percentage change from 2014 to 2015
Homicides	52	45	48	+15.56%
Rapes	344	355	161	-3.10%
Robberies	3,610	3,224	4,202	+11.97%
Aggravated Assaults	2,703	3,137	2,653	-13.83%
Burglaries	5,186	5,237	5,931	-0.97%
Larceny/Theft	40,918	33,730	36,527	+21.31%
Auto Thefts	6,915	6,126	5,866	+12.88%
Arsons	272	241	227	+12.86%
Total	60,000	52,095	55,615	+15.17%

Source: San Francisco Police Department, *San Francisco Police Department Year End Crime Statistics 2015*.

Although relatively free from violent crime, the city has the highest property crime rate per capita among the nation's top 50 cities.[271] Between 2014 and 2015 there was a 30.62 percent increase in smash-and-grab car break-ins. In 2015, victims reported more than 25,000 car break-ins, an average of approximately 70 per day.[272] See table B.4 for a breakdown of offenses committed from 2013–2015 and table B.5 for violent and property crime statistics for 2012–2015.

Table B.5. Violent and property crimes reported to the Federal Bureau of Investigation

Year	Population	Violent crime*	Property crime*
2015	-	6,709	53,291
2014	850,294	6,761	45,334
2013	833,863	7,064	48,551
2012	820,363	5,777	39,105

* The Federal Bureau of Investigation provides a total count of violent crime reporting as a combination of four offenses: (1) murder and non-negligent manslaughter, (2) forcible rape, (3) robbery, and (4) aggravated assault. Property crime totals combine four offenses: (1) burglary, (2) larceny—theft, (3) motor vehicle theft, and (4) arson.

Source: 2015—San Francisco Police Department, *San Francisco Police Department Year End Crime Statistics, 2015.*

Source: 2012–2014—FBI, "California: Offenses Known to Law Enforcement, by City, FBI, 2012," "California: Offenses Known to Law Enforcement, by City, FBI, 2013," "California: Offenses Known to Law Enforcement, by City, FBI, 2014."

270. San Francisco Police Department, *San Francisco Police Department 2014 Annual Report*.
271. Fuller, "San Francisco Torn."
272. Barmann, "SF Now Has Highest Per Capita Property Crime Rate."

Appendix C. Methods

In order to understand the San Francisco Police Department (SFPD) and the community it serves, the assessment team employed four modes of inquiry: (1) document review; (2) interviews, meetings, and focus group sessions with department members and community stakeholders; (3) direct observation, including ride-alongs; and (4) data analysis. The team's approach is inductive, or "bottom up." Rather than assessing the department against a preconceived theory or explanation, the team listened closely to the SFPD and community stakeholders—and observed operations on the ground—before identifying patterns. Next, team members worked collaboratively to develop findings and recommendations informed by national standards, promising practices, research, and the experience and expertise of the team members.

Throughout this process, the assessment team strove for flexible and innovative recommendations that reflect the particular needs and interests of the SFPD and San Francisco. The success of the assessment and the depth, significance, and applicability of the findings and recommendations are due in large part to the cooperation and collaborative attitude of SFPD members, government leaders, and community stakeholders.

The assessment team conducted numerous site visits. Before and after site visits, the team requested data sets and documents for review both on-site and electronically. During the course of the site visits, team members conducted hundreds of interviews, dozens of observations, and multiple ride-alongs.

The assessment phase concluded on August 1, 2016.

Document review

The team began by submitting an initial request for written documents that provide an overall context of the SFPD's operations. This request included the following:

- Mission, vision, and values statements
- Organization charts
- Annual reports (three years)
- Community-based strategic plan and reports (three years)
- Duty manual and general orders manual
- Collective bargaining agreement
- Policies, procedures, and special orders related to the goal and objectives of the assessment including: use of force, officer-involved shootings – investigation, practices and oversight; procedural justice; courtesy and demeanor; code of conduct; racial profiling; crime investigation; community complaints, discipline records, and Internal Affairs processes; traffic pursuits; stop and frisk; homeless outreach teams procedures; interaction and information sharing with the public

- All reports generated by San Francisco city or governmental entities, and any civilian review committee over the last three years that address SFPD Collaborative Reform Initiative for Technical Assistance (CRI-TA) issues of concern including use of force, investigations, complaints, improved policing, community engagement, and other appropriate documents
- Copies of reports or any internal SFPD assessments including those currently underway or completed, inclusive of drafts, which address CRI-TA areas of concern, including those regarding community policing, use of force, procedural justice, leadership, supervision, and training
- SFPD annual and ad hoc training logs and reports documenting training for SFPD personnel for last three years
- SFPD training materials and lesson plans for the following topics: use of force, internal affairs, patrol operations, criminal intelligence or CompStat, community policing, crisis intervention training, de-escalation techniques, procedural justice and bias-free policing, leadership and management training, performance appraisals
- The Office of Citizen Complaints (OCC) and Police Commission Procedures and Policies manuals

In addition, the assessment team requested and received reports generated by the City and County of San Francisco, the Office of the Mayor, OCC, and the San Francisco Human Rights Commission.

Documents were first reviewed using standardized evaluation criteria. For example, assessment team members reviewed the SFPD's use of force and complaint files against a list of standard questions. Quality control was assured through several redundant data checks as well as holistic oversight of the data collection, entry, and analysis process.

Interviews and focus groups

The assessment team worked with the SFPD to ensure that interview, meeting, and focus group participants were generally representative of the department. The team spoke with SFPD personnel at all levels, including a selection of patrol officers, internal affairs investigators, violent crime detectives, the former chief, interim chief, command staff, and supervisors; members of the department's Firearm Discharge Review Board (FDRB) and the Police Commission; the leadership of the Police Officers Association (POA); and other police employee groups representing a range of diversity that exists in the SFPD.

In addition, the assessment team spoke with stakeholders including the following:

- Individuals from the Office of the Mayor
- Members of the Board of Supervisors
- Other elected officials
- Officials of the OCC
- Officials of the Mayor's Office of Disability
- Individuals from the Human Rights Commission
- San Francisco's City Attorney
- San Francisco's District Attorney and staff
- San Francisco's Public Defender and staff
- Individuals from the U.S. Attorney's Office of the Northern District of California
- Leaders from other federal, state and local law enforcement agencies in San Francisco

Finally, the assessment team conducted outreach to the San Francisco community to identify key community stakeholders to interview, including leaders from faith-based organizations, school districts, nonprofit organizations, and social service organizations. Team members spoke with leaders and members of a variety of community groups.

The assessment team distributed flyers throughout the city, including at schools, churches, city and other government agencies, retail stores, and libraries and on various SFPD and government agencies' and community groups' websites. These flyers provided an e-mail address community members who wished to be interviewed could contact and advertised three community town hall listening sessions.

The first community listening session occurred at Thurgood Marshall High School in the Bayview neighborhood; the second at Mission High School in the Mission neighborhood; and the third at Gateway High School in the Western Addition neighborhood. Nearly 300 people attended these sessions.

In each of these community listening sessions, the U.S. Department of Justice explained the CRI-TA model and invited community members to share their viewpoints on the SFPD and police-community relations in San Francisco in person and via anonymous, electronic polling tools.

In addition to these listening sessions, the assessment team met with community stakeholders and interviewed community members individually. In general, team members sought to understand community members' perception of the SFPD; its operations, strengths, and weaknesses; and whether the department was meeting community expectations.

The assessment team employed a snowballing technique, which meant inviting engaged community stakeholders to direct team members to additional potential participants. Interviews, meetings, and focus group sessions with community members and SFPD civilian and sworn personnel were designed to be semi-structured, allowing conversations to develop naturally. In other words, such sessions were guided by a set of questions and allowed to digress. For all interviews, meetings, and focus group sessions, participants' comments were documented anonymously, and subjects could terminate the process at any time.

In order to contextualize and help explain any racial or ethnic disparities in traffic, bicycle, and pedestrian stop outcomes identified from statistical analyses of stop data, the team of researchers conducted focus group interviews with selected officers from several SFPD divisions and units engaged in street-level policing. These focus groups drew from patrol officers, foot beat officers, Gang Task Force officers, homeless outreach team officers, housing officers, and other street-level enforcement officers (for example, street crimes unit). Focus groups consisted of six to eight participants gathered for approximately 90 minutes. With the consent of all participants, these sessions were audio recorded, transcribed and systematically coded, and analyzed using scientifically rigorous, qualitative data analytic techniques. Focus group members were selected based on several criteria, including being proactive, engaging in a high frequency of traffic or pedestrian stops (as measured against other officers), and generally perceived as fair and equitable, or as "good" officers, by their supervisors and peers.

The focus group comments were anonymized and the recordings destroyed upon completion of anonymous transcriptions. Moreover, analysis and reporting of findings included only aggregate information regarding the gender, race, experience, training, assignment, and rank of officers involved in the focus groups and do not disclose any information or combination of data that may, in effect, identify any individual officers.

Observations

Whenever possible, the assessment team observed SFPD operations directly in real-time by conducting ride-alongs, accompanying officers on foot patrol beats, and attending critical incident reviews, including the review of the officer-involved shooting of Jessica Williams. These activities gave team members a first-hand experience of the operating environment for SFPD officers. In addition, team members attended community meetings and forums to understand issues important to community members and their relationship with the SFPD.

Data analyses

The assessment team collected, cleaned, coded, and analyzed data provided by SFPD and other partners including the Department of Emergency Management, the San Francisco Sheriff's Department, the Controller's Office, and the city's Human Resource Office. Data analyzed included use of force data; data related to traffic stops, bicycle stops, and pedestrian stops; arrest data; data regarding community policing programs; complaint and outcomes data; and recruitment, hiring, and promotion data.

Appendix D. Use of Force Data and Methodology

This report examines San Francisco Police Department's (SFPD) use of force incidents from a three-year period (May 1, 2013–May 1, 2016) to assess whether there were racial or ethnic disparities in the severity of force used in these incidents. Two primary questions were the focus of this use of force analysis: (1) Were racial or ethnic minorities subjected to more severe force than their White counterparts? and (2) Were racial or ethnic minorities more likely to be injured during use of force incidents than their White counterparts?[273] To answer these questions, specific analyses explored whether racial or ethnic minorities were subjected to higher levels of force, greater force relative to individual resistance, or more injuries than to their White counterparts. These outcomes were examined using a variety of analytic methods to provide general conclusions regarding the use of force by SFPD officers. To conduct these analyses, data were drawn from several sources, including a random sample of SFPD use of force incident reports (provided by the SFPD), the 2010 American Community Survey (compiled by the U.S. Census Bureau), and reported crime data (provided by the SFPD).

Data

The primary source of data used for the analyses that follow was three years of SFPD use of force incident reports. Between May 1, 2013 and May 1, 2016, 2,578 use of force incidents were reported by SFPD officers. During most of this three-year time period, the SFPD captured only basic information about use of force incidents, which was handwritten on a Use of Force Log kept at each district station. These logs, together with the accompanying incident reports completed by the officers, were faxed twice a month to the SFPD Academy where data from the logs and information from the incident reports were entered into an electronic database (Automated Information Management, or AIM). However, the electronic data entry was unsystematic according to interviews with SFPD personnel.

Beginning in spring 2016, the Risk Management Office assumed responsibility for entering use of force information into the AIM database, but the data available in this system at the point that the assessment team's analysis took place did not extend back in time to May 2013. Consequently, team members used the AIM system only to obtain a list of all use of force incidents recorded by the SFPD over the three-year period from May 2013 to May 2016. The team then chose a random sample of 600 use of force cases[274] from the 2,578 represented in the database (23 percent) and obtained from the SFPD scanned copies of the incident reports corresponding to those cases. Drawing from best practices and accepted norms outlined in previous research on use of force, the senior research team member examined the use of force

273. It is also important to assess whether force was used more often against minorities during an arrest when compared to White individuals. However, this type of analysis requires data that permit the analyst to clearly identify which arrests resulted in the use of force and which did not. Reliable in-custody arrest data are maintained by the San Francisco Sheriff's Department (rather than the SFPD), and the assessment team was unable to match many of the use of force incidents reported by the SFPD to those in the sheriff's arrest database. This precluded the team from analyzing whether minority individuals arrested by the SFPD were subjected to force more often (or more frequently) than White individuals who were arrested. In the future, the team highly recommends that the SFPD collect arrest and use of force data in a manner that allows for this type of analysis.

274. This sample size was selected based on a power analysis. The SFPD's recent data revealed that about 43 percent of use of force incidents involved African-American individuals. Accordingly, the team required a sample size of about 500 to maintain a 4 percent margin of error and 95 percent confidence. The final sample size of 600 was selected based on the assumption that some of the cases would be dropped in the analysis because of missing data. Thus, the results reported here contain a margin of error between 3–4 percent at a 95 percent confidence level.

incident reports and constructed a database and detailed codebook[275] that would allow for the coding of relevant variables from the incident reports.[276] The senior team member then trained a group of coders who were responsible for reading each of the 600 incident reports and coding the variables into a database that was used for the analyses that follow. It took an average of 30 minutes to complete the coding for a single use of force incident report.

Prior to analysis, three incidents were removed because they did not fit the assessment team's inclusion criteria (i.e., use of force incidents in San Francisco during the three-year period). An additional 37 cases were removed that involved more than one individual having force used against him or her. It was necessary to drop multiple-individual incidents because they are relatively rare and would have inhibited the exploration of racial or ethnic disparities in use of force severity (e.g., accounting for the race of an individual would be difficult if an incident involved multiple individuals from different races). Finally, 12 cases that took place at the airport were excluded from the analysis. Inclusion of airport incidents would preclude accounting for contextual factors such as the demographic composition of the community and the district-level violent crime rate, both of which may influence use of force outcomes.[277] Accordingly, the use of force data used in this analysis was a sample of 548 incidents involving force used against a single individual that occurred during the three-year period.

U.S. Census data were tapped to account for community characteristics that may influence use of force outcomes. Specifically, the 2010–2014 American Community Survey five-year estimates, compiled by the U.S. Census Bureau, were used to gather census tract-level characteristics. In some locations, the SFPD districts overlap with census tracts. Accordingly, ArcGIS was used to apportion the census tract variables to the corresponding police district. Last, crime data were provided by the SFPD that allowed the construction of a monthly violent crime rate. These data represent all violent crimes known to the SFPD during the three-year observation period. The Census and violent crime data were merged into the use of force database discussed earlier.

Use of force analysis variables

Use of force outcomes

Several outcomes were examined to determine whether racial or ethnic disparities exist in the severity of force used and injuries related to such incidents. SFPD incident reports that document uses of force against individuals do not contain specific fields related to the force used by officers or the resistance offered by individuals. Instead, officers document their actions and the circumstances surrounding the incident in word-processed narratives. Officers are trained to record in these narratives all types of force used against an individual, any resistance offered by an individual, and injuries (if any) sustained by the

275. The senior researcher developed a detailed codebook and database to facilitate the extraction and coding of information from the use of force incident reports. The codebook included definitions for all variables collected, and the senior researcher trained the data coders on the use of the codebook. The senior researcher and coders worked together on a small sample of files to ensure that data were coded accurately and consistently across the entire sample of 600 cases.

276. All variables are described in detail in the sections that follow.

277. As a robustness check, the team re-estimated all multivariate models presented here after including the 12 use of force incidents that occurred at the airport. All substantive findings remained unchanged. Accordingly, the findings are not sensitive to the exclusion of the airport cases from the analyses.

officer(s) or individual(s). Using the codebook developed by the senior research team member, coders read the narratives written by SFPD officers and recorded their uses of force, which were then rank-ordered on a continuum drawn from the use of force literature: (1) verbal commands (N = 4), (2) pointing a firearm (N = 52), (3) soft hand control (N = 287),[278] (4) oleoresin capsicum (OC) spray (pepper spray) (N = 26), (5) hard hand control (N = 123),[279] (6) baton strikes (N = 43), (7) less lethal projectiles (N = 11),[280] (8) K-9 (N = 2), and (9) deadly force (N = 0).[281]

The first outcome examined—highest level of force—represented the most serious type of force that the officer(s) used during an incident. It was necessary to consider the highest level of force because multiple types could be used in a single incident and recorded in the use of force report. For the highest force (table D.8 on page 282) and the force factor analyses (described in the following section and shown in table D.9 on page 284), incidents were recategorized into one of three groups based on the highest level of force used: (1) low force (i.e., verbal commands and pointing a firearm), (2) medium force (i.e., soft hand control and OC spray), and (3) high force (i.e., hard hand control, baton use, less lethal projectiles, and K-9 bites). No incidents in the use of force sample involved deadly force. This coding strategy allowed for a determination of whether racial or ethnic minorities were more likely than White individuals to experience more serious forms of force.

The second outcome used to assess severity of force is referred to as the force factor (Alpert & Dunham 1997).[282] This variable was created by taking the individual's highest level of resistance and subtracting it from the highest level of force used by the officer (as described earlier in the force severity variable). Initially, SFPD officer-reported individual levels of resistance were rank-ordered in the following manner: (0) no resistance (N = 51), (1) verbal noncompliance (N = 33), (2) passive resistance (N = 90),[283] (3) defensive resistance (N = 248),[284] (4) active aggression (N = 111),[285] and (5) aggravated active aggression (N = 15).[286] These actions were then grouped them into one of three categories: low resistance (i.e., no resistance and verbal noncompliance; coded 1), medium resistance (i.e., passive resistance and defensive resistance; coded 2), and high resistance (i.e., active aggression and aggravated active aggression; coded 3). Individual resistance was coded in this manner to mirror the officer force categories. Accordingly, the force-factor variable captures the difference between the highest level of force used by an officer and the individual's resistance. Force-factor values greater than 0 generally indicate a higher level of force used relative to individual resistance, while force-factor values less than 0 generally indicate lower levels of force used relative to individual resistance. For example, an officer who used high force (coded 3) against an

278. Soft hand control included such things as pushing or pulling against a subject, joint locks or control holds, or mild pain compliance techniques that did not involve striking a subject.
279. Hard hand control included strikes, punches, or kicks of a subject by an officer.
280. Less lethal projectiles included shotgun-delivered beanbag rounds or foam baton rounds.
281. Deadly force included discharge of a firearm at a subject.
282. The force factor is derived from the coding of officer force and suspect resistance. Officer force was captured as an eight-item scale ranging from verbal commands to deadly force. Suspect resistance was captured on a five-item scale that ranged from verbal resistance to aggravated active aggression. The codebook contained definitions for all levels of force and resistance, and coders were trained to read the files and extract data from them using the definitions provided.
283. Passive resistance included lying down or going limp.
284. Defensive resistance included tensing, pushing, or pulling against an officer or grabbing onto a fixed object to avoid control.
285. Active aggression included assault or battery (or both) against an officer.
286. Aggravated active aggression included assault or battery (or both) against an officer with the intent or apparent ability to cause death or great bodily injury.

individual providing low resistance (coded 1) would receive a force factor value of +2. On the other hand, an officer who used low force (coded 1) against an individual who was providing high resistance (coded 3) would receive a force factor value of -2. The force-factor scale, therefore, ranged from -2 to 2, with values of 0 generally indicating a proportionate amount of force used relative to individual resistance.

The final outcome variable captured whether the individual was injured during the use of force incident. This variable was dichotomously coded so individuals who received some type of injury were coded "1" and those who were not injured were coded "0." This allowed for an examination of whether there were racial or ethnic disparities concerning injuries sustained to individuals in the use of force incidents.

Individual characteristics

Police use of force research reveals that individual resistance is one of the strongest predictors of (1) whether force is used and (2) the severity of that force (Alpert and Dunham 1997; MacDonald et al. 2003; MacDonald et al. 2009; Terrill 2003). As discussed earlier, SFPD use of force incident reports indicate the level of resistance the officer encountered from the individual. Individual resistance is an ordered categorical variable (0 = no resistance, 1 = verbal noncompliance, 2 = passive resistance, 3 = defensive resistance, 4 = active aggression, and 5 = aggravated active aggression) and was accounted for in each of the models presented here.

The SFPD use of force reports contain key information on the individual's demographic characteristics. The multivariate models presented here considered individual race and ethnicity with a series of dummy variables: African American (1 = yes, 0 = no), Hispanic (1 = yes, 0 = no), and other race (1 = yes, 0 = no).[287] Non-Hispanic White individuals served as the reference category (i.e., they were omitted from the multivariate equations). Accordingly, all race or ethnicity coefficients are interpreted in relation to non-Hispanic White individuals. The team also accounted for individual gender (1 = male, 0 = female; the variable is labeled male in the tables that follow) and age, which was measured continuously.

Several other individual variables were accounted for in the multivariate models including the number of warrants and number of charges for which the individual was arrested. Individual intoxication can cause poor decision making and impact the severity of force they experience. Intoxicated is a dichotomous variable that is coded "1" if the individual appeared to be drunk or under the influence of drugs during the incident (coded "0" if the individual was sober). Last, individual height (measured continuously in inches) and weight (measured continuously in pounds) were also considered.

Offense characteristics

The nature of the offense may partially explain use of force outcomes. For example, more serious offenses (e.g., violent crimes) may indicate greater propensity for resistance on the part of the individual or cause an officer to be more cautious or fearful during the encounter. Accordingly, the type of offense was accounted for during the use of force incidents with a series of dichotomously coded variables: violent

287. Only 13 subjects were identified in the use of force reports as "other race" (anything other than African American, Hispanic, White, or Asian). Accordingly, the team combined this category with Asians (N = 33) to create the "other" race or ethnicity group.

offense (1 = yes, 0 = no), weapon offense (1 = yes, 0 = no), and other offense (1 = yes, 0 = no). "Other offense" was used as the omitted reference category. It is important to note that all of these variables were mutually exclusive. That is, if the offense involved some type of violence it was coded "1" for violent offense. Incidents were coded "1" for weapon offense only if a weapon was involved in the offense but no violent crime occurred (e.g., carrying a concealed firearm). Incidents were coded "1" for other offense only if the crime did not involve violence or a weapon (e.g., burglary).

Time of day of the incident was represented with a dichotomous variable—night—coded "1" if it occurred during the night and "0" if it occurred during the day. This variable was created using the 2016 sunrise/sunset tables provided by the U.S. Naval Observatory (Astronomical Applications Department 2016). Using the times listed for the first of each month, use of force incidents that occurred between sunset and sunrise were coded as having occurred at night (e.g., use of force incidents that occurred in January were coded "night" if they occurred between 5:01 p.m. and 7:25 a.m.). Last, the number of individuals who were present in the incident but did not have force used against them was considered.

Officer characteristics

Officer characteristics were also included in the use of force analyses. Given that many of the incidents involved more than one officer and officer characteristics may partially explain use of force outcomes, variables were created that accounted for the characteristics of the groups of officers. First, officer race or ethnicity was coded with a series of dichotomous variables: all White officers (coded 1 if all officers involved in the incident were White; coded 0 otherwise), all minority officers (coded 1 if all officers involved in the incident were a racial or ethnic minority; coded 0 otherwise), and mixed race officers (coded 1 if the officers involved in the incident were a combination of racial or ethnic minorities and White officers; coded 0 otherwise). All White officers were excluded as the reference category. Second, officer gender was accounted for with a dichotomous variable coded "1" if all officers involved in the incident were male (coded 0 if the involved officers were all women or a mixture of men and women; the variable is labeled all male officers in the following tables).[288] Third, officer assignment was coded "1" if the primary officer was a patrol officer and "0" for all other assignments. Last, the number of officers present at the incident was included in all multivariate equations presented here.

District-level characteristics

The use of force severity analyses also controlled for district-level structural characteristics. As indicated earlier, the district-level violent crime rate was calculated by taking the number of violent crimes (i.e., homicide, rape, robbery, and aggravated assault) in each district and dividing by 36 to create the average number of violent crimes per month in each location. These values were then divided by the area's total population and multiplied by 1,000.

288. Only 5 incidents involved all female officers. Accordingly, these incidents were grouped with those that involved a mixture of male and female officers (these incidents were coded 0 for the all male officers variable).

U.S. Census data at the census-tract level were also apportioned to each of the SFPD districts to account for the structural features in the communities. Research has demonstrated that the sociodemographic characteristics of a community partially explain officer use of force outcomes (Garner, Maxwell, and Heraux 2003; Klinger et al. 2015; Smith 1986; Terrill and Reisig 2003). Within each of the multivariate models presented here, the racial or ethnic composition of the district in which the use of force incident took place was accounted for by controlling for the percentage of the district population that was African American (*% African American*) and Hispanic (*% Hispanic*). The White and Asian percentages of the district population were excluded because they caused problematic collinearity (they are highly and inversely correlated with *% African American* and *% Hispanic*). The percentage of the population that is unemployed (*% unemployment*) was also considered as a proxy for community disadvantage, which is a key predictor of use of force severity (Terrill and Reisig 2003). The percentage of the population living in poverty could not be included in the multivariate models because of high levels of collinearity (poverty is highly correlated with *% African American, % Hispanic*, and *% unemployment*).

Analytic strategy

The use of force analysis proceeded in a series of steps to determine whether racial or ethnic minorities were subjected to more severe force than their White counterparts. The first step of the analysis involved an examination of the descriptive statistics including the racial or ethnic makeup of the use of force for the full sample and by each of the 10 SFPD districts.

The second step of the analysis examined the impact of race and ethnicity on the highest level of force, net of the statistical control variables. Multinomial logistic regression was used to address this question because the dependent variable was coded categorically (i.e., low, medium, and high force).[289] The multinomial models presented here treated low force as the reference category. Accordingly, two comparisons are presented in table D.8 on page 282: (1) high force versus low force and (2) medium force versus low force. The interpretation of the results is guided by the relative risk ratios (RRR) presented in the table. The RRRs indicate the risk of a particular group (e.g., Black individuals compared to White individuals) being in the high force and medium form groups relative to the low force group, respectively. The values are interpreted in a similar fashion as odds ratios where values higher than 1.00 correspond with greater risk and values less than 1.00 correspond with lower risk.

The third step of the analysis explored whether individual race or ethnicity predicted the force factor value. Recall that the force factor ranged from -2 to +2 and was calculated by subtracting the highest levels of individual resistance from the highest level of force used by the officer (based on the three use of force categories). At the extreme ends of the force factor (i.e., -2 and +2), problems in estimating the multivariate models were encountered because of rare events. For example, in the +2 group, there were no incidents involving female individuals. To rectify this problem, the force factor was recoded into three groups in the

289. Originally, the entire use of force severity scale (ranging from 1 to 8) was planned to be used as an ordered-categorical variable and examined for racial or ethnic disparities using ordered logistic regression. However, the Brant test for the parallel lines assumption was violated (i.e., estimated coefficients differed across values of the dependent variable; Brant 1990; Long and Freese 2006). Furthermore, the low and high ends of the force types—verbal and K-9, respectively—were very rare in the sample data. Accordingly, the use of force types were recoded into the low, medium, and high categories, which allowed the use of multinomial logistic regression as the appropriate analytic strategy.

following manner: less force than resistance (i.e., values of -1 and -2 on the original force factor scale), force equal to resistance (i.e., force factor values of 0), and more force than resistance (values of +1 and +2 on the original force factor scale). Multinomial logistic regression models (see table D.9 on page 284) were then estimated to assess the race or ethnicity effects, net of statistical controls, in two comparisons using: (1) less force than resistance versus force equal to resistance and (2) more force than resistance versus force equal to resistance. Once again, RRRs are used to guide the interpretation of the results.

The final stage of the analysis examined whether individual race or ethnicity predicted whether an injury was sustained during the use of force incidents. Logistic regression addressed this issue because the dependent variable—injured—is dichotomously coded (1 = yes, 0 = no). The odds ratios presented in Table D.13 on page 288 indicates the odds of an injury for each unit increase in the independent variables. For example, the odds ratio for African American individuals is interpreted as the odds of being injured in a use of force incident relative to White individuals.

Results

Descriptive analysis

Table D.1 reports the racial or ethnic makeup of the use of force sample. Thirty-seven percent of the use of force incidents recorded during the three-year observation period involved an African-American individual, while 18.4 percent of use of force incidents involved a Hispanic individual. White individuals comprised slightly more than one-third (35.4 percent) of the use of force cases. Caution must be used when comparing the racial or ethnic composition of use of force incidents to population characteristics because such comparisons fail to account for a host of factors that may explain disparities in such outcomes. In short, these descriptive statistics cannot be used to draw conclusions about whether there is bias in the frequency with which SFPD officers use force against African-American and Hispanic individuals. As noted previously and because of problems with how SFPD use of force and arrest data are captured, the assessment team was not able to analyze whether force was used more frequently against minorities as compared to White individuals.

Table D.1. Racial or ethnic makeup of the use of force sample (N = 548)

Individual race or ethnicity	N	Percent
White	194	35.4%
African American	203	37.0%
Hispanic	101	18.4%
Other	46	8.4%
Unknown	4	0.7%
Total	548	100.0%

Table D.2 on page 277 presents the racial or ethnic breakdown of the use of force incidents by SFPD district. This table reveals that a majority of officer force in Bayview (54.7 percent) and Tenderloin (56.1 percent) was used against African-American individuals, while Hispanic individuals were most frequently involved in use of force incidents in the Mission (30.0 percent) and Taraval (27.6 percent) districts. White

individuals were most often the targets of force in the Central (52.0 percent), Park (61.5 percent), and Richmond (50.0 percent) districts. Again, caution must be used in concluding that force was used disproportionately against a particular racial or ethnic group based solely on that group's representation in the population of a particular district. As noted earlier and because of limitations in SFPD use of force and arrest data, the assessment team was unable to analyze whether race or ethnicity predicted the frequency with which force was used among those arrested by the SFPD.

Table D.2. Racial or ethnic makeup of the use of force sample by district

District	White	African American	Hispanic	Other	Missing	Total
Bayview	9	35	12	7	1	64
Percent of Bayview total →	14.1%	54.7%	18.8%	10.9%	1.6%	100.0%
Central	26	12	5	7	0	50
Percent of Central total →	52.0%	24.0%	10.0%	14.0%	0.0%	100.0%
Ingleside	14	18	15	6	0	53
Percent of Ingleside total →	26.4%	34.0%	28.3%	11.3%	0.0%	100.0%
Mission	34	24	27	4	1	90
Percent of Mission total →	37.8%	26.7%	30.0%	4.4%	1.1%	100.0%
Northern	23	19	9	3	0	54
Percent of Northern total →	42.6%	35.2%	16.7%	5.6%	0.0%	100.0%
Park	16	6	3	0	1	26
Percent of Park total →	61.5%	23.1%	11.5%	0.0%	3.9%	100.0%
Richmond	7	2	1	4	0	14
Percent of Richmond total →	50.0%	14.3%	7.1%	28.6%	0.0%	100.0%
Southern	38	33	7	7	1	86
Percent of Southern total →	44.2%	38.4%	8.1%	8.1%	1.2%	100.0%
Taraval	9	8	8	4	0	29
Percent of Taraval total →	31.0%	27.6%	27.6%	13.8%	0.0%	100.0%
Tenderloin	18	46	14	4	0	82
Percent of Tenderloin total →	22.0%	56.1%	17.1%	4.9%	0.0%	100.0%
Total	194	203	101	46	4	548
Percent of cumulative total →	35.4%	37.0%	18.4%	8.4%	0.7%	100.0%

Highest level of force analysis

This section of the analysis explored whether there were racial or ethnic disparities in the severity of force used against individuals. To begin, table D.3 on page 278 provides a frequency breakdown of the different types of force that appeared in the assessment team's sample of use of force incidents. These numbers represent the highest level of force used during the incident. The data showed that a majority of the force used by SFPD officers involved soft hand control (52.4 percent) or hard hand control (22.5 percent). A firearm was pointed at an individual in 9.5 percent of the incidents, and a baton was used against 7.9 percent of the individuals. Verbal commands (0.7 percent), OC spray (4.7 percent), less lethal munitions (2.0 percent), and K-9s (0.4 percent) were relatively rare types of force in the sample data. No individual was shot at in this random sample of use of force incidents.[290]

290. Although the SFPD had 22 officer-involved shooting incidents for the time frame of the data analysis, there were no instances of deadly force in the randomly generated sample of 600 cases that were reviewed and coded.

Table D.3. Highest level of force used by officers

Highest level of force	N	Percent
Verbal command	4	0.7%
Pointing firearm	52	9.5%
Soft hand control	287	52.4%
OC spray	26	4.7%
Hard hand control	123	22.5%
Baton	43	7.9%
Less lethal munition	11	2.0%
K-9	2	0.4%
Gunshot	0	0.0%

Table D.4. Highest level of force used by officers by individual race or ethnicity

Highest level of force	White	African American	Hispanic	Other	Unknown	Total
Verbal command →	2	2	0	0	0	4
Verbal command as percent of total UOF against individuals of each racial group	1.0%	1.0%	0.0%	0.0%	0.0%	0.7%
Pointing firearm →	17	23	9	3	0	52
Pointing firearm as percent of total UOF against individuals of each racial group	8.8%	11.3%	8.9%	6.5%	0.0%	9.5%
Soft hand control →	105	103	51	25	3	287
Soft hand control as percent of total UOF against individuals of each racial group	54.1%	50.7%	50.5%	54.4%	75.0%	52.4%
OC spray →	9	10	3	3	1	26
OC spray as percent of total UOF against individuals of each racial group	4.6%	4.9%	3.0%	6.5%	25.0%	4.7%
Hard hand control →	45	44	24	10	0	123
Hard hand control as percent of total UOF against individuals of each racial group	23.2%	21.7%	23.8%	21.7%	0.0%	22.5%
Baton →	12	16	10	5	0	43
Baton as percent of total UOF against individuals of each racial group	6.2%	7.9%	9.9%	10.9%	0.0%	7.9%
Less lethal munition →	3	5	3	0	0	11
Less lethal munition as percent of total UOF against individuals of each racial group	1.6%	2.5%	3.0%	0.0%	0.0%	2.0%
K-9 →	1	0	1	0	0	2
K-9 as percent of total UOF against individuals of each racial group	0.5%	0.0%	1.0%	0.0%	0.0%	0.4%
Gunshot →	0	0	0	0	0	0
Gunshot as percent of total UOF against individuals of each racial group	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total →	194	203	101	46	4	548
Total UOF against individuals of each racial group	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table D.4 on page 278 presents the racial makeup of the use of force incidents across the different types of force. The table reveals no significant differences in the highest levels of force used across racial or ethnic groups. Nearly 9 percent of White individuals and 11.3 percent of African-American individuals had a firearm pointed at them as the highest level of force applied. About 54 percent of White individuals experienced soft hand control as the highest level of force compared to 50.7 percent of African-American individuals. Similar to the assessment team's earlier discussion, one must be cautious when interpreting such findings because this descriptive analysis did not account for factors that may explain any racial disparities observed. Table D.8 on page 282 considers whether the race or ethnicity of an individual influenced the degree of force used by SFPD officers.

As discussed earlier, one of the strongest predictors of police use of force is the level of individual resistance. Table D.5 provides a frequency distribution of the highest levels of resistance offered by individuals in the sample. The most common form of resistance was defensive (45.3 percent). However, a sizable portion of the use of force incidents involved passive resistance (16.4 percent) or active aggression resistance (20.3 percent). Verbal noncompliance was the highest level of resistance offered by 6 percent of individuals. Aggravated active aggression was the least common form of resistance offered by individuals (2.7 percent). It is also worthy of note that more than 9 percent of incidents in the sample involved no resistance on the part of the individual.

Table D.5. Highest level of resistance offered by individual

Highest level of resistance	N	Percent
No resistance	51	9.3%
Verbal noncompliance	33	6.0%
Passive	90	16.4%
Defensive	248	45.3%
Active aggression	111	20.3%
Aggravated active aggression	15	2.7%
Total	548	100.0%

Table D.6 on page 280 breaks down the highest level of resistance by individual race or ethnicity. The results of this analysis revealed no large disparities in the levels of resistance offered by individuals across the racial and ethnic groups. However, 11.8 percent of African Americans and 9.3 percent of White individuals offered no resistance during the use of force incidents. A higher percentage of White individuals (46.9 percent) than African Americans (39.4 percent) offered defensive resistance.

Table D.6. Highest level of resistance by individual race or ethnicity

Level of resistance	White	African American	Hispanic	Other	Unknown	Total
No resistance →	18	24	6	2	1	51
No resistance as percent of total resistance by individuals of each racial group	9.3%	11.8%	5.9%	4.4%	25.0%	9.3%
Verbal noncompliance →	10	14	7	2	0	33
Verbal noncompliance as percent of total resistance by individuals of each racial group	5.2%	6.9%	6.9%	4.4%	0.0%	6.0%
Passive →	31	33	17	8	1	90
Passive resistance as percent of total resistance by individuals of each racial group	16.0%	16.3%	16.8%	17.4%	25.0%	16.4%
Defensive →	91	80	51	24	2	248
Defensive resistance as percent of total resistance by individuals of each racial group	46.9%	39.4%	50.5%	52.2%	50.0%	45.3%
Active aggression →	39	47	17	8	0	111
Active aggression as percent of total resistance by individuals of each racial group	20.1%	23.2%	16.8%	17.4%	0.0%	20.3%
Aggravated active aggression →	5	5	3	2	0	15
Aggravated active aggression as percent of total resistance by individuals of each racial group	2.6%	2.5%	3.0%	4.4%	0.0%	2.7%
Total →	194	203	101	46	4	548
Total resistance by individuals of each racial group	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table D.7 on page 281 considers the racial or ethnic breakdown of the number of warrants an individual had leading up to the use of force encounter. Individuals with warrants may have greater reason to resist officers and therefore be at greater risk of experiencing higher levels of force. If warrants are more common among certain racial or ethnic groups, this may partially explain any disparities in use of force. The analysis showed that about 84 percent of both White individuals and African Americans, respectively, in the sample had zero warrants. About 7.4 percent of African Americans in the use of force sample had one warrant whereas only 3.6 percent of White individuals had one warrant during the time of the incident. However, 12.4 percent of White individuals had 2 or more warrants compared to 8.9 percent of African American individuals in the sample. Hispanic individuals were less likely to possess warrants compared to White individuals and African Americans.

Table D.7. Number of warrants, by individual race or ethnicity

Number of warrants	White	African American	Hispanic	Other	Missing	Total
0 Percent of each racial group with 0 warrants	163 84.0%	170 83.7%	93 92.1%	43 93.5%	4 100.0%	473 86.3%
1 Percent of each racial group with 1 warrant	7 3.6%	15 7.4%	2 2.0%	1 2.2%	0 0.0%	25 4.6%
2 or more Percent of each racial group with 2 or more warrants	24 12.4%	18 8.9%	6 5.9%	2 4.4%	0 0.0%	50 9.1%
Total Percent of each racial group with warrants	194 100.0%	203 100.0%	101 100.0%	46 100.0%	4 100.0%	548 100.0%

While informative, the bivariate comparisons (tables D.4 on page 278, D.6 on page 280, and D.7) were limited to considering only two variables at a time. To overcome this shortcoming, multivariate models were estimated that examined whether there were racial or ethnic disparities in the severity of force used against individuals after accounting for relevant factors that predict such outcomes. Table D.8 on page 282 presents the multinomial logistic equation that regressed the highest level of force onto individual race or ethnicity and the statistical control variables. The two columns contrast the likelihood of experiencing high force compared to low force and medium force compared to low force. In both comparisons, individual resistance had the largest impact on level of force. For every one-unit increase in the individual resistance scale (which ranges from 0 to 5), individuals were 5.74 times more likely to have experienced high force relative to low force ($p < 0.01$). Similarly, the risk of being in the medium force category compared to the low force category increased by a factor of 3.35 for every one-unit increase in the individual resistance scale ($p < 0.01$). In other words, individuals who offered greater resistance were more likely to experience higher amounts of force by SFPD officers. This was expected and consistent with the literature (Alpert and Dunham 1997). Only one other individual characteristic had a statistically significant effect in this model—number of charges (RRR = 0.91, $p < 0.05$). For each additional charge, individuals were about 9 percent less likely to be in the medium force category compared to the low force group, net of controls. Importantly, the results demonstrate that there were no racial or ethnic disparities in the severity of force experienced by individuals in this random sample. African-American, Hispanic, and other race individuals received similar levels of force as White individuals.

Table D.8. Multinomial logistic model predicting highest level of force applied by officers (N = 518)

	High force versus Low force			Medium force versus Low force		
	b	*z*	RRR	*b*	*z*	RRR
Individual characteristics						
Individual resistance	1.75	6.31‡	5.74	1.21	4.87‡	3.35
African American	0.05	0.09	1.05	0.03	0.06	1.03
Hispanic	0.30	0.51	1.34	-0.33	-0.56	0.72
Other race	0.42	0.42	1.52	0.38	0.38	1.46
Male	-0.05	-0.08	0.95	-0.65	-1.19	0.52
Age	0.01	0.55	1.01	-0.01	-0.53	0.99
Number of warrants	-0.13	-0.75	0.88	-0.20	-1.35	0.82
Number of charges	-0.06	-1.28	0.94	-0.09	-2.06†	0.91
Intoxicated	0.60	0.86	1.82	0.55	0.94	1.73
Height	0.03	0.55	1.03	-0.01	-0.11	0.99
Weight	0.00	-0.19	1.00	0.00	0.76	1.00
Offense characteristics						
Violent offense	0.32	0.36	1.37	0.15	0.22	1.17
Weapon offense	-0.09	-0.28	0.92	-0.43	-0.77	0.65
Night	-0.38	-0.78	0.68	-0.65	-1.59	0.52
Number of individuals	-0.10	-0.45	0.90	-0.18	-0.79	0.84
Officer characteristics						
All minority officers	1.77	1.92*	5.85	0.73	0.82	2.07
Mixed race officers	-0.28	-0.75	0.76	-0.33	-0.91	0.72
All male officers	0.39	0.57	1.47	0.50	0.91	1.65
Patrol	0.55	1.40	1.74	0.50	1.22	1.64
Number of officers	-0.19	-1.90*	0.82	-0.30	-4.02‡	0.74
District characteristics						
Violent crime rate	0.13	1.70	1.14	0.03	0.37	1.03
% African American	-0.01	-0.25	0.99	-0.01	-0.20	0.99
% Hispanic	-0.08	-2.56†	0.92	-0.04	-1.51	0.96
% Unemployed	0.16	0.72	1.17	-0.04	-0.20	0.96
Intercept	-4.79	-1.38	0.01	2.35	0.68	10.52
McFadden's R^2			0.24			

Reference category is "low force" (i.e., verbal commands or pointing firearm). RRR = Relative risk ratio.
*p ≤ 0.10
†p ≤ 0.05
‡ p ≤ 0.01

None of the offense characteristics had statistically significant effects on the highest level of force, but several officer characteristics emerged as meaningful. Individuals in use of force incidents that involved all minority officers were 5.85 times more likely to have experienced the highest level of force compared to incidents involving all White officers (b = 1.77, p < 0.10, RRR = 5.85). This suggests that among this sample of use of force incidents, groups of all minority officers were more likely to use higher amounts of force compared to incidents that involved all White officers. This was an interesting finding and worthy of further analysis. Given that minority officers are distributed fairly evenly throughout SFPD districts, it does not appear that district assignment of minority officers explains this finding. Minority officers are not disproportionately assigned to higher crime districts where higher levels of force might be expected.

The number of officers present at the use of force incident was negatively related to level of force in both comparisons. For each additional officer involved in a use of force incident, the odds of being in the high force category versus the low force category decreased by 18 percent ($p < 0.10$), and the odds of being in the medium force category versus the low force category decreased by 26 percent ($p < 0.01$). This finding suggests that lower levels of force were used against individuals when more SFPD officers were present during the incident.

Last, there was one district-level variable that emerged as a statistically significant predictor. The percentage of the population that is Hispanic (*% Hispanic*) was negatively associated with use of force severity. Each percentage increase in the Hispanic population corresponded with an 8 percent reduction in the risk of being in the high force group compared to the low force group ($p < 0.05$). Use of force incidents in parts of San Francisco with higher concentrations of Hispanic residents involved less severe force on average.

Force factor analysis

The next stage of the analysis focused attention on the force factor. Recall from earlier discussion that the force factor represents the difference between the highest level of force used by the SFPD officer and the highest level of resistance offered by the individual. Positive values are associated with more officer force relative to individual resistance. Negative force factor values correspond with less officer force relative to individual resistance. Table D.9 on page 284 presents the results of the multinomial logistic regression that compared (1) the risk of experiencing less force than resistance relative to equal force and (2) the risk of experiencing more force than resistance relative to equal force. The estimated coefficients appear in the respective columns in table D.9 on page 284. The results suggest that there were no racial or ethnic disparities in the amount of force applied relative to individual resistance. In other words, African-American, Hispanic, and individuals of other racial or ethnic groups were likely to receive the same level of force as White individuals. This finding echoes the results presented in table D.8 on page 282. Several other individual characteristics had statistically significant effects on the force factor categories. Each additional charge corresponded with a 5 percent reduction in the risk of experiencing more force than resistance relative to equal force ($p < 0.10$). This is similar to the previous analysis—more charges were associated with less force. Interestingly, intoxicated individuals were more likely to fall into the less force than resistance category compared to equal force. Intoxicated individuals were about 153 percent more likely to have lower levels of force used against them compared to sober individuals ($p < 0.05$). Last, height was associated with the force factor ($p < 0.10$). For each additional inch of height, individuals' risk of having less force used against them compared to equal force was reduced by 4 percent. In other words, taller individuals were more likely to receive an equal amount of force from officers relative to their own resistance versus experiencing less force. It is important to note that height was not associated with experiencing more force than resistance (i.e., positive force factor values).

Table D.9. Multinomial logistic model predicting force factor (N = 518)

	Less force than resistance versus Equal force to resistance			More force than resistance versus Equal force to resistance		
	b	z	RRR	b	z	RRR
Individual characteristics						
African American	0.39	1.40	1.47	0.16	0.67	1.18
Hispanic	-0.11	-0.36	0.90	0.50	1.10	1.64
Other race	-0.70	-0.78	0.50	-0.18	-0.35	0.83
Male	-0.02	-0.06	0.98	0.51	1.02	1.67
Age	-0.02	-1.17	0.98	-0.01	-0.39	0.99
Number of warrants	0.08	0.58	1.08	0.09	0.90	1.09
Number of charges	0.04	0.75	1.04	-0.05	-1.72*	0.95
Intoxicated	0.93	2.43†	2.53	0.34	0.99	1.41
Height	-0.04	-1.65*	0.96	0.03	0.86	1.03
Weight	0.00	-0.22	1.00	0.00	-0.92	1.00
Offense characteristics						
Violent offense	0.37	0.87	1.44	-0.63	-4.02‡	0.53
Weapon offense	-0.53	-0.63	0.59	-0.02	-0.08	0.98
Night	-0.37	-1.00	0.69	0.16	0.55	1.18
Number of individuals	-0.31	-1.08	0.73	-0.15	-0.84	0.86
Officer characteristics						
All minority officers	0.35	0.65	1.42	0.93	2.69‡	2.54
Mixed race officers	-0.05	-0.12	0.95	-0.27	-1.34	0.76
All male officers	0.08	0.25	1.08	0.05	0.16	1.06
Patrol	-0.38	-0.90	0.69	-0.47	-2.10†	0.62
Number of officers	-0.04	-0.49	0.96	-0.05	-0.96	0.95
District characteristics						
Violent crime rate	-0.15	-4.30‡	0.86	0.01	0.24	1.01
% African American	0.05	3.26‡	1.05	0.03	1.21	1.03
% Hispanic	0.03	2.40†	1.03	-0.02	-1.98†	0.98
% Unemployed	-0.25	-4.27‡	0.78	0.02	0.28	1.02
Intercept	4.38	2.11†	79.78	-2.15	-0.78	0.12
McFadden's R^2			0.07			

Note: The reference category is "equal force to resistance" (the officer applied a level of force on par with the individual's level of resistance; force factor = 0). RRR = Relative risk ratio.
*p ≤ .10
†p ≤ .05
‡ p ≤ .01

Regarding offense characteristics, individuals who committed a violent offense had lower odds of being in the more force than resistance category compared to the equal force category ($p < 0.01$). Specifically, violent offenders were 47 percent less likely than individuals who committed other offenses to experience a greater level of force relative to their level of resistance. While this finding seems counterintuitive, it is possible that officers dealing with an individual charged with a violent offense might be more cautious or more likely to point a firearm at the individual (or both), which might explain the low relative risk ratio associated with this variable. This finding also warrants further investigation and analysis in the future.

Several officer characteristics also were related to the force factor. Incidents that involved all minority officers were 2.54 times more likely than incidents with all White officers to involve levels of force that were disproportionate to the level of individual resistance ($p < 0.01$). This finding mirrors the result from table D.8 on page 282—incidents involving all minority officers were more likely to result in more severe force than those involving all White officers. Patrol officers were 38 percent less likely than SFPD officers from other assignments to use a disproportionate amount of force ($p < 0.05$).

Each of the district-level characteristics was significantly associated with the force factor. The violent crime rate, for instance, was negatively correlated with the risk of an individual experiencing less force than resistance ($p < 0.01$). For every one-unit increase in the violent crime rate, the odds of an individual experiencing a lower amount of force relative to his resistance decreased by about 14 percent. This finding was in the expected direction and suggests that the level of violence in a district was associated with increased, but not disproportionate force, relative to individual resistance. However, violent crime rates were not associated with disproportionate force. The percentage of the district population that was African American ($p < 0.01$, RRR = 1.05) and Hispanic ($p < 0.05$, RRR = 1.03) were positively associated with less force. A higher percentages of Hispanic individuals was also negatively associated with the odds of an individual experiencing excessive force ($p < 0.05$, RRR = 0.98). Use of force incidents that occurred in areas with greater concentrations of racial or ethnic minorities were more likely to involve less officer force relative to individual resistance. Lower levels of force may occur in such areas for a number of reasons including officers being more hesitant to use high levels of force in minority communities (Nix and Wolfe 2015; Nix and Wolfe 2016; Wolfe and Nix 2016) or officers being more likely to report higher levels of individual resistance in such neighborhoods (which would artificially reduce the force factor values). The current data cannot speak to the cause of this relationship. Last, the percentage of residents in a district who were unemployed was negatively associated with the experience of lower levels of force relative to individual resistance ($p < 0.01$, RRR = 0.78). Accordingly, SFPD officers were more likely to use proportionate levels of force as opposed to less than necessary force in areas marked by greater disadvantage. Unemployment levels did not predict excessive force.

Individual injury analysis

The last section of the analysis considered whether there were racial or ethnic disparities in individual injuries. Table D.10 on page 286 provides a cross-tabulation of injury status across the racial or ethnic groups. Out of the 548 use of force incidents analyzed in this report, 51.8 percent resulted in an individual injury of some type (N = 284). There were no significant differences across the individual racial or ethnic groups regarding whether an injury was sustained ($p = 0.52$).

Table D.10. Injury sustained, by individual race or ethnicity

Injury	White	African American	Hispanic	Other	Missing	Total
No injury →	93	101	47	21	2	264
Percent of individuals in each racial group with no injury	47.9%	49.8%	46.5%	45.7%	50.0%	48.2%
Injury →	101	102	54	25	2	284
Percent of individuals in each racial group with injuries	52.1%	50.3%	53.5%	54.4%	50.0%	51.8%
Total →	194	203	101	46	4	548
Percent of individuals in each racial group	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Some column percentages may not sum to precisely 100 percent because of rounding.

Table D.11 presents a frequency distribution of the highest level of injury sustained by individuals within the use of force sample. Complaints of pain or discomfort (17.2 percent) and scrapes (18.8 percent) were the most common types of injuries sustained by individuals in the use of force sample. In fact, these types of injuries accounted for 69.4 percent of the 284 incidents involving some type of individual injury. About 6 percent of all use of force incidents resulted in individual bruising or swelling or a laceration, respectively. Eight individuals received a broken or dislocated bone and two suffered internal bleeding. Overall, these results indicate that a significant majority of use of force incidents resulted in either no injury or only minor injuries to individuals.

Table D.11. Highest level of injury sustained by individual

	N	Percent of entire sample (N = 548)	Percent of those injured (N = 284)
No injury	264	48.2%	—
Pain/discomfort	94	17.2%	33.1%
Scrape	103	18.8%	36.3%
Bruise/swelling	32	5.8%	11.3%
Sprain/strain	4	0.7%	1.4%
Laceration	35	6.4%	12.3%
Bite	2	0.4%	0.7%
Puncture	3	0.6%	1.1%
Burn	0	0.0%	0.0%
Broken/dislocated bone	8	1.5%	2.8%
Internal bleeding	2	0.4%	0.7%
Gunshot wound	0	0.0%	0.0%
Other	1	0.2%	0.4%
Total	548	100.0%	100.0%

For comparison purposes, table D.12 on page 287 provides a distribution of the highest level of injury sustained by officers involved in the use of force incidents. A vast majority of use of force incidents did not result in an officer injury (86.5 percent). About 3 percent of officers complained of pain or discomfort and 4.7 percent received a scrape. Only four officers received a broken or dislocated bone—the most severe

injury sustained in the sample. Like the individual findings discussed earlier, these results indicate that most use of force cases did not involve injuries to officers, and when injuries did occur, they were usually minor.

Table D.12. Highest level of injury sustained by officers involved

	N	Percent of entire sample (N = 548)	Percent of those injured (N = 74)
No injury	474	86.5%	—
Pain/discomfort	16	2.9%	21.6%
Scrape	26	4.7%	35.1%
Bruise/swelling	8	1.5%	10.8%
Sprain/strain	4	0.7%	5.4%
Laceration	11	2.0%	14.9%
Bite	2	0.4%	2.7%
Puncture	3	0.6%	4.1%
Burn	0	0.0%	0.0%
Broken/dislocated bone	4	0.7%	5.4%
Internal bleeding	0	0.0%	0.0%
Gunshot wound	0	0.0%	0.0%
Other	0	0.0%	0.0%
Total	548	100.0%	100.0%

Table D.13 on page 288 presents the results from a logistic regression model predicting whether the individual was injured during the incident. Consistent with the aforementioned analyses, race or ethnicity was not significantly associated with being injured during the use of force incidents. African-American, Hispanic, and individuals of other racial or ethnic groups were no more or less likely to be injured compared to their White counterparts. As expected, individual resistance was highly correlated with individual injury ($p < 0.01$, OR = 2.14). The odds ratio demonstrates that the likelihood of an individual being injured during a use of force incident increased by 114 percent for every one-unit increase in the individual resistance scale. For example, an individual who offered the highest level of resistance to an officer (coded 5 on the assessment team's scale) would be over 10 times more likely to be injured than an individual who offered the least amount of resistance (coded 0 on the team's scale). This finding was consistent with the police use of force literature. Male individuals were 68 percent less likely to be injured than female individuals ($p < 0.05$, OR = 0.32), an interesting gender effect that bears further investigation with subsequent use of force samples. Age was positively associated with the risk of injury ($p < 0.05$, OR = 1.03), where each additional year of individual age corresponded with a 3 percent increase in the odds of injury. This suggests, for example, that an average 50-year-old individual would be about 90 percent more likely to be injured during a use of force incident than an average 20-year-old individual. Last, individual height was positively associated with the odds of injury ($p < 0.05$, OR = 1.06). An additional inch of height increased the chances of injury to an individual by 6 percent. Weight, however, was negatively associated with the risk of injury ($p < 0.05$, OR = 0.95). Every 10-pound increase in individual weight corresponded with a 5 percent decrease in the odds of injury.

Table D.13. Logistic regression model predicting whether individual was injured (N = 518)

	b	SE	OR
Individual characteristics			
Individual resistance	0.76‡	0.13	2.14
African American	0.13	0.20	1.14
Hispanic	0.54	0.34	1.72
Other race	0.32	0.38	1.38
Male	-1.14†	0.48	0.32
Age	0.03	0.01	1.03
Number of warrants	0.19	0.15	1.21
Number of charges	-0.06	0.04	0.95
Intoxicated	0.42	0.36	1.52
Height	0.06†	0.13	1.06
Weight x 10*	-0.05†	0.02	0.95
Offense characteristics			
Violent offense	-0.43	0.28	0.65
Weapon offense	0.29	0.35	1.34
Night	0.19	0.27	1.21
Number of citizens	-0.20	0.23	0.82
Officers characteristics			
All minority officers	0.79†	0.39	2.21
Mixed race officers	0.19	0.14	1.21
All male officers	-0.30	0.24	0.74
Patrol	-0.55†	0.25	0.58
Number of officers	0.00	0.03	1.00
District characteristics			
Violent crime rate	-0.01	0.04	0.99
% African American	0.03	0.02	1.03
% Hispanic	-0.02	0.01	0.98
% Unemployed	0.04	0.07	1.05
Intercept	-4.77‡	1.80	—
McFadden's R^2		0.17	

* The weight coefficient, SE, and OR are multiplied by 10.
† $p \leq .05$
‡ $p \leq .01$

None of the offense characteristics were associated with the risk of individual injury, but several officer characteristics were. Consistent with the previously discussed findings, use of force incidents involving all minority officers were 2.20 times more likely to result in individual injury compared to similarly situated incidents involving all White officers ($p < 0.05$, OR = 2.21). Incidents where the primary officer was assigned to patrol were about 42 percent less likely to result in individual injury compared to incidents involving a primary officer from another assignment ($p < 0.05$, OR = 0.58). None of the district-level characteristics were associated with the risk of individual injury.

Conclusion

This analysis used a sample of 548 use of force cases recorded by SFPD over a three-year period (May 2013–May 2016) to investigate whether racial aor ethnic minorities in San Francisco were subjected to greater (or more severe) levels of force compared to White individuals and whether minority individuals were more likely than White individuals to be injured during a use of force encounter with the police. Overall, African Americans constituted the largest racial group against whom force was used (37 percent) followed by White individuals (35.4 percent) and Hispanic individuals (18.4 percent). Persons of other races, including Asian, constituted 8.4 percent of the use of force sample. These percentages have a margin of error of 3–4 points at a confidence level of 95 percent. While it is tempting to compare these percentages to the census populations of these groups in San Francisco, such comparisons should not be made because they do not take into account the nature of the underlying offenses associated with the use of force incidents or the levels of resistance offered by the individuals, among other important factors. Unfortunately and because of limitations in the manner in which use of force and arrest data were collected by SFPD, the assessment team was unable to perform a multivariate frequency analysis, which would have shed light on whether minority individuals were subjected to force more often than White individuals during an arrest.

The results do indicate, however, that minority individuals were not subjected to higher or more severe levels of force than White individuals. This is an important finding and suggests that higher levels of force are not being applied in a racially disproportionate manner by the SFPD. Instead, the level of individual resistance was by far the strongest predictor of the severity of force used by the police across the use of force sample. However, the presence of all minority officers (compared to all White officers) during a use of force event was associated with an increase in the severity of force used. Although a plausible explanation for this finding is that a greater concentration of minority officers may be assigned to higher crime districts where force may be used at higher levels, this does not appear to be the case. Minority officers are, in fact, distributed fairly evenly throughout the SFPD districts and are not disproportionately assigned to higher crime districts. This finding regarding higher force levels and the presence of minority officers warrants further examination and analysis in the future.

In addition, officers did not disproportionately use greater force relative to individual resistance against minority individuals when compared to White individuals. This mirrored the severity analysis and reinforces that compared to White individuals, SFPD officers did not use higher levels of force against minorities (African Americans and Hispanics) relative to the resistance offered by those individuals. Again, though, when force was used by only minority officers (singularly or in groups), more force relative to individual resistance was evident when compared to force used by only White officers.

Finally, minority individuals were not injured at the hands of the police more often than White individuals. Rather, the presence of only minority officers was the strongest predictor of individual injury followed by the level of individual resistance. As noted, the consistent finding of increased force and individual injury when only minority officers were present requires further examination in future use of force analyses.

In addition, the SFPD should begin collecting use of force information in a manner that is linkable to its arrest data so that a multivariate frequency analysis can be conducted to determine whether minority individuals are more likely than White individuals to have force used against them during an arrest. This analysis should also explore the effect that minority officers have on the frequency with which force is used and whether force is used more often during an arrest by minority officers than White officers.

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Appendix E. Traffic Stop Data Statistical Analysis

Stop data and methodology

This report offers an assessment of the decision-making practices of San Francisco police officers over a three-year period. In particular, two decision points were examined. First, the initiation of a traffic stop by an officer was examined to assess whether there were any racial or ethnic disparities in the composition of those incidents. The second area of interest was the actions taken by an officer once a traffic stop had been initiated (i.e., post-stop outcomes). These may include the issuance of a warning or citation, an arrest of the individual, a search of the individual or vehicle, or a combination of these. These two decision points were examined using a variety of analytic methods to arrive at some general conclusions regarding the actions of San Francisco officers during this three-year period. Data to inform these analyses were drawn from a variety of sources including the E-585 traffic stop incident reports (i.e., stop data) completed by the San Francisco Police Department (SFPD). Data on all SFPD officers who initiated traffic stops during the study period (i.e., officer characteristics) were provided by SFPD. Finally, the 2010 American Community Survey compiled by the U.S. Census Bureau provided contextual information (i.e., district characteristics).

Stop data

The stop data were provided by the SFPD and reflect all E-585 traffic stop incident reports collected between May 1, 2013 and May 1, 2016. SFPD officers are required to complete an E-585 traffic stop incident report each time they make a self-initiated traffic stop. Officers capture basic demographic information about the driver, the reason for the stop, and any outcomes from the stop and enter the data on their mobile computers in their vehicles or on a hand-held device in the case of motorcycle officers assigned to the Traffic Unit. Three years of stop data provided a sufficient amount of data to produce reliable results and minimize the impact of any seasonal effects on stop activity. Furthermore, three years of data helped minimize the potential impact of random changes in stop activity from one year to the next.

The E-585 traffic stop incident report collects information on the driver involved in the stop including the individual's gender, race or ethnicity, and age. The reason for the stop (e.g. moving violation, non-moving violation, "be on the lookout" (BOLO), etc.) is also recorded on the E-585 traffic stop incident report. This form also summarizes the resolution of the stop including whether it resulted in a warning, citation, arrest, or search. Finally, the SFPD district where the stop took place is recorded on the form. As summarized in table E.1 on page 293, White drivers constituted a plurality (37.7 percent) of the stops, with male drivers accounting for nearly three-quarters (71.8 percent) of the stops. The average age of drivers stopped by the SFPD was 39 years. The overwhelming majority of stops were initiated because of moving (68.3 percent) or non-moving (30.5 percent) violations. These stops most frequently resulted in a traffic citation (72.6 percent), with searches occurring in approximately 3.9 percent of all stops and arrests occurring in less than 1 percent of all stops (0.8 percent). Finally, Southern (18.4 percent) and Taraval Districts (12.6 percent) represented the most active locations.

Table E.1. Traffic stop data descriptive statistics (N = 331,829)

	Percent/Average	SD	Range
Driver characteristics			
White (non-Hispanic)	37.7	0.48	0–1
African American (non-Hispanic)	14.8	0.36	0–1
Hispanic	13.0	0.34	0–1
Asian	17.8	0.38	0–1
Other *	16.7	0.37	0–1
Male	71.8	0.45	0–1
Average age	39.2	13.94	15–99
Reason for the stop			
Moving violation	68.3	0.47	0–1
Non-moving violation	30.5	0.46	0–1
DUI	0.2	0.04	0–1
PC violation	0.4	0.06	0–1
MPC violation	0.6	0.08	0–1
BOLO/Warrant	0.2	0.04	0–1
Stop outcomes			
No action taken	0.3	0.05	0–1
Report taken	0.8	0.09	0–1
Warning	25.6	0.44	0–1
Citation	72.6	0.45	0–1
Arrest	0.8	0.09	0–1
Search (any type)	3.9	0.19	0–1
Districts			
Bayview	10.4	—	—
Central	9.6	—	—
Ingleside	10.1	—	—
Mission	8.6	—	—
Northern	8.5	—	—
Park	6.7	—	—
Richmond	9.9	—	—
Southern	18.4	—	—
Taraval	12.6	—	—
Tenderloin	5.2	—	—

* "Other" race or ethnicity is not defined in the E-585 data but presumably is any race or ethnicity not otherwise captured.

SFPD officers

Table E.2 on page 294 provides the demographic characteristics of the officers involved in the traffic stops across the three-year period. These values were derived from the stop-level database, which means that many of the stops in the analysis were initiated by the same officer. In other words, individual officers account for multiple stops within the data base. Unfortunately, the SFPD did not provide a database that would have allowed identification of individual officers or account for multiple stops by the same officers.[291] On average, 50.4 percent of traffic stops were conducted by a White officer, 9.5 percent by an

291. The E-585 data received from the SFPD already had officer data attached, so no unique identifier codes were present in the data.

African-American officer, 17.4 percent by an Asian officer, and 15.3 percent by an officer of Hispanic ethnicity. Approximately 93 percent of all traffic stops were conducted by a male officer with an average age of 39.7 years and 9.9 years of experience in law enforcement. A vast majority of the traffic stops were initiated by an officer assigned to patrol (93.1 percent). Almost three-quarters (72.9 percent) of stops were conducted by an officer assigned as a "district officer" and 24.2 percent were conducted by a "traffic officer." These data will be used in subsequent stop and post-stop analyses.

Table E.2. Officer characteristics by SFPD district

District*	% White	% African American	% Asian	% Other	% Hispanic	% Male	Avg. age	Avg. years of service	% Officer	% District assign	% Traffic assign
Citywide	50.4%	9.5%	17.4%	7.3%	15.3%	92.6%	39.7	9.9	93.1%	72.9%	24.2%
Bayview	49.5%	11.1%	8.6%	9.2%	21.6%	92.2%	36.4	7.3	95.7%	82.8%	13.9%
Central	48.1%	7.4%	20.8%	11.4%	12.3%	93.6%	40.0	10.7	94.9%	71.6%	24.6%
Ingleside	39.7%	16.8%	13.7%	12.0%	17.8%	90.5%	38.0	8.5	94.1%	88.6%	10.4%
Mission	45.6%	7.8%	15.6%	8.6%	22.3%	91.8%	36.5	6.4	95.5%	81.4%	16.3%
Northern	58.4%	7.8%	16.1%	3.2%	14.5%	91.9%	40.5	11.5	92.8%	57.9%	37.1%
Park	47.3%	10.7%	21.3%	7.1%	13.6%	90.5%	38.5	8.6	94.3%	87.7%	11.0%
Richmond	61.9%	3.0%	21.2%	4.9%	8.8%	92.0%	41.4	8.7	94.1%	92.7%	6.9%
Southern	52.4%	15.9%	9.5%	3.5%	18.7%	96.7%	43.9	14.8	88.0%	36.7%	58.7%
Taraval	43.7%	2.3%	35.0%	8.9%	10.0%	90.9%	39.3	8.8	93.0%	85.5%	14.0%
Tenderloin	64.6%	6.6%	14.5%	4.8%	9.5%	91.2%	37.5	8.7	93.2%	76.6%	15.5%

* 623 cases in the dataset (0.2%) were missing information on the district where the stop occurred.

City characteristics

Table E.3 on page 296 provides the population characteristics for San Francisco and the 10 police districts in the SFPD. The 2010 American Community Survey compiled by the U.S. Census Bureau was used to gather census tract-level community characteristics. In some locations, the SFPD districts overlap with census tracts. Accordingly, ArcGIS was used to apportion the census tract variables to the corresponding police district.

San Francisco's population of 824,834 residents is composed of 49.3 percent White, 5.8 percent African American, 33.7 percent Asian, and 11.2 percent from another racial group. Approximately 15 percent of the population self-identified as Hispanic. These population characteristics varied across the 10 police districts. The largest district had 159,647 people (Taraval), whereas the smallest district had 23,941 residents (Tenderloin). With respect to racial composition, Park district had the highest percentage of White residents (71.2 percent). In comparison, Bayview had the highest percentage of African-American residents (20.1 percent). Taraval district had the highest percentage of Asian residents (48.8 percent), while Mission had the largest proportion of Hispanic individuals (30.1 percent). Approximately 10 percent of the residents are between the age of 15 and 29.

From a socioeconomic standpoint, 13.1 percent of San Francisco residents lived in poverty, and the mean income across the city was $77,509. Approximately two-thirds (63.3 percent) of households were occupied by renters, and roughly 3 percent of households were headed by single women with children. The unemployment rate for the city at the most recent Census was 7.5 percent. At the district level, poverty rates ranged from a high of 32.1 percent in the Tenderloin to a low of 9.5 percent in Park.

Crime data were also provided by the SFPD that allowed for the construction of a violent crime rate for the city and each of the police districts. Calculation of this rate involved taking the number of violent crimes (i.e., homicide, rape, robbery, and aggravated assault) in the city and each district and dividing by 36 to create the average number of violent crimes per month in each location. These values were then divided by the area's total population and multiplied by 1,000. Therefore, the violent crime rate in table E.3 on page 296 represents the average number of violent crimes per month per 1,000 residents across the three-year observation period. San Francisco as a whole experienced an average of 1.84 violent crimes per month per 1,000 residents. The violent crime rate varied dramatically across the districts. The lowest violent crime rate was in Taraval (0.48 per 1,000 people). The most violent district—the Tenderloin—experienced an average of 8.04 violent crimes per month per 1,000 residents.

The city and district crime and sociodemographic characteristics represent important factors to include in subsequent stop and post-stop analyses. For example, accounting for the violent crime rate in post-stop analyses was critical given that any relationship discovered between individual race or ethnicity and officer behavior may be partially a function of crime levels in a given community.

Table E.3. City and SFPD district characteristics

District	Total population	% White	% African American	% Asian	% Other	% Hispanic	% Age 15–29	% Poverty	Mean income	% Renter	% FHH*	Unemp. rate	Violent crime rate
Citywide	824,834	49.3%	5.8%	33.7%	11.2%	15.3%	9.9%	13.1%	$77,509.07	63.3%	3.3%	7.5%	1.84
Bayview	65,283	28.7%	20.1%	36.0%	15.2%	19.8%	10.3%	16.8%	$68,858.45	48.7%	10.2%	10.4%	2.73
Central	70,362	46.7%	2.3%	44.1%	7.0%	8.0%	9.8%	17.8%	$67,774.40	84.8%	1.7%	6.9%	2.36
Ingleside	139,360	41.3%	4.7%	37.4%	16.6%	26.0%	9.7%	9.6%	$72,921.91	39.1%	5.3%	9.4%	1.15
Mission	80,340	67.4%	2.7%	12.1%	17.9%	30.1%	7.9%	12.6%	$80,125.17	67.0%	3.3%	7.1%	3.38
Northern	96,336	67.1%	7.7%	18.9%	6.3%	8.5%	6.6%	12.3%	$98,697.32	79.0%	2.1%	5.6%	1.66
Park	62,169	71.2%	5.6%	14.9%	8.4%	9.9%	10.4%	9.5%	$75,841.30	67.6%	1.8%	6.0%	0.91
Richmond	85,564	53.1%	1.9%	37.7%	7.4%	7.8%	9.4%	10.9%	$98,911.69	63.9%	2.0%	6.2%	0.58
Southern	41,832	46.5%	7.5%	35.3%	10.7%	14.2%	8.7%	18.3%	$49,555.11	69.4%	3.2%	6.3%	4.83
Taraval	159,647	38.3%	3.7%	48.8%	9.1%	9.8%	13.6%	11.7%	$92,319.89	43.4%	2.9%	8.4%	0.48
Tenderloin	23,941	36.3%	10.5%	37.6%	15.6%	19.7%	7.8%	32.1%	$18,060.20	95.7%	2.8%	9.4%	8.04

*FHH refers to percent female-headed households.

Stop analysis analytic strategy

The initial question to be addressed was the extent to which African American, Hispanic, and Asian drivers were more likely to be stopped compared to White drivers or drivers of "Other" races. To accomplish this goal, the racial or ethnic composition of stops is initially described in the sections that follow (see tables E.4 on page 300 and E.5 on page 300 for specific results). While useful as a descriptor, the racial or ethnic composition of stops is only meaningful when compared against a value expected if there was no racial bias (i.e., a benchmark). For example, if 30 percent of all traffic stops involve Asian drivers, this statistic is only interpretable when compared against the benchmark of what is expected if no bias is present. Frequently, the Census population of a jurisdiction is used as a benchmark; however, simple comparisons of the racial composition of stops to the Census population of San Francisco are naïve to a host of potential predictors of officer stop actions that may account for any racial disparity, including the driving population (as opposed to the residential population) that is available to be stopped. Using the census population as a benchmark for traffic stops is not recommended or appropriate (Alpert, Smith, and Dunham 2004; Fridell 2004; Fridell 2005). Therefore, the assessment team progressed through a series of benchmark comparisons in the second stage of the stop analysis.

Collision data benchmark

The assessment team's first benchmarking method used traffic collision data for comparison to SFPD traffic stop data. The use of information about drivers in two-vehicle collisions to estimate the driving or at-risk (violating) populations in a given area has its roots in the traffic safety literature from the 1960s and 70s (Carr 1969; Haight 1970; Koornstra 1973). In the early 2000s, Alpert, Smith, and Dunham (2004) re-conceptualized and extended this approach and applied it within a racial profiling context. Following the theoretical proposition from Stamatiadis and Deacon (1997) that not-at-fault drivers in two-vehicle crashes provide a reasonably reliable estimate of the driving population, Alpert et al. (2004) validated and used the racial composition of not-at-fault drivers as a benchmark for traffic stops made by the Miami-Dade (Florida) Police Department. Subsequently, the approach has been used in Mundelein, Illinois (Mundelein Police Department 2016) and the State of Washington (Loyrich et al. 2007), and it has been cited as a best practice in racial profiling research (McLean and Rojek 2016; Tillyer, Engel, and Calnon Cherkauskas 2010). Recently, Withrow and Williams (2015) extended the technique to at-fault drivers involved in collisions as a proxy for risky drivers or those more likely to violate traffic laws.

Unlike many states, the State of California's uniform traffic collision report (CHP 555) includes fields for the race or ethnicity of the drivers involved in traffic collisions. Moreover, California requires all law enforcement agencies in the state, including the SFPD, to report their traffic collision data centrally to the Statewide Integrated Traffic Records System (SWITRS) maintained by the California Highway Patrol (CHP). Traffic collision investigation by a California law enforcement agency and subsequent data reporting are required for any traffic crash that results in an injury or fatality. Although not mandated, the CHP also encourages agencies to submit their 555 forms for collisions involving only property damage. It is generally common practice in large agencies around California to submit their 555 forms for all collisions to the CHP for inclusion in the SWITRS database (Wolfe et al. 2015).

To benchmark the racial composition of at-fault and not-at-fault drivers involved in two-vehicle crashes against the racial composition of traffic stops made by the SFPD, 36 months of San Francisco traffic collision data reported to the California Highway Patrol by either the CHP or the SFPD were obtained.[292] These data involved more than 10,000 two-vehicle crashes that occurred from January 1, 2013 through December 31, 2015 (2016 SWITRS data were not used because they are not yet publicly available as of the writing of this report). Traffic crash data were compared to police stop data both citywide and by police district. Not-at-fault drivers served as an estimate of the driving population in the city, while at-fault drivers served as an estimate for those who violate traffic laws. If SFPD officers disproportionately stop minority drivers, a higher percentage of minority stops would be expected compared to the percentage of minority drivers involved in traffic collisions (please see tables E.6–E.11 on pages 301–305 for specific results).

Veil of darkness benchmark

Another benchmarking approach compares the racial composition of stops made under conditions where police reasonably could identify the race of the driver prior to the stop against the racial composition of stops where the police might be unable to determine the race of the driver before initiating the stop. In 2006, Grogger and Ridgeway pioneered a method in Oakland, California, employing this approach, which they labeled the "behind the veil of darkness" method for identifying racial disparities in police traffic stop practices. Ridgeway subsequently used this method in Cincinnati, Ohio (2009), and others have used it in Minneapolis, Minnesota (Ritter and bael 2009); Syracuse, New York (Worden, McLean, and Wheel 2010); and Greensboro and Raleigh, North Carolina (Taniguchi et al. 2016a; Taniguchi et al. 2016b).

Following Grogger and Ridgeway (2006) and others, an inspired version of the "veil of darkness" method was used to compare the racial composition of traffic stops made during daylight hours to the racial composition of stops made at night when, theoretically, San Francisco police may be less likely to see the race of the driver prior to initiating a traffic stop. The veil of darkness method makes use of natural changes in lighting, as well as daylight saving time, which occur over the course of a year. Using sunset and civil twilight (dusk) times published for San Francisco by the U.S. Naval Observatory, stops were coded as occurring either during the day (before sunset) or at night (after the end of civil twilight). For example, a stop made at 7:00 p.m. in December or January would be a nighttime stop, while a stop made at 7:00 p.m. in June or July would be a daytime stop because of the variation in daylight that takes place across the seasons. This method focuses on the "intertwilight" period of each day, or the period between 4:50 p.m. when the sun sets at its earliest during the year and 9:07 p.m. when civil twilight ends at its latest. Following Grogger and Ridgeway (2006), the roughly half-hour period after sunset but before the end of civil twilight when it is not clear if a stop occurred during daylight or at night was excluded. Limiting the analysis to the intertwilight period reduces the chances that the racial composition of the driving population might vary significantly between day and night.[293] In sum, the veil of darkness method compares the racial composition of daytime stops to that of nighttime stops across the year and between

292. Both law enforcement agencies have jurisdiction to investigate traffic collisions within the City of San Francisco, and both report their collision data to the CHP.
293. Grogger and Ridgeway, 2006.

the hours of 4:50 p.m. and 9:07 p.m. If racial profiling is occurring, a higher percentage of minority drivers stopped during the day would be expected (when driver race or ethnicity is theoretically more visible) compared to at night (see table E.12 on page 307 for specific results).

In addition to reporting the racial percentages of stops conducted during the daytime and nighttime, a logistic regression equation was also estimated that predicted the odds that a traffic stop occurred during the day versus the night (1 = day stop, 0 = night stop). This equation is inspired by the Grogger and Ridgeway veil of darkness argument but is not an exact replication. Rather than predicting driver race as they did this model explored whether driver race or ethnicity was associated with the odds of being stopped during a particular time of day after controlling for other relevant factors. Specifically, a host of driver, officer, and district characteristics were considered that may partially explain day versus night stop behavior. Each of these variables is discussed in more detail in the "post-stop analysis" section. This logistic regression model offers an assessment of whether African Americans, Hispanics, or Asians were more or less likely to be stopped by the SFPD during the daytime than White drivers (consistent with a racial profiling hypothesis), net of other factors that may explain such an outcome (see table E.13 on page 308 for specific results).

Stop analysis results

Distribution of stops by driver race

Table E.4 on page 300 provides the distribution of traffic stops conducted by the SFPD across the three-year observation period by driver race. In total, there were 331,829 traffic stops conducted during this time period. About 14.8 percent of the stops involved African-American individuals, whereas 37.7 percent involved White individuals. Nearly 18 percent of the stops were conducted on an Asian driver and 13 percent involved a Hispanic driver. Although it appears that a higher percentage of African-American residents were stopped (14.8 percent) compared to their representation in the city population (5.8 percent), it is critical to understand that this does not necessarily imply that racial profiling exists in SFPD stops. As discussed earlier, a comparison of the racial composition of stops to the residential census population is naïve to variation in the racial distribution of African-American drivers on the road and officers in locations with higher crime rates, among other factors. The assessment team reports these figures merely to describe the racial distribution of traffic stops made by the SFPD and to set the stage for the benchmarking analyses that follow.

Table E.5 on page 300 examines the same racial breakdown of traffic stops, but this time across each of the 10 police districts. Not surprisingly, there is variation across the districts with respect to the percentage of traffic stops in each racial or ethnic category. While 14.8 percent of all traffic stops citywide were of an African-American driver, more than 42 percent of such stops in Bayview involved an African-American individual. Conversely, only 5.2 percent of stops in Richmond involved an African-American driver.

Table E.4. Distribution of stops by driver race

Driver race	Number of stops	Percent of stops
African American (non-Hispanic)	49,133	14.8
White (non-Hispanic)	124,898	37.7
Hispanic*	43,079	13.0
Asian	59,018	17.8
Other	55,523	16.7
Missing	178	<0.1
Total	331,829	100

* Includes Hispanics of any race

These descriptive analyses provide a snapshot of the distribution of traffic stops across racial and ethnic groups. It is important to note, however, that these statistics tell the assessment team little about whether race is a contributing factor in officers' decisions to conduct traffic stops or whether drivers of certain racial or ethnic groups are stopped disproportionately to their estimated representation in the driving or violating populations. The team turns to this issue next.

Table E.5. Distribution of stops by driver race by SFPD district*

District	Percent of African-American stops	Percent of White stops	Percent of Hispanic† stops	Percent of Asian stops	Percent of other stops
Bayview (N =34,298)	42.4%	18.7%	17.3%	13.8%	8.0%
Central (N = 31,701)	11.3%	38.1%	9.6%	17.2%	23.8%
Ingleside (N = 33,521)	11.7%	29.1%	26.4%	21.4%	11.3%
Mission (N = 28,457)	15.5%	39.6%	24.8%	9.0%	11.1%
Northern (N = 28,078)	13.3%	48.3%	9.4%	14.4%	14.6%
Park (N = 22,196)	9.2%	54.2%	8.5%	16.1%	12.1%
Richmond (N = 32,917)	5.2%	38.5%	5.4%	19.5%	31.3%
Southern (N = 60,819)	12.6%	41.0%	11.4%	13.4%	21.7%
Taraval (N = 41,895)	6.0%	39.1%	7.4%	35.3%	12.1%
Tenderloin (N = 17,196)	28.8%	32.5%	10.6%	12.0%	16.1%

Not-at-fault collision benchmark analysis.
*751 cases were excluded from the collision benchmarking analysis because of missing district and/or race information.
† Includes Hispanics of any race.

Collision data

The second stage of the stop analysis involved a benchmark data comparison. As discussed earlier, a common technique in the racial profiling literature (Alpert et al. 2006) is to employ traffic collision data to serve as a benchmark against police stop activity. Traffic collision data from the California SWITRS, maintained by the CHP, were accessed to use as a benchmark. SWITRS data from January 1, 2013 to December 31, 2015 were used in the benchmark analyses because this approximates the same observation period as the stop data; 2016 SWITRS data were not used because they are not yet publicly available. Initially, examination of the collision data was restricted to only two-vehicle collisions where the driver was found to be not at fault (N = 10,145). This provided an estimate of the proportion of African-American, Hispanic, and Asian drivers on the road given that not-at-fault collisions should be randomly distributed across a population.

Not-at-fault collision benchmark results

Table E.6 compares the percentage of not-at-fault two-vehicle collisions that involved an African-American driver to the percentage of traffic stops involving an African-American individual. Across the entire city, 14.8 percent of traffic stops involved an African-American driver. This is compared to 12.3 percent of all not-at-fault collisions that involved an African-American driver. The difference between these percentages is statistically significant at the 0.01 level of significance (t = 7.43). This suggests that there is minimal probability the assessment team observed the resulting differences by chance. The result indicates that African-American drivers in San Francisco are about 24 percent more likely (see odds ratio = 1.24) to be stopped by the police than would be expected by their estimated representation in the driving population based on this benchmark.

Table E.6. Comparison of African-American traffic stops to African-American "not-at-fault" collisions*

District	% of African-American stops	% of African-American collisions	*t*	*p*-value	Odds ratio
Citywide	14.8	12.3	7.43	0.00	1.24
Bayview	42.4	28.2	6.67	0.00	1.87
Central	11.3	9.6	1.43	0.15	1.20
Ingleside	11.7	8.9	3.20	0.00	1.36
Mission	15.5	10.1	8.14	0.00	1.63
Northern	13.3	13.7	-0.36	0.72	0.97
Park	9.1	11.5	-1.42	0.16	0.77
Richmond	5.2	8.5	-2.59	0.01	0.59
Southern	12.6	14.5	-2.73	0.01	0.85
Taraval	6.0	7.2	-1.14	0.26	0.82
Tenderloin	28.8	21.6	2.05	0.04	1.47

*751 cases were excluded from the collision benchmarking analysis because of missing district and/or race information.

The same pattern of results holds for many of the individual police districts. Most drastically, 42.4 percent of all traffic stops in Bayview were conducted on an African-American driver; however, an examination of the not-at-fault traffic collisions reveals that 28.2 percent of such incidents involved an African-American driver. The difference in percentages is large and statistically significant ($p \leq 0.01$). Accordingly, African-American drivers in Bayview are about 87 percent more likely to be stopped by SFPD officers than would be expected based on their estimated representation of drivers in the population. Similar results are observed in Ingleside ($p \leq .01$), Mission ($p \leq 0.01$), and Tenderloin ($p \leq 0.05$), where African Americans were 36 percent, 63 percent, and 47 percent, respectively, more likely to experience a traffic stop than the assessment team would expect given the estimated percentage of the African-American driving population in those districts.

It is important to note that the analysis also showed that the percentages of African-American traffic stops were similar to the representation of African Americans in the not-at-fault collision benchmark in Central, Northern, Park, and Taraval districts. Although some differences between the stops and the not-at-fault benchmark were observed in these districts, the percentage differences in these districts are not statistically significant. In fact, the data showed that African Americans experienced lower rates of traffic stops in the Richmond ($p \leq 0.01$) and Southern ($p \leq 0.01$) relative to their representation in not-at-fault collisions.

Table E.7 compares the percentage of not-at-fault Hispanic drivers in two-vehicle collisions to the percentage of traffic stops involving a Hispanic person. A very different pattern emerged in this analysis compared to the African-American collision benchmark noted earlier. Across all of San Francisco, Hispanic drivers were involved in 13 percent of traffic stops during the three-year observation period, but Hispanic drivers were involved in 15.8 percent of not-at-fault collisions from 2013 to 2015. This difference is statistically significant ($p \leq 0.01$), and the odds ratio reveals that Hispanics are about 20 percent less likely to be stopped by SFPD officers than what would be expected given their representation in not-at-fault collisions. Simply put, this is the opposite finding than was observed for African-American drivers.

Table E.7. Comparison of Hispanic traffic stops to Hispanic "not-at-fault" collisions*

District	% of Hispanic stops	% of Hispanic collisions	*t*	*p*-value	Odds ratio
Citywide	13.0	15.8	-7.51	0.00	0.80
Bayview	17.3	22.5	-2.64	0.01	0.72
Central	9.6	12.0	-1.83	0.07	0.78
Ingleside	26.4	21.7	3.71	0.00	1.29
Mission	24.8	17.6	8.63	0.00	1.54
Northern	9.4	9.7	-0.31	0.76	0.97
Park	8.5	13.5	-2.77	0.01	0.60
Richmond	5.4	5.4	0.00	1.00	1.00
Southern	11.3	17.2	-7.95	0.00	0.61
Taraval	7.4	11.6	-3.22	0.00	0.61
Tenderloin	10.6	10.8	-0.08	0.94	0.98

*751 cases were excluded from the collision benchmarking analysis because of missing district and/or race information.

The same pattern of results was observed in Bayview ($p \leq 0.01$), Park ($p \leq 0.01$), Southern ($p \leq 0.01$), and Taraval ($p \leq 0.01$). In each of these districts Hispanics were less likely to be stopped than would be expected given their estimated representation in the driving population. However, Hispanics were more likely to be stopped relative to their representation in not-at-fault collisions in Ingleside ($p \leq 0.01$) and Mission ($p \leq 0.01$). These mixed results suggest that Hispanics were less likely to be stopped by the SFPD when using the collision benchmark in most parts of the city. Yet this is not the case in Ingleside and Mission, where Hispanics were 34 percent and 59 percent, respectively, more likely to be stopped than the team would expect based on the benchmark data.

Table E.8 presents the findings from the same analysis for Asian drivers. Once again, across the entire city, the assessment team observed Asian drivers to be less likely to be stopped by the SFPD relative to their composition in not-at-fault vehicle collisions ($p \leq 0.01$). The same trend emerged in most of the police districts where Asians were between 18 percent (Central) and 60 percent (Mission) less likely to be stopped by the police than team members would have expected based on the not-at-fault collision benchmark.

Table E.8. Comparison of Asian traffic stops to Asian "not-at-fault" collisions*

District	% of Asian stops	% of Asian collisions	*t*	*p*-value	Odds ratio
Citywide	17.8	21.4	-8.60	0.00	0.80
Bayview	13.8	17.0	-1.80	0.07	0.78
Central	17.2	20.3	-1.91	0.06	0.82
Ingleside	21.4	30.4	-6.39	0.00	0.62
Mission	9.0	19.7	-12.63	0.00	0.40
Northern	14.4	19.7	-4.11	0.00	0.69
Park	16.1	20.1	-1.89	0.06	0.76
Richmond	19.5	27.8	-4.04	0.00	0.63
Southern	13.4	17.1	-4.98	0.00	0.75
Taraval	35.3	35.8	-0.26	0.80	0.98
Tenderloin	12.0	16.6	-1.45	0.15	0.69

*751 cases were excluded from the collision benchmarking analysis because of missing district and/or race information

At-fault collision benchmark analysis

A number of researchers (McKelvey and Stamatiadis 1988; Stamatiadis and Deacon 1997; Withrow and Williams 2015) argue that policing researchers also should consider using at-fault vehicle collisions in benchmark analyses. Withrow and Williams (2015) argued that at-fault collision experience may be a proxy for risky or poor driving behavior that may come to the attention of the police. Using the same SWITRS traffic collision data, this possibility was explored by analyzing two-vehicle collisions where the driver was found to be at fault (N = 10,893).

Table E.9 on page 304 compares the percentages of traffic stops and at-fault collisions involving African-American drivers. The same pattern of results emerged in this analysis as was evidenced in the traffic stop comparison with not-at-fault collisions. Citywide ($p \leq 0.01$), and within Bayview ($p \leq 0.01$), Mission ($p \leq 0.01$), and the Tenderloin ($p \leq 0.01$), African-American drivers were more likely to be stopped by the police

than would be expected given their representation in at-fault collisions. Yet other SFPD districts did not experience this trend. In Central, Ingleside, Northern, and Richmond districts, African Americans were no more likely to be stopped by the police than would be expected based on their representation in at-fault collisions. In fact, African-American drivers were statistically less likely to be stopped by the police compared to their representation in at-fault collisions in Park ($p \leq 0.01$), Southern ($p \leq 0.01$), and Taraval ($p \leq 0.01$). This mirrors the findings from the not-at-fault analysis presented earlier. Overall, the districts that appeared to have the greatest racial disparity in traffic stops were those with the highest percentage of African-American residents. This underscores the need for multivariate analyses that account for district population composition by race and other characteristics.

Table E.9. Comparison of African-American traffic stops to African-American "at-fault" collisions*

District	% of African-American stops	% of African-American collisions	*t*	*p*-value	Odds ratio
Citywide	14.8	13.8	2.79	0.01	1.09
Bayview	42.4	34.3	3.82	0.00	1.41
Central	11.3	12.5	-0.95	0.35	0.89
Ingleside	11.7	13.3	-1.48	0.14	0.86
Mission	15.5	11.2	5.87	0.00	1.45
Northern	13.3	12.9	0.37	0.71	1.04
Park	9.1	13.5	-2.48	0.01	0.64
Richmond	5.2	6.3	-1.06	0.29	0.82
Southern	12.6	15.6	-3.92	0.00	0.78
Taraval	6.0	9.2	-2.89	0.00	0.63
Tenderloin	28.8	14.0	5.64	0.00	2.48

*751 cases were excluded from the collision benchmarking analysis because of missing district and/or race information.

Table E.10 on page 305 presents the results from the at-fault collision benchmark analysis for Hispanic drivers. Across the entire city, 13 percent of all traffic stops involved a Hispanic driver, whereas 19.1 percent of at-fault collisions involved a Hispanic driver. This difference is statistically significant ($p=0.01$) and reveals that Hispanic drivers were 37 percent less likely to be stopped than would be expected based on the at-fault collision benchmark. The same result emerged across most of the SFPD districts. Hispanics were between 27 percent (Northern) and 54 percent (Southern) less likely to be stopped than would be expected based on their estimated representation in the at-risk or potential violator driving population. Mission was the only district that experienced a higher percentage of Hispanic stops compared to at-fault collisions, but the difference was not statistically significant.

Table E.10. Comparison of Hispanic traffic stops to Hispanic "at-fault" collisions*

District	% of Hispanic stops	% of Hispanic collisions	*t*	*p*-value	Odds ratio
Citywide	13.0	19.1	-14.99	0.00	0.63
Bayview	17.3	26.4	-4.64	0.00	0.58
Central	9.6	11.7	-1.71	0.09	0.80
Ingleside	26.4	27.5	-0.78	0.44	0.95
Mission	24.8	23.4	1.44	0.15	1.08
Northern	9.4	12.4	-2.83	0.01	0.73
Park	8.5	13.8	-2.97	0.00	0.58
Richmond	5.4	9.0	-2.95	0.00	0.58
Southern	11.3	21.8	-12.13	0.00	0.46
Taraval	7.4	9.3	-1.70	0.09	0.78
Tenderloin	10.6	13.4	-1.09	0.28	0.77

*751 cases were excluded from the collision benchmarking analysis because of missing district and/or race information.

Table E.11 presents the final traffic collision benchmark analysis. Specifically, the table presents the results of the at-fault collision benchmark for Asian drivers. The citywide analysis revealed that Asian drivers were no more likely to be stopped by the police than the team would expect given their representation in at-fault collisions ($p = 0.18$). The same result was found in the Northern ($p = 0.23$), Park ($p = 0.96$) and Southern ($p = 0.34$) districts. Asian drivers were stopped less often than the team would expect based on the benchmark in Central ($p \leq 0.05$), Ingleside ($p \leq 0.05$), Mission ($p \leq 0.01$), Richmond ($p \leq 0.05$), and the Tenderloin ($p \leq 0.01$). Taraval was the only district that showed higher rates of Asian traffic stops (35.3 percent) than would be expected given their representation in at-fault collisions (32.3 percent). It is important to note, however, that this difference was only marginally significant at the 0.10 level ($p \leq 0.10$).

Table E.11. Comparison of Asian traffic stops to Asian "at-fault" collisions*

District	% of Asian stops	% of Asian collisions	*t*	*p*-value	Odds ratio
Citywide	17.8	18.3	-1.33	0.18	0.97
Bayview	13.8	11.7	1.46	0.14	1.21
Central	17.2	20.6	-2.19	0.03	0.80
Ingleside	21.4	24.2	-2.06	0.04	0.85
Mission	9.0	16.1	-8.82	0.00	0.52
Northern	14.4	15.8	-1.19	0.23	0.90
Park	16.1	16.2	-0.52	0.96	0.99
Richmond	19.5	23.7	-2.31	0.02	0.78
Southern	13.4	14.1	-0.95	0.34	0.94
Taraval	35.3	32.3	1.67	0.10	1.14
Tenderloin	12.0	19.6	-2.55	0.01	0.56

*751 cases were excluded from the collision benchmarking analysis because of missing district and/or race information.

Daytime versus nighttime benchmark analysis

Daytime versus nighttime data

Grogger and Ridgeway (2006) proposed a benchmark for traffic stops based on the hypothesis that after dark, the police are less able to know the race of a driver prior to initiating the stop. As such, if the police stop more minorities in the daytime than they do in the nighttime, this could be evidence of racial profiling. Yet simply comparing daytime stops to nighttime stops is problematic because traffic patterns, driving behavior, and the racial distribution of drivers on the road (i.e., exposure to law enforcement) may vary by day and night. Grogger and Ridgeway, therefore, restricted their sample to stops made in the intertwilight period while controlling for daylight and darkness, as these hours vary in terms of daylight and darkness over the course of the year (e.g., 7:00 p.m. is light during the summer, but dark during the winter). Following this approach, and using the sunset and civil twilight tables published by the U.S. Naval Observatory, daytime stops are defined as those that occurred between 4:50 p.m. and sunset, and nighttime stops as those that occurred between the end of civil twilight and 9:07 p.m.

Daytime versus nighttime benchmark results

Table E.12 on page 307 provides the race distribution of drivers stopped during these times according to whether daylight or darkness had settled in. From May 1, 2013 to May 1, 2016, the SFPD stopped a total of 73,119 drivers between 4:50 p.m. and 9:07 p.m. Roughly two-thirds of these stops occurred in daylight. Among daylight stops, 38.8 percent of the drivers were White, 15.8 percent African American, 12.2 percent Hispanic, 17.2 percent Asian, and 15.9 percent some other race or ethnicity. The racial or ethnic breakdown of nighttime stops was fairly similar. However, t-tests indicated that some of the differences within driver race or ethnicity groups were statistically significant. Specifically, stop patterns differed significantly between daylight and darkness for drivers who were White, African American, or from another racial or ethnic group. Compared to the proportion of White drivers stopped during the day, a smaller proportion of White drivers were stopped when it was dark outside. The same pattern held true for drivers from "Other" racial or ethnic groups (drivers who were not White, African-American Hispanic, or Asian). Stops of African-American drivers showed an opposite pattern; these drivers were somewhat more likely to be stopped at night compared to their proportions among the population of drivers stopped during daylight hours. There was no statistical difference between day and night stops for Asian drivers. However, this simplistic analysis did not account for a host of other important factors, including characteristics of the driver (e.g., gender), the reason for the stop, officer characteristics, and characteristics of the area in which the stop was made.

Table E.12. Individual race in stops occurring during intertwilight period (N = 73,119)

Driver race or ethnicity	Day	Night	Total	*t*
White	17,838	10,340	28,178	1.93*
Percent of White drivers stopped at each time of day	38.8%	38.1%	38.5%	
African American	7,258	4,668	11,926	-4.97†
Percent of African-American drivers stopped at each time of day	15.8%	17.2%	16.3%	
Hispanic	5,618	3,373	8,991	-0.81
Percent of Hispanic drivers stopped at each time of day	12.2%	12.4%	12.3%	
Asian	7,915	4,802	12,717	-1.62
Percent of Asian drivers stopped at each time of day	17.2%	17.7%	17.4%	
Other	7,302	3,943	11,245	4.93†
Percent of drivers of other races stopped at each time of day	15.9%	14.5%	15.4%	
Missing	48	14	62	—
Percent of drivers stopped at each time of day where racial information is missing	0.1%	0.1%	0.1%	
Total	49,979	27,140	73,119	—
Total percent of drives stopped at each time of day	100.0%	100.0%	100.0%	

Using the sunset and civil twilight tables published by the U.S. Naval Observatory, the team defined daytime stops as those that occurred between 4:50 p.m. and sunset. Nighttime stops were those that occurred between the end of civil twilight and 9:07 p.m. Stops that did not occur between 4:50 p.m. and 9:07 p.m. are not included in this analysis.
* $p \leq .10$
† $p \leq .01$ (two-tailed test)

Table E.13 on page 308 displays the results of a logistic regression equation predicting whether the stop occurred in the daylight (again, defined as stops that occurred after 4:50 p.m. and before sunset). After considering the driver's age and gender, the nature of the infraction, several officer characteristics, and characteristics of the area in which the stop was made (the variables used in this analysis are discussed in greater detail in the post-stop analysis section), non-White drivers were not significantly more or less likely to have been pulled over during daylight hours than White drivers. As such, driver race or ethnicity did not appear to influence SFPD officers' decisions to initiate stops during daylight hours over the last three years.

The assessment team also re-estimated the logistic regression equation presented in table E.13 on page 308 separately for each of the 10 SFPD districts. This sensitivity analysis allowed the team to assess the robustness of the day-night multivariate model by determining whether the main findings were observed across each of the districts. Although the pooled logistic model presented here did not yield any significant race or ethnicity driver effects, several district-specific models did. In Bayview, African-American drivers were significantly more likely to be stopped during daylight hours compared to their White driver counterparts ($p \leq 0.01$). A similar, albeit weaker, relationship emerged in Mission ($p \leq 0.01$) and Park ($p \leq 0.10$). Interestingly, African-American drivers were significantly less likely to be stopped during daylight relative to White drivers in Central ($p \leq .10$) and Tenderloin ($p \leq 0.01$). African-American drivers were no more or less likely to be stopped during the day relative to White drivers in the remaining districts.

Table E.13. Logistic regression predicting whether intertwilight stop occurred in daylight (N = 72,733)

	b	SE	OR
Driver characteristics			
African American	0.02	0.06	1.02
Hispanic	0.06	0.05	1.07
Asian	0.01	0.04	1.01
Other	-0.00	0.07	1.00
Male	-0.05§	0.03	0.95
Age	0.00§	0.00	1.00
Stop type*			
Moving violation	0.15**	0.03	1.17
DUI	-1.74**	0.34	0.18
PC violation	0.10	0.19	1.11
MPC violation	0.20	0.32	1.23
BOLO/Warrant	0.12	0.24	1.13
Officer characteristics			
African American†	0.09	0.13	1.10
Hispanic†	0.11**	0.04	1.12
Asian†	0.12**	0.03	1.13
Other†	0.04	0.08	1.04
Male	0.04	0.10	1.04
Years of service	0.02**	0.00	1.02
Rank - Officer	0.10	0.09	1.11
District assignment‡	-0.58**	0.16	0.56
Misc. assignment‡	-0.78**	0.18	0.46
# of officers deployed	-0.00	0.00	1.00
District characteristics			
% African American	0.02	0.01	1.02
% Hispanic	0.01	0.01	1.01
% Young	-0.03	0.03	0.97
Unemployment rate	-0.03	0.06	0.97
Violent crime rate	-0.05§	0.02	0.95
Intercept	0.75§	0.33	—
McFadden's R^2		0.03	

Using the sunset and civil twilight tables published by the U.S. Naval Observatory, the team defined daytime stops as those that occurred between 4:50 p.m. and sunset. Nighttime stops were those that occurred between the end of civil twilight and 9:07 p.m. Stops that did not occur between 4:50 p.m. and 9:07 p.m. are not included in this analysis. Entries are unstandardized regression coefficients (*b*), robust standard errors adjusted for clustering in 10 districts (SE), and odds ratios (OR).
* Reference stop type is non-moving violation
† Reference is White Officer
‡ Reference assignment is traffic
§ $p \leq .05$
** $p \leq .01$ (two-tailed test)

A similar pattern of results emerged with respect to Hispanic drivers. Within Bayview ($p \leq 0.01$), Park ($p \leq 0.10$), and Southern ($p \leq 0.01$), Hispanic drivers were more likely to be stopped during the day compared to White drivers. Within Taraval, however, Hispanic drivers were less likely to be stopped during the day ($p \leq 0.10$).

With respect to Asian drivers, the findings are largely similar to those presented in table E.13 on page 308. However, within Central ($p \leq 0.01$) and Richmond ($p \leq 0.01$) Asian drivers were less likely than White drivers to be stopped during daylight. In the Tenderloin, Asian drivers were more likely to be stopped by the police during the day relative to White drivers ($p \leq 0.10$).

Post-stop analysis data and methodology

Post-stop data

The post-stop portion of the analysis was designed to explore the types of outcomes that stemmed from SFPD traffic stops. Specifically, the assessment team explored the following question: Do African-American, Hispanic, or Asian drivers receive disproportionate sanctions and other negative outcomes related to traffic stops, net of other salient nonracial factors that may influence officer decision making during post-stop activities? The post-stop analysis builds upon the stop analysis presented earlier by determining whether race or ethnicity played a role in traffic stop outcomes after an SFPD officer had stopped an individual.

To address this question, the assessment team used several sources of data, many of which were described earlier. The team's primary source of data was three years of SFPD E-585 traffic stop incident reports that contain information on the types of actions taken by officers after a stop is initiated (from May 1, 2013 to May 1, 2016). Team members also used U.S. Census data, SFPD deployment information, and SFPD reported crime data within the analyses presented in the following sections. The specific variables used in the analyses are discussed in the next section.

Post-stop analysis variables

Post-stop outcomes

Once a traffic stop is initiated, several options are available to the officer to conclude the encounter. Some of these "outcomes" are dependent on and constrained by the law and SFPD policy. The range of options includes taking no action, writing an incident report, issuing the driver a warning, issuing the driver a citation, arresting the individual, or conducting a search of the individual or vehicle. Searches are categorized into three groups depending on the degree of discretion available to the officer. High discretion searches are those that were carried out without the consent of the driver (i.e., based on probable cause). Consent searches are those in which the driver consented to the officer's request to conduct a search. Finally, low discretion searches include searches incident to arrest, probation or parole-related searches, and vehicle inventories. Because officer discretion is constrained in low discretion searches, this category was not subjected to analysis for racial disparity. For the purposes of analysis, each of these variables were coded in a dichotomous fashion with each outcome given a yes/no (1 = yes, 0 = no) distinction depending on whether that specific outcome occurred within any single stop. It is

important to note that all these categories are mutually exclusive with the exception of a search. In other words, when the officer records the stop outcome, they are trained to record the most serious action taken. Thus, a traffic stop resulting in a citation and an arrest would be identified as an arrest in the subsequent analyses. Searches were recorded separately on the E-585 traffic stop incident report; as a result, a single traffic stop may indicate that an arrest and a search both occurred.

Driver characteristics

The E-585 traffic stop incident reports contain key information on the driver's demographic characteristics. The multivariate models presented here consider driver race and ethnicity with a series of dummy variables: African American (1 = yes, 0 = no), Hispanic (1 = yes, 0 = no), Asian (1 = yes, 0 = no), and other (1 = yes, 0 = no). Non-Hispanic White drivers served as the reference category (i.e., they were omitted from the multivariate equations). Accordingly, all race or ethnicity coefficients are interpreted in relation to non-Hispanic White individuals. The team also accounted for driver gender (1 = male, 0 = female; the variable is labeled male in the tables that follow). Driver age was measured as a continuous variable.

Reason for the stop

The traffic stop reports also contained pertinent information about the type of stop. Specifically, all SFPD traffic stops were categorized as either a moving violation, non-moving violation, DUI checkpoint, penal code (PC) violation, municipal penal code (MPC) violation, or BOLO/warrant. These designations tell the team why the officer initiated the traffic stop and may be a key predictor of post-stop activity. Accordingly, stop type was accounted for with a series of dummy variables in all multivariate equations: moving violation (1 = yes, 0 = no), DUI (1 = yes, 0 = no), PC violation (1 = yes, 0 = no), MPC violation (1 = yes, 0 = no), and BOLO/warrant (1 = yes, 0 = no). Non-moving violations was the omitted category for stop type. Therefore, all stop type coefficients in the regression models are interpreted in reference to non-moving violations.

Officer characteristics

The stop data also contained information about the characteristics of the officer who conducted the traffic stop. To account for the possibility that officer characteristics may partially explain post-stop behavior, several factors were considered. First, officer race or ethnicity was measured with a series of dummy variables: African American (1 = yes, 0 = no), Hispanic (1 = yes, 0 = no), Asian (1 = yes, 0 = no), and other (1 = yes, 0 = no). Non-Hispanic White officers served as the reference category. Male (1 = yes, 0 = no) was included in the models to control for officer gender. Years of service is a continuous variable that captures the number of years of law enforcement experience an officer had.[294] Officer rank was measured with a dummy variable coded "1" if the officer was at the rank of "officer" and "0" for otherwise (i.e., officers at the rank of sergeant, inspector, lieutenant, commander, captain, reserve, or miscellaneous). Officer assignment was accounted for with three dummy variables: district assignment (1 = yes, 0 = no), traffic assignment (1 = yes, 0 = no), and miscellaneous assignment (1 = yes, 0 = no). The miscellaneous assignment category

294. The team excluded officer age from the multivariate models because it introduced problematic collinearity and was highly correlated with years of service (r = 0.81).

included those officers assigned in the database to academy, airport, gang, narcotics, patrol, or miscellaneous. The "patrol" designation was rarely used in the data (0.2 percent of stops) and therefore was included in the miscellaneous category separate from district assignment that was typically used to denote prototypical patrol assignments. Traffic assignment was assigned to serve as the reference category, which allowed an examination of the relative influence of district assignments and miscellaneous assignments on post-stop activity compared to traffic officers. Last, the number of officers deployed during the date of the traffic stop was included. The SFPD supplied deployment data that was used to calculate the daily total number of officers working in a particular district during the date of each traffic stop.

District characteristics

The post-stop analysis also controlled for district-level structural characteristics. Recall from earlier discussion that U.S. Census data at the census-tract level was accessed to account for structural features of the districts. These data were then apportioned to the individual districts. It was important to account for structural features that might partially explain officer post-stop behavior. Within each model presented in the following pages, the racial or ethnic composition of the district in which the traffic stop took place was included by controlling for the percentage of the district population that was African American (% *African American*) and Hispanic (% *Hispanic*). The White and Asian percentages of the district population were not included because inclusion of such variables caused problematic collinearity (they are inversely correlated with the percentage African American and Hispanic). Accounting for the racial or ethnic makeup of the community was important because it assists in ruling out the possibility that any observed driver race or ethnicity effects on post-stop outcomes was a product of opportunity in the given district. In other words, this allowed an examination of the race or ethnicity effects on post-stop outcomes beyond the racial or ethnic composition of the district. The percentage of the district population between the ages of 15 and 29 (% *young*) and the unemployment rate were also considered in the subsequent models. Finally, the violent crime rate of the district in which the stop took place was included. Recall from earlier discussion that the violent crime rate represents the average number of violent crimes per month per 1,000 residents across the three-year observation period and was based on the SFPD's reported crime between May 1, 2013 and May 1, 2016. It was important to account for the percentage of the population that is young, the unemployment rate, and the violent crime rate because each factor may be associated with contextual risk during a traffic stop and shape officer post-stop behavior.

Table E.14 on page 312 provides the descriptive statistics for all variables used in the multivariate equations (Note that these are the same variables used in the logistic regression presented in table E.13 on page 308).

Table E.14. Post-stop descriptives

	Percent/Average	SD	Range
Post-stop Outcomes			
No action taken	0.3	0.05	0–1
Report taken	0.8	0.09	0–1
Warning	25.6	0.44	0–1
Citation	72.6	0.45	0–1
Arrest	0.8	0.09	0–1
Search (Any Type)	3.8	0.19	0–1
High discretion	1.1	0.10	0–1
Consent	0.5	0.07	0–1
Low discretion	2.2	0.02	0–1
Driver characteristics			
White (non-Hispanic)	37.7	0.48	0–1
African American (non-Hispanic)	14.8	0.36	0–1
Hispanic	13.0	0.34	0–1
Asian	17.8	0.38	0–1
Other	16.7	0.37	0–1
Male	71.8	0.45	0–1
Age	39.2	13.94	15–99
Reason for the stop			
Moving violation	68.3	0.47	0–1
Non-Moving violation	30.5	0.46	0–1
DUI	0.2	0.04	0–1
PC violation	0.4	0.06	0–1
MPC violation	0.6	0.08	0–1
BOLO/Warrant	0.2	0.04	0–1
Officer characteristics			
White	50.4	0.50	0–1
African American	9.5	0.29	0–1
Hispanic	15.3	0.36	0–1
Asian	17.4	0.38	0–1
Other race or ethnicity	7.3	0.26	0–1
Male	92.6	0.26	0–1
Years of service	9.9	8.37	0–36
Rank - Officer	93.1	0.25	0–1
District assignment	72.8	0.44	0–1
Traffic assignment	24.2	0.43	0–1
Misc. assignment	2.9	0.17	0–1
# of officers deployed	65.7	16.41	26–180
District characteristics (N = 10)			
% African American	6.6	5.18	1.88–20.14
% Hispanic	15.1	7.36	7.80–30.07
% Young	9.6	1.87	6.61–13.62
Unemployment rate	7.5	1.6	5.59–10.36
Violent crime rate	2.5	1.99	0.48–8.04

Post-stop analytic strategy

The post-stop analysis followed a series of steps. First, the racial or ethnic group distribution was examined across all post-stop outcomes—no action, incident report, warning, citation, and in-custody arrest. Second, the distribution of search types (i.e., consent and high discretion) was explored across the racial or ethnic groups. These steps provided a descriptive snapshot of whether race or ethnicity is associated with any of the post-stop outcomes. The third stage of the post-stop analysis focused on hit rates—the percentage of searches that resulted in found contraband—across the racial or ethnic groups. This analysis allowed an exploration of whether hit rates differed among driver races or ethnicities.

The final stage of the analysis estimated a series of multivariate logistic regression equations. Specifically, a separate logistic model was estimated for the various post-stop outcomes: arrest (1 = yes, 0 = no), citation (1 = yes, 0 = no), warning (1 = yes, 0 = no), high discretion search (1 = yes, 0 = no), and contraband found during high discretion search (1 = yes, 0 = no). Logistic regression was used for each of these models because the dependent variables were dummy coded. All models accounted for the variables described earlier which allowed an assessment of whether a driver's race or ethnicity is associated with the odds of receiving the specific post-stop outcomes, net of the influence of other driver, officer, and district characteristics. All multivariate equations used robust standard errors that adjusted for clustering on police district.

To examine the robustness of the findings, additional multivariate logistic models were estimated separately for each of the 10 SFPD districts (results provided in separate appendix tables beginning on page 333). These models allowed a determination of whether the pooled results (i.e., the findings that group all data together regardless of district) were consistent across the districts. In other words, these sensitivity analyses afforded the opportunity to determine whether the relationship between driver's race or ethnicity and the specific post-stop outcomes were observed across all districts or constrained to specific districts. Caution should be used when attempting to compare the results of the models presented here to the robustness checks in the appendices. For one, the models are not identical to one another because the equations estimated for each of the districts do not control for district-level characteristics (which would not be possible given lack of variation). Second and more important, each of the districts has a different base rate (e.g., the percentage of a certain racial group in the population or the percentage of traffic stops conducted on particular racial group), which inhibits direct comparison across different models. Yet these sensitivity analyses are useful because they offer an ability to gauge the robustness of the primary findings in the post-stop analysis.

Post-stop analysis results

Table E.15 on page 314 presents a cross-tabulation of driver race with five mutually exclusive stop outcomes: no action, incident report, warning, citation, or in-custody arrest. Among the 331,829 stops that occurred during this three-year period, the most common outcome was a traffic citation (72.6 percent). Officers issued warnings to roughly 1 in 4 drivers. Incident reports and in-custody arrests were far less frequent: Each outcome occurred in less than 1 percent of all stops, respectively. In terms of race, the experience of White drivers closely approximated that of the sample as a whole—73.2 percent of stopped

White drivers received a citation and 25.7 percent were dismissed with a warning. Less than one percent of White drivers were placed under arrest. Hispanic, Asian, and Other drivers also experienced outcomes fairly similar to the sample as a whole. The experience of African-American drivers, however, was quite different: 56.3 percent of African-American drivers received a citation, while 39.5 percent were issued a warning. Thus, African-American drivers were less likely to be cited and more likely to be warned, relative to each of the other racial or ethnic groups. Also noteworthy is that African-American drivers were more likely to be placed under arrest: 2 percent of all stops of African-American drivers resulted in an in-custody arrest. In fact, although far fewer stops were made of African-American drivers (49,123) than White drivers (124,854), more African-American drivers were arrested (963) than White drivers (669). Here again, the raw numbers suggest racial disparity in post-stop outcomes, but other relevant factors must be considered.

Table E.15. Driver race in post-stop outcomes

Individual race or ethnicity	No action	Incident report	Warning	Citation	In-custody arrest	Total
White	233	520	32,087	91,345	669	124,854
Percent of total stops of White drivers →	0.2%	0.4%	25.7%	73.2%	0.5%	100.0%
African American	357	740	19,394	27,669	963	49,123
Percent of total stops of African-American drivers →	0.7%	1.5%	39.5%	56.3%	2.0%	100.0%
Hispanic	143	968	12,247	29,230	479	43,067
Percent of total stops of Hispanic drivers →	0.3%	2.3%	28.4%	67.9%	1.1%	100.0%
Asian	85	174	11,559	46,981	207	59,006
Percent of total stops of Asian drivers →	0.1%	0.3%	19.6%	79.6%	0.4%	100.0%
Other	76	349	9,438	45,427	217	55,507
Percent of total stops of Other drivers →	0.1%	0.6%	17.0%	81.8%	0.4%	100.0%
Missing	1	0	92	41	1	135
Percent of total stops of drivers where race information is missing →	0.7%	0.0%	68.2%	30.4%	0.7%	100.0%
Total*	895	2,751	84,817	240,693	2,536	331,692
Percent of cumulative total stops →	0.3%	0.8%	25.6%	72.6%	0.8%	100.0%

The total for this table (N = 331,692) does not include 137 cases where outcome data were missing.

Warnings

Tables E.16–E.18 on pages 315–318 present the results of three logistic regression equations predicting whether the stop resulted in a warning, citation, or arrest, respectively. In table E.16 on page 315, the outcome warning was regressed onto the driver race or ethnicity variables while simultaneously controlling for other driver traits, the stop type, officer characteristics, and district characteristics. The results suggest that African-American drivers ($p \leq 0.01$) were about 49 percent more likely than White drivers to have been released with a warning. Hispanic drivers were no more or less likely to receive a warning than White drivers. Asians ($p \leq 0.01$) and those from other racial or ethnic groups ($p \leq 0.01$) were less likely to be warned than White drivers (by 30 percent and 40 percent, respectively). Of note, significant differences emerged with respect to officer race or ethnicity. African-American, Hispanic, and Asian officers were all significantly less likely than White officers to issue a warning to the driver.

Table E.16. Logistic regression predicting warning issued (N = 330,264)

	b	SE	OR
Driver characteristics			
African American	0.40††	0.06	1.49
Hispanic	0.00	0.04	1.00
Asian	-0.35††	0.03	0.70
Other	-0.52††	0.19	0.60
Male	-0.09**	0.04	0.91
Age	0.00**	0.00	1.00
Stop type *			
Moving violation	-0.23††	0.07	0.79
DUI	-0.77**	0.32	0.46
PC violation	0.45††	0.15	1.57
MPC violation	0.07	0.27	1.07
BOLO/Warrant	-1.03††	0.16	0.36
Officer characteristics			
African American †	-0.34††	0.08	0.71
Hispanic †	-0.11**	0.05	0.90
Asian †	-0.30††	0.06	0.74
Other †	-0.01	0.08	0.99
Male	-0.04	0.05	0.96
Years of service	-0.03††	0.00	0.97
Rank - Officer	-0.43††	0.10	0.65
District assignment ‡	0.44††	0.11	1.55
Misc. assignment ‡	0.65††	0.21	1.91
# of officers deployed	0.00	0.00	1.00
District characteristics			
% African American	0.02††	0.00	1.02
% Hispanic	0.01**	0.00	1.01
% Young	-0.03§	0.02	0.97
Unemployment rate	-0.05§	0.03	0.95
Violent crime rate	-0.01	0.01	0.99
Intercept	0.25	0.32	—
McFadden's R^2		0.05	

Entries are unstandardized regression coefficients (*b*), robust standard errors adjusted for clustering in 10 districts (SE), and odds ratios (OR).
* Reference stop type is non-moving violation
† Reference is White Officer
‡ Reference assignment is traffic
§ p ≤ .10
** p ≤ .05
†† p ≤ .01 (two-tailed test)

Table E.24 (at the end of appendix E on page 334) provides the results from the separate logistic regression equations that predicted the odds of receiving a warning across each of the districts. Again, although the magnitude of the African-American driver coefficient varied across each of the models, African-American drivers were significantly more likely to receive a warning than White drivers in all districts. The magnitude of this effect varied across districts from a high of 97 percent greater in Inglewood to a low of 13 percent greater in Central. Although there was not a significant Hispanic driver effect observed in table E.16, the

robustness analysis revealed that Hispanics were less likely to receive a warning than White drivers in Bayview ($p \leq 0.10$) and Southern ($p \leq 0.01$), but more likely to receive a warning in Mission ($p \leq 0.01$). Last, Asian drivers were less likely to receive a warning relative to White drivers in all districts, which confirms the findings presented in table E.16 on page 315.

Citations

Table E.17 on page 317 examined the relationship between driver race or ethnicity and whether the stop resulted in a citation, net of other variables. African-American ($p \leq 0.01$) and Hispanic ($p \leq 0.05$) drivers were significantly less likely than White drivers to have been issued a citation. Odds ratios revealed that relative to White drivers, African-American drivers were 39 percent less likely to have been given a citation, and Hispanic drivers were 9 percent less likely to have been given a citation. Stops of Asian drivers ($p \leq 0.01$) and drivers from other racial or ethnic groups ($p \leq 0.01$), however, were more likely to result in a citation than stops of White drivers. More specifically, Asian drivers were 43 percent more likely to receive a citation, and drivers from other groups were 66 percent more likely to receive a citation than White drivers. Note that the results of this model also yield significant findings with respect to the race or ethnicity of the officer. African-American, Hispanic, and Asian officers were all significantly more likely than White officers to issue a citation to the individual they stopped.

The results in table E.17 on page 317 were largely mirrored in the sensitivity analyses that estimated separate logistic equations for each district (see table E.25 at the end of appendix E on page 335). Although the magnitude of the African-American driver effect ranged from -0.21 (Central) to -0.77 (Ingleside), it was statistically significant and negative in each of the districts. The same was largely true for the effect of Hispanic driver on the odds of receiving a citation. In all districts except Bayview, Southern, and Tenderloin, Hispanic drivers were less likely to be cited compared to White drivers. Consistent with the findings in table E.17 on page 317, Asian drivers were more likely to receive a citation after a traffic stop relative to White drivers in all the districts (the magnitude of the coefficient ranged from 0.18 in Mission to 0.56 in Bayview).

Table E.17. Logistic regression predicting citation issued (N = 330,264)

	b	SE	OR
Driver characteristics			
African American	-0.49**	0.06	0.61
Hispanic	-0.10§	0.04	0.91
Asian	0.36**	0.03	1.43
Other	0.51**	0.18	1.66
Male	0.06	0.04	1.06
Age	0.00§	0.00	1.00
Stop type *			
Moving violation	0.24**	0.07	1.27
DUI	-1.08**	0.19	0.34
PC violation	-2.02**	0.24	0.13
MPC violation	-0.48§	0.21	0.62
BOLO/Warrant	-3.23**	0.15	0.04
Officer characteristics			
African American †	0.37**	0.08	1.45
Hispanic †	0.11§	0.05	1.11
Asian †	0.30**	0.06	1.35
Other †	0.01	0.07	1.01
Male	0.07	0.05	1.07
Years of service	0.03**	0.00	1.03
Rank - Officer	0.55**	0.09	1.73
District assignment ‡	-0.40**	0.11	0.67
Misc. assignment ‡	-0.66**	0.19	0.52
# of officers deployed	0.00	0.00	1.00
District characteristics			
% African American	-0.02**	0.00	0.98
% Hispanic	-0.01**	0.00	0.99
% Young	0.03§	0.02	1.03
Unemployment rate	0.04	0.03	1.04
Violent crime rate	0.01	0.01	1.01
Intercept	-0.48	0.32	—
McFadden's R^2		0.06	

Entries are unstandardized regression coefficients (*b*), robust standard errors adjusted for clustering in 10 districts (SE), and odds ratios (OR).
* Reference stop type is non-moving violation
† Reference is White officer
‡ Reference assignment is traffic
§ $p \leq .05$
** $p \leq .01$ (two-tailed test)

Arrests

Table E.18 on page 318 indicates that African-American ($p \leq 0.01$) and Hispanic ($p \leq 0.01$) drivers were significantly more likely than White drivers to be placed under arrest, while simultaneously controlling for other driver traits, the stop type, officer characteristics, and district characteristics. More specifically, the odds ratios revealed that African-American drivers were more than twice as likely as White drivers to have been arrested, and Hispanic drivers were 43 percent more likely than White drivers to have been arrested.

Asian drivers ($p \leq 0.01$) and drivers from other racial or ethnic groups ($p \leq 0.01$), on the other hand, were significantly less likely than White drivers to have been place under arrest. Relative to stops of White drivers, stops of Asian and other drivers were 32 percent less likely to result in an in-custody arrest.

Table E.18. Logistic regression predicting in-custody arrest (N = 330,264)

	b	SE	OR
Driver characteristics			
African American	0.82††	0.05	2.28
Hispanic	0.35††	0.06	1.43
Asian	-0.39††	0.12	0.68
Other	-0.39**	0.15	0.68
Male	0.41††	0.06	1.51
Age	-0.02††	0.00	0.98
Stop type *			
Moving violation	0.08§	0.04	1.08
DUI	3.31††	0.23	27.38
PC violation	2.58††	0.22	13.25
MPC violation	0.58††	0.22	1.78
BOLO/Warrant	3.26††	0.17	25.94
Officer characteristics			
African American †	-0.12	0.17	0.89
Hispanic †	-0.07	0.10	0.93
Asian †	-0.23	0.15	0.80
Other †	-0.24	0.23	0.79
Male	-0.08	0.09	0.92
Years of service	-0.03††	0.01	0.97
Rank - Officer	-0.72††	0.21	0.49
District assignment ‡	0.68††	0.16	1.97
Misc. assignment ‡	0.91††	0.15	2.48
# of officers deployed	0.00	0.00	1.00
District characteristics			
% African American	0.01	0.01	1.01
% Hispanic	0.01**	0.01	1.01
% Young	-0.07**	0.03	0.94
Unemployment rate	-0.02	0.04	0.98
Violent crime rate	0.02	0.02	1.02
Intercept	-4.01††	0.43	—
McFadden's R^2		0.11	

Entries are unstandardized regression coefficients (*b*), robust standard errors adjusted for clustering in 10 districts (SE), and odds ratios (OR)
* Reference stop type is non-moving violation
† Reference is White Officer
‡ Reference assignment is traffic
§ $p \leq .10$
** $p \leq .05$
†† $p \leq .01$ (two-tailed test)

Table E.26 (at the end of appendix E on page 336) provides the results of a set of sensitivity analyses that re-estimated the arrest logistic equations separately for each of the 10 police districts. With respect to driver race or ethnicity, several interesting results emerged. First, African-American drivers were more likely to be arrested in all districts with the unstandardized coefficients ranging in magnitude from 0.70 in Bayview to 1.03 in Ingleside (compared to 0.82 in the pooled logistic equation in table E.18 on page 318). This suggests that African-American drivers in Ingleside are slightly more likely to be arrested than White drivers as compared to similarly situated drivers in Bayview. It is important to note, however, that the influence of African-American driver on the odds of arrest was statistically significant within each of the districts. In other words, African-American drivers were significantly more likely than White drivers to be arrested after a traffic stop irrespective of district. Second, although being Hispanic was associated with an increased odds of arrest in table E.18 on page 318, the results reported in table E.26 (at the end of appendix E on page 336) demonstrate that this effect was constrained to Ingleside ($p \leq 0.01$), Mission ($p \leq 0.01$), Northern ($p \leq 0.01$), Park ($p \leq 0.10$), Richmond ($p \leq 0.01$), and Taraval ($p \leq 0.10$). Hispanic drivers were no more likely to be arrested than White drivers in Bayview, Central, Southern, or Tenderloin. Last, Asian drivers were less likely to be arrested than White drivers in Bayview ($p \leq 0.01$), Northern ($p \leq 0.01$), Park ($p \leq 0.10$), and Taraval ($p \leq 0.01$). No statistical differences were observed in Central, Ingleside, Mission, Richmond, Southern, or Tenderloin.

Searches

The next step of the analysis focused on determining whether racial or ethnic disparity exists in officers' decisions to conduct searches. Prior studies have employed an outcome test (i.e., the percentage of searches in which the officer discovers contraband) to uncover racial or ethnic disparity and potential bias in police searches. In situations in which the officer has discretion, a completely unbiased officer decides whom to search based solely on the likelihood of discovering drugs, evidence, or other contraband, while a biased officer may search drivers of a particular racial or ethnic group based on the incorrect assumption that the group as whole may present a higher likelihood of possessing drugs or other contraband. This assumption may lead to lower hit rates for minorities because officers, in effect, may apply a lower threshold of evidence in searching minorities than White individuals, thereby leading to fewer contraband finds (Knowles, Persico, and Todd 2001; Persico and Todd 2008).

Table E.19 on page 320displays the frequency of consent and high discretion searches by race or ethnicity among stops over this three-year period, along with the hit rates for each.[295] The first column indicates that African-American drivers were involved in more than half of the 1,819 consent searches during this period. The second column indicates that hit rates were fairly consistent across the among driver racial or ethnic groups, which suggests that contraband carry rates are fairly consistent across those who grant consent when asked. It is important to note that the team cannot rule out the possibility that minority drivers may be more likely to grant consent than White drivers; therefore, the percentage of drivers from each racial group subjected to consent searches must be interpreted with caution. Because the SFPD data do not capture the rate at which motorists were asked for consent to search or the rate at which they refused, it is

295. Recall that low discretion searches (incident to arrest, parole or probation violation, vehicle inventory) were not analyzed for racial bias because officer discretion in conducting theses searches is often constrained by law and policy.

unknown whether the higher rates of consent searches among African Americans and Hispanics is the result of more requests by the police to search these groups or their greater likelihood to grant consent when asked. High discretion searches, on the other hand, are largely at the discretion of the officer. These searches are nonconsensual and do not include searches incident to arrest, probation or parole searches, or inventory searches, which are typically low discretion searches. As such, racial disparities among these high discretion searches are more informative about possible bias on the part of the police.

The third column in table E.19 indicates that African-American drivers accounted for roughly 40 percent of all high discretion searches, whereas White and Hispanic drivers accounted for 22 percent and 19 percent, respectively. Thus, officers used their discretion to conduct non-consent searches of African-American drivers more frequently than drivers of any other race. Furthermore, the hit rate analysis revealed that roughly 7 out of every 10 high discretion searches of White drivers yielded contraband, while 3 out of 10 high discretion searches of African-American drivers yielded contraband. In sum, the SFPD conducted high discretion searches on a far greater number of African-American drivers than drivers of any other race, and the hit rates in these high discretion searches of African-American drivers was lower than those of all other drivers. High discretion search patterns of Hispanic drivers also suggest evidence of disparity on the part of the SFPD. Though White and Hispanic drivers constituted a similar percentage of high discretion searches, the hit rate in searches of Hispanic drivers was about 30 percentage points lower than the hit rate in searches of White drivers.

Table E.19. Hit rates by race in consent and high discretion searches

Individual race or ethnicity	Consent searches (N = 1,819)	Hit rate	High discretion searches (N = 3,674)	Hit rate
White	282 15.5%	14.2%	824 22.4%	73.7%
African American	957 52.6%	12.5%	1,466 39.9%	32.3%
Hispanic	389 21.4%	13.6%	702 19.1%	43.2%
Asian	86 4.7%	17.4%	363 9.9%	80.2%
Other	105 5.8%	11.4%	317 8.6%	69.1%
Missing	0 0.0%	—	2 0.1%	100.0%

While the findings from table E.19 suggest that SFPD officers may exhibit bias in the decision to search African-American and Hispanic drivers, they do not account for other important aspects of the stop that preceded the search. Table E.20 on page 321 displays the results of a logistic equation that regressed high discretion search onto driver race or ethnicity along with each of the control variables employed in previous analyses. Relative to White drivers, African-American drivers were significantly ($p \leq 0.01$) more likely to be selected for high discretion searches upon being stopped. In fact, the odds ratio (2.89) indicates African-American drivers were nearly three times as likely as White drivers to be searched without consent. Hispanic drivers ($p \leq 0.01$) were also significantly more likely than White drivers to be selected for high

discretion searches, although the disparity was less extreme. That is, the odds of being searched without consent were 65 percent greater for Hispanic drivers than White drivers. No significant differences emerged between Asian drivers and White drivers, but drivers of other racial or ethnic groups were significantly ($p \leq 0.10$) less likely than White drivers to be searched without consent. Specifically, the odds of being searched without consent were 19 percent lower for drivers of other racial or ethnic groups than White drivers.

Table E.20. Logistic regression predicting high discretion search (N = 330,272)

	b	SE	OR
Driver characteristics			
African American	1.06††	0.05	2.89
Hispanic	0.50††	0.09	1.65
Asian	-0.07	0.05	0.93
Other	-0.21§	0.12	0.81
Male	0.51††	0.10	1.66
Age	-0.03††	0.00	0.97
Stop type *			
Moving violation	-0.14	0.11	0.87
DUI	1.94††	0.37	6.99
PC violation	1.95††	0.21	7.01
MPC violation	0.54**	0.28	1.71
BOLO/Warrant	1.51††	0.19	4.51
Officer characteristics			
African American †	-0.02	0.15	0.98
Hispanic †	0.06	0.07	1.06
Asian †	-0.34††	0.08	0.71
Other †	-0.05	0.10	0.95
Male	-0.08	0.05	0.92
Years of service	-0.04††	0.01	0.96
Rank - Officer	-0.24	0.16	0.78
District assignment ‡	-0.31§	0.16	0.74
Misc. assignment ‡	0.95††	0.18	2.57
# of officers deployed	0.00	0.00	1.00
District characteristics			
% African American	0.01	0.01	1.01
% Hispanic	0.02**	0.01	1.02
% Young	-0.05**	0.02	0.95
Unemployment rate	0.04	0.05	1.04
Violent crime rate	-0.03§	0.02	0.97
Intercept	-3.43††	0.26	—
McFadden's R^2		0.09	

Entries are unstandardized regression coefficients (*b*), robust standard errors adjusted for clustering in 10 districts (SE), and odds ratios (OR).
* Reference stop type is non-moving violation
† Reference is White Officer
‡ Reference assignment is traffic
§ $p \leq .10$
** $p \leq .05$
†† $p \leq .01$ (two-tailed test)

The assessment team re-estimated the high discretion search logistic model separately for each of the police districts and presented the results in table E.27 (at the end of appendix E on page 337). With respect to driver race, the findings were consistent across each of the districts in terms of direction and significance. In short, African-American and Hispanic drivers were more likely to be subjected to high discretion searches that White drivers regardless of the district in which the traffic stop took place.

Table E.21. Logistic regression predicting consent search (N = 330,272)

	b	SE	OR
Driver characteristics			
African American	1.48††	0.18	4.41
Hispanic	0.79††	0.17	2.21
Asian	-0.44††	0.17	0.64
Other	-0.26	0.16	0.77
Male	1.07††	0.09	2.92
Age	-0.04††	0.00	0.96
Stop type *			
Moving violation	-0.48††	0.11	0.62
DUI	2.40††	0.46	11.04
PC violation	1.33††	0.20	3.77
MPC violation	1.05††	0.18	2.86
BOLO/Warrant	1.07††	0.27	2.92
Officer characteristics			
African American †	-0.39††	0.14	0.68
Hispanic †	0.07	0.10	1.07
Asian †	-0.42††	0.13	0.65
Other †	-0.18	0.19	0.84
Male	0.04	0.07	1.04
Years of service	-0.05††	0.01	0.95
Rank - Officer	-0.13	0.23	0.88
District assignment ‡	0.88**	0.40	2.41
Misc. assignment ‡	1.45††	0.44	4.26
# of officers deployed	0.00††	0.00	1.00
District characteristics			
% African American	0.01	0.01	1.01
% Hispanic	0.01	0.00	1.01
% Young	-0.20††	0.02	0.82
Unemployment rate	0.11††	0.03	1.12
Violent crime rate	-0.02§	0.01	0.98
Intercept	-4.30††	0.41	—
McFadden's R^2		0.16	

Entries are unstandardized regression coefficients (*b*), robust standard errors adjusted for clustering in 10 districts (SE), and odds ratios (OR).
* Reference stop type is non-moving violation
† Reference is White Officer
‡ Reference assignment is traffic
§ $p \leq .10$
** $p \leq .05$
†† $p \leq .01$ (two-tailed test)

Table E.21 on page 322 presents the results of a logistic equation that regressed consent search onto driver race or ethnicity along with each of the control variables. Compared to White drivers, African-American drivers ($p \leq .01$) were over four times more likely to have been searched based on consent. Hispanic drivers ($p \leq .01$) also were significantly more likely than White drivers to be consent searched. More specifically, the odds ratio suggests they were slightly more than twice as likely as White drivers to be searched with consent. Asian drivers ($p \leq .01$) were 36 percent less likely than White drivers to have been subjected to a consent search. Finally, there was no significant difference between individuals of other racial or ethnic groups and White drivers in terms of the likelihood of being consent searched. Also worthy of note in table E.21 on page 322 is that African-American ($p \leq .01$) and Asian officers ($p \leq .01$) were 32 percent and 35 percent less likely than White officers, respectively, to have conducted a consent search of any driver.

Table E.28 (at the end of appendix E on page 338) presents the results of the consent search logistic regression model estimated across each of the police districts. With respect to African-American drivers, the findings mirror those in table E.21 on page 322. In each of the SFPD districts African-American drivers are statistically more likely than White drivers to have experienced a consensual search during a traffic stop. Hispanic drivers were more likely than White drivers to be searched with consent in Ingleside, Mission, Northern, Park, Richmond, and Southern. However, they were no more likely than White drivers to be searched with consent in Bayview, Central, Taraval, or the Tenderloin. The finding that Asian drivers are less likely than White drivers to be searched with consent appeared to be constrained to Bayview, Ingleside, and Taraval. There was no statistically significant difference in the odds of consent searches between Asian and White drivers in the other seven districts.

Table E.22 on page 324 presents the results of a logistic model that regressed contraband or evidence discovered in a high discretion search onto driver race or ethnicity and each of the aforementioned control variables. Relative to White drivers who were searched without consent, African-American ($p \leq 0.01$) and Hispanic ($p \leq 0.01$) drivers were significantly less likely to have been found with contraband or evidence following a search. The odds that contraband or evidence were found were 70 percent lower for African-American drivers and 54 percent lower for Hispanic drivers than for White drivers who were searched without consent. Asian drivers ($p \leq 0.05$), on the other hand, were significantly more likely than White drivers to have had contraband or evidence in their possession following a search. More specifically, the odds that contraband or evidence was found as a result of a non-consent search were 49 percent greater for Asian drivers than White drivers.

Table E.29 (at the end of appendix E on page 339) provides the results of the logistic regression model that was re-estimated separately for each of the police districts. The findings were largely consistent with those presented in table E.22 on page 324. Across each of the districts, African-American drivers are significantly less likely to be found with contraband after a high discretion search relative to White drivers. However, the Hispanic effect observed in table E.22 on page 324 seems to be constrained to three districts. Hispanic drivers were significantly less likely to be found with contraband in Mission, Park, and Southern. Within the other districts, Hispanic drivers were no more or less likely than White drivers to be found with contraband or evidence following a non-consent search.

Table E.22. Logistic regression predicting contraband found, high discretion searches only (N = 3,655)

	b	SE	OR
Driver characteristics			
African American	-1.19††	0.15	0.30
Hispanic	-0.77††	0.19	0.46
Asian	0.40**	0.16	1.49
Other	-0.14	0.18	0.87
Male	-0.55††	0.08	0.57
Age	0.02††	0.00	1.02
Stop type *			
Moving violation	0.81††	0.12	2.25
DUI	-2.71††	0.55	0.07
PC violation	-0.04	0.19	0.96
MPC violation	-0.56	0.37	0.57
BOLO/Warrant	-0.58**	0.27	0.56
Officer characteristics			
African American †	0.27§	0.14	1.31
Hispanic †	0.08	0.19	1.09
Asian †	0.12	0.19	1.13
Other †	0.08	0.17	1.09
Male	-0.38§	0.21	0.69
Years of service	0.04††	0.01	1.04
Rank - Officer	0.25	0.28	1.28
District assignment ‡	-1.14††	0.41	0.32
Misc. assignment ‡	-0.91**	0.47	0.40
# of officers deployed	0.01**	0.00	1.01
District characteristics			
% African American	-0.01	0.01	0.99
% Hispanic	-0.01	0.01	0.99
% Young	0.16††	0.04	1.17
Unemployment rate	-0.18††	0.04	0.84
Violent crime rate	0.13††	0.02	1.14
Intercept	0.26	0.88	—
McFadden's R^2		0.23	

Entries are unstandardized regression coefficients (*b*), robust standard errors adjusted for clustering in 10 districts (SE), and odds ratios (OR).
* Reference stop type is non-moving violation
† Reference is White Officer
‡ Reference assignment is traffic
§ $p \leq .10$
** $p \leq .05$
†† $p \leq .01$ (two-tailed test)

The initial decision to stop

This section summarizes the findings from the two sets of analyses discussed earlier—those that addressed the initial decision to stop a motorist and those that addressed officer decision-making once a stop occurred. In this concluding section, the assessment team summarizes and discusses the principal findings within the context of the broader literature on racial profiling and police bias, and the team identifies relevant limitations to the data and the analytic results.

Stops versus estimated driving and violating populations

Following sound methodological practice reported in the literature, the team used two analytic techniques to estimate whether drivers of minority racial or ethnic groups (African Americans, Hispanics, Asians) were stopped disproportionately to what would be expected given their groups' representation in the driving or at-risk (potential traffic violator) populations in San Francisco. The first technique compared the racial composition of traffic stops made by the SFPD over a three-year period (May 1, 2013–May 1, 2016) to the racial composition of more than 10,000 drivers involved in traffic collisions over a similar period. Traffic collision data represent a theoretically random sample of drivers on the roadways of San Francisco and therefore offer an unbiased estimate of the racial composition of the driving population in the city (Alpert, Smith, and Dunham 2004).

Citywide, African-American drivers were 24 percent more likely to be stopped by the police than their estimated representation in the driving population, and they were 9 percent more likely to be stopped given their estimated representation among potential traffic violators. There was considerable variation across police districts in the likelihood that African Americans would be stopped disproportionately to the traffic crash estimates. The greatest disparities between stops and the estimated driving population of African Americans (derived from not-at-fault crashes) occurred in the Bayview and Mission districts, which contain the highest proportion of African-American residents (22.2 percent) and among the lowest proportion of African-American residents (2.7 percent), respectively, in the city. The Tenderloin district, which contains the second highest proportion of African-American residents in San Francisco (10.5 percent), also showed evidence of significant disparity for stops of African-American drivers relative to their estimated proportions in the driving and potential violating populations.

The findings for Hispanic drivers were diametrically opposed to the findings for African-American drivers. Citywide, Hispanic drivers were 20 percent less likely to be stopped by the police compared to their estimated representation among drivers, and they were 37 percent less likely to be stopped given their estimated representation among potential traffic violators. Only in the Mission district were Hispanic drivers stopped more often than expected given their estimated driving population in the district. The findings for Asian drivers were similar to those for Hispanic drivers. Citywide, Asian drivers were underrepresented in traffic stops compared to their estimated representation in the driving and potential traffic violating populations.

To put these findings in perspective, researchers in Miami-Dade County (a large and racially diverse urban county surrounding Miami, Florida) also found disparities in stops of African Americans compared to their estimated representation in the driving population in certain areas of the county (Alpert Group 2004; Alpert, Dunham, and Smith 2007). African-American drivers were overrepresented in stops compared to the traffic collision benchmark in predominantly non-African-American and racially mixed areas of the county, while they were stopped proportionately to the benchmark in predominately African-American areas of the county. Hispanics, generally speaking, were stopped proportionately to their estimated representation among drivers in Miami-Dade. Conversely, an analysis of more than 500,000 stops conducted by the Washington State Patrol from November 2005 to October 2006 found no evidence that minority drivers were stopped disproportionately to their estimated representation among drivers based on collision data (Lovrich et al. 2007).

There are limitations to this analytic approach that must be acknowledged and taken into account when interpreting the results in San Francisco. While traffic collision benchmarking is a well-accepted social scientific methodology for estimating the racial composition of drivers in a given area or locale, it has been subjected to relatively few validation studies and has not been validated in San Francisco. The team cautions that the estimates of the racial composition of the driving and potential violating populations derived from traffic crash data represent an unknown derivation from the actual racial composition of those driving and those violating the traffic laws in San Francisco. Put simply, the traffic crash benchmark may under or over-estimate the actual proportion of African-American, Hispanic, or Asian drivers on the roadways or among those violating the traffic laws, and without comparisons to actual field observations of drivers and violators (Alpert, Smith, and Dunham 2004), the extent of the error in the estimates is unknown.

With those limitations in mind, the consistency and degree of overrepresentation of African-American drivers stopped in San Francisco compared to the estimated proportion of African-American drivers and potential traffic violators derived from the traffic collision data suggests that race may play a role in the initial stop decisions of SFPD officers. African Americans are overrepresented among those stopped citywide; and unlike in Miami-Dade County, where African-American drivers were not overrepresented in stops conducted in predominately African-American areas of the county, the Bayview District in San Francisco, which has the highest African-American population in the city, also shows evidence of the greatest disparity in stops of African-American motorists.

It is important to note that these findings do not prove racial bias by officers of the SFPD or by the agency as whole. Certainly, the SFPD's official policies explicitly prohibit the use of race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity as a basis for conducting stops or detentions (see SFPD General Order 5.17). Moreover, aggregate analyses such as these cannot prove discriminatory motive or intent on the part of individual officers, nor can they prove the presence of implicit bias on the part of individuals (Smith and Alpert 2007). They do, however, suggest the need for ongoing research, monitoring, and analysis of stops by the agency as a whole and to determine whether certain officers or groups of officers may be disproportionately contributing to the disparities in stops of African-American drivers within certain districts. An internal benchmarking analysis or officer-to-officer comparisons of similarly situated officers has the potential for identifying officers whose stop patterns may

stand out from their peers and warrant further examination (Ridgeway 2006; Ridgeway and MacDonald 2009; Smith 2005). The SFPD should consider the merits of incorporating such analyses as part of an early warning system that is corrective rather than punitive in nature (Walker 2003).

Daytime versus nighttime stops

The second technique for examining possible racial disparities in the initial decision to make a traffic stop compared the racial composition of stops made by the SFPD during the daytime to those made at night. Following Grogger and Ridgeway's (2006) "behind the veil of darkness" approach, the team examined stops that took place during the "intertwilight" hours (roughly from 5:00 p.m.–9:30 p.m.) to determine whether a greater proportion of those stops made prior to sunset involved minority drivers as compared to stops made following the end of civil twilight when full darkness sets in. If racial profiling is occurring, one would expect to see a higher percentage of minority stops during the day when an officer could more readily identify race or ethnicity prior to making a stop.

Citywide, the team found no differences in the rate at which minority drivers were stopped during the day versus the night. By district, African-American drivers were more likely to be stopped during the day in four districts, two of which (Bayview and Mission) were districts where they also were overrepresented in stops according to the traffic collision benchmarks. At least with respect the Bayview and Mission districts, these two sets of findings are consistent and provide support for the hypothesis that race may play a role in the initial stop decision by officers in those districts. In the Tenderloin district, African American drivers were actually less likely to be stopped during the day compared to White drivers, which is inconsistent with the traffic collision benchmark finding in the Tenderloin where African American drivers were significantly overrepresented among stops.

Also inconsistent were the findings for Hispanic drivers. Although Hispanic drivers were underrepresented in stops in most districts according to the traffic crash benchmarks, they were more likely to be stopped during daylight hours in the Bayview, Park and Southern districts. Some variation in daytime versus nighttime stops by district was evident for Asian drivers, but there was no consistent pattern. While Asian drivers were more likely than White drivers to be stopped during the daytime in the Tenderloin, this finding is contrary to the traffic collision benchmarking analysis where they were underrepresented relative to their estimated proportion of the traffic violating population in that district.

It is difficult to assess the implications of the daytime versus nighttime stops analyses. In Minneapolis and in some jurisdictions in Connecticut, evidence of possible racial bias was found using the "behind the veil of darkness" approach (Ritter and Bael 2009; Taniguchi et al. 2016). However, Grogger and Ridgeway (2006), who pioneered this approach, found no evidence of racial disparities in Oakland or in Cincinnati (Ridgeway 2009), both of which have significant African-American populations and were the subjects of memoranda of understanding with the U.S. Department of Justice where possible racial bias by police was an issue in the settlement agreements. Moreover, Taniguchi et al. (2016) found no evidence of racial bias using this method in Raleigh or Greensboro, North Carolina.

While it is an accepted methodology among social scientists for assessing possible racial bias in traffic stops, the "behind the veil of darkness" approach has significant limitations. Its assumption that police officers are less likely to be able to identify the race or ethnicity of drivers at night than they are in the daytime has never been empirically tested. In urban areas such as San Francisco, with its many streetlights and other sources of ambient lighting, it is questionable whether the ability of police officers to see into a vehicle and identify the apparent race of the driver is substantially diminished at night. In addition, officers likely are familiar with the racial composition of the various neighborhoods in San Francisco and might use these and other cues to make reasonably accurate assumptions about the race of a driver, even if they cannot see into the vehicle itself.

For these reasons, the team has less confidence in this method for assessing possible racial bias in the decision to make a traffic stop than in using traffic crash data to estimate the racial makeup of drivers or possible traffic violators in a geographic area and then using those estimates to compare against the racial composition of those stopped by the police. Taken as a whole, the traffic collision benchmarking results consistently show large disparities in stops of African Americans citywide and in certain SFPD districts. The consistency and magnitude of these findings warrant further examination and review.

Post-stop outcomes

A thorough evaluation of potential racial or ethnic biases toward individuals should include an assessment of post-stop outcomes to investigate whether there are patterns of disparate treatment at the conclusion of a traffic stop. This approach has been adopted in several other jurisdictions and offers valuable information regarding the resolution of police-individual contacts initiated thorough traffic stops (Alpert et al. 2006; Engel et al. 2012; Lovrich et al. 2007; Ridgeway 2009; Tillyer and Engel 2013). Police officers possess various options to conclude a traffic stop once it has been initiated. These "outcomes" are dependent on and constrained by the law and SFPD policy. In the case of the SFPD they include taking no action, writing an incident report, issuing the driver a warning, issuing the driver a citation, arresting the individual, conducting a search of the individual or vehicle or both, or some combination of these. Analyses of post-stop outcome data from the SFPD specifically examined warnings, citations, arrests, and searches with the intent to answer the following question: Do African-American, Hispanic, or Asian drivers receive disproportionate sanctions and other negative outcomes related to traffic stops, net of other salient nonracial factors that may influence officer decision making during post-stop activities?

Specific measurement of variables and the step-by-step methodology undertaken to answer this question is detailed elsewhere in this report. In short, the SFPD's E-585 traffic stop incident reports contains information on the types of actions taken by officers after a stop is initiated. These data were subsequently merged with U.S. Census data, SFPD deployment information, and SFPD reported crime data to allow the estimation of a series of multivariate models examining warnings, citations, arrests, and searches. A multivariate model allows for a simultaneous assessment of all factors available in the data that may impact the likelihood of each outcome occurring. This approach is particularly well-suited to identify the specific effect of an individual's race or ethnicity on the likelihood of receiving a warning, citation, or arrest

or being searched while also considering other factors likely to be relevant such as other individual characteristics, officer characteristics, and location specific factors (e.g., unemployment rate, violent crime rate, etc.).

It is important to note that model findings are limited to the data available. This has two critical implications relevant for drawing overall conclusions about the practices of the SFPD. First, these models only allow an assessment of measured factors and are potentially missing other important information that may impact the likelihood of any specific outcomes occurring. Eliminating this threat is beyond the scope of this project and common in such evaluations of police officer behavior. In short, not all relevant information is available concerning the specifics of each traffic stop. Second, these analyses cannot identify the internal processes that comprise an officer's decision making. No data are available on what the officer thought or felt at the time that decisions were made regarding how to conclude the traffic stop. As such, it is not possible to draw definitive conclusions about racial or ethnic bias on the part of individual officers or the SFPD as a whole. Conversely, these models can identify pattern and trends in the data that may indicate areas of disparity in post-stop outcomes. If patterns of disparity appear in any of the models, these findings should be used to further investigate the actions of the SFPD to determine the underlying reasons and causes of such outcomes. The following subsections outline the main findings for each outcome analyzed and contextualize these results within the broader findings from other jurisdictions.

Warnings

The multivariate model examining the issuance of a warning indicates that across the city African-American drivers were 49 percent more likely to receive this outcome than White drivers when considering all other available factors. Asian drivers and those drivers from other races or ethnicities were less likely to be warned than White drivers (30 percent and 40 percent, respectively). Hispanic drivers were statistically indistinguishable from White drivers in their likelihood of receiving a warning. Of note, African-American, Hispanic, and Asian officers were all significantly less likely than White officers to issue a warning to the driver. Notice that this effect is for all drivers and not specific to any particular racial or ethnic group. The pattern of issuing warnings was relatively stable across districts; however, there were some differences in the magnitude of this effect.

The disparity for African-American drivers in receiving a warning is not surprising when compared to some findings from other jurisdictions. Data from Miami-Dade County indicate that African-American drivers were less likely to be warned compared to their White counterparts (Alpert Group 2004). Conversely, some studies have reported no difference for African-American drivers (Tillyer and Engel 2013), while others have reported a heightened likelihood of African-American drivers being warned relative to their White counterparts (Schafer et al. 2006). Most jurisdictions have very small Asian populations compared to San Francisco's, and as a result, examination of this group in previous studies is virtually nonexistent.

Citations

The most common traffic stop outcome, a citation, was issued in 72.6 percent of all officer-initiated stops. Results from the multivariate model indicate that African-American drivers were 39 percent less likely than White drivers to have been issued a citation and Hispanic drivers were 9 percent less likely to have received a citation. Asian drivers (43 percent) and those from other races or ethnicities (66 percent) were more likely to be issued a citation than White drivers. African-American (45 percent), Hispanic (11 percent), and Asian (35 percent) officers were more likely to issue a citation to any drivers than White officers. The overall city pattern for citations was largely mirrored at the district level with some variability across the sub-areas.

Results from other jurisdictions examining the relationships between driver race or ethnicity and citation are mixed. Similar to the findings reported here, studies in Cincinnati (Ridgeway 2009) and Los Angeles (Alpert et al. 2006) found that African-American motorists were actually less likely than similarly situated White motorists to receive citations. Conversely, data from other jurisdictions indicate that African-American (Engel et al. 2012; Lovrich et al. 2007) and Hispanic (Tillyer and Engel 2013) drivers receive citations disproportionately to their White counterparts. Virtually no research has examined the relationship between Asian drivers and receipt of citations.

Arrests

Analyses of the SFPD traffic stop data indicate that African-American drivers were 2.3 times more likely to be placed under arrest than White drivers. Hispanic drivers were also more likely to be arrested, whereas Asian and other races or ethnicities were less likely to be arrested than White drivers. The citywide pattern for African-American drivers was consistent across all districts to varying degrees, while less consistency was discovered for the experience of Hispanic, Asian, and other drivers. Of note, no officer demographic characteristics were related to an arrest, and neither the unemployment rate nor the violent crime rate was influential in the likelihood of an arrest.

The noticeable risk for African-American (and to a lesser extent, Hispanic) drivers to be arrested is a consistent theme in other studies. Results from various jurisdictions including Los Angeles and the states of Arizona and Missouri also indicate that African-American drivers are arrested at disproportionate rates compared to White drivers (Alpert et al. 2006; Engel et al. 2012; Rojek, Rosenfeld, and Decker 2004). It is important to note that many of these studies were not able to unpack the degree of discretion afforded the officer when making a decision to arrest. For example, it is common for the data to only indicate that an arrest occurred, but not include the reason for that action. Results from Miami-Dade County suggest that when low discretion arrests such as for an outstanding warrant are considered, the relationship between African-American drivers and arrest is noticeably weakened (Alpert Group 2004). The SFPD data also suffer from this limitation and do not include the reason for the arrest, so this possibility is unaccounted for in the current analysis.

Searches

Searches conducted by the SFPD were categorized into three groups depending on the degree of discretion available to the officer. High discretion searches are those that were carried out without the consent of the driver (i.e., based on probable cause). Consent searches are those in which the driver consented to the officer's request to conduct a search. Finally, low discretion searches include searches incident to arrest, probation- or parole-related searches, and vehicle inventories. Because officer discretion is constrained in low discretion searches, this category was not subjected to analysis for racial disparity.

Results indicate that high discretion searches were 2.9 times more likely for African-American drivers than for White drivers. Similarly, Hispanic drivers were 1.7 times more likely to be searched without consent than White drivers. Asian drivers were searched for high discretion reasons at the same rate as White drivers, while other races or ethnicities had slightly lower risk of a high discretion search. This citywide pattern was apparent across the districts as well. Asian officers were also less likely to initiate a search than their White counterparts, and discretionary searches were slightly more likely to occur in districts with lower violent crime rates.

With regard to consent searches, a similar but stronger pattern emerges in which African-American drivers were over 4.4 times more likely to be searched and Hispanic drivers were over 2.2 times more likely to be searched than White drivers. Asian drivers were less likely to be searched as a result of consent. Of note, African-American and Asian officers were less likely to initiate a consent search than White officers, and consent searches were less likely to occur in higher crime areas but more likely to occur in areas with greater unemployment. Finally, the pattern of disparity in consent searches for drivers across the city is relatively consistent when examining the specific districts; however, there were a number of districts that did not show any difference in consent searches for Hispanic and Asian drivers.

Often when searches are analyzed, it is also useful to assess the accuracy or frequency of contraband discovery. The multivariate models clearly indicate that African-American and Hispanic individuals were less likely to be found in possession of contraband or evidence than White drivers searched for the same reason. Asian drivers were more likely to be discovered with contraband or evidence than White drivers. African-American officers were more likely to discover contraband or evidence than White officers, and rates of contraband or evidence discovery were higher in areas of higher violent crime and less unemployment. Again, the citywide pattern of findings for minority drivers is relatively consistent across the districts.

The heightened risk of a discretionary or consent-based search for minority individuals is not unique to the SFPD. Various recent studies report that African-American and Hispanic individuals experience elevated levels of discretionary searches (Alpert et al. 2006; Close and Mason 2007; Lovrich et al. 2007; Pickerell et al. 2009; Tillyer 2014), although Ridgeway (2009) reported that African-American individuals were actually less likely to be searched compared to non-African-American individuals in Cincinnati. Moreover, the low rate of contraband discovery among these groups is also not uncommon in other jurisdictions. A systematic review by Engel and Johnson (2006) indicated that minority individuals generally possessed lower contraband hit rates compared to White individuals.

Conclusion

Analyses of the SFPD's traffic stop data (May 2013–May 2016) reveals some racial or ethnic disparities in warnings, citations, arrests, searches, and contraband discovery. African-American drivers were more likely to be warned, arrested, and searched (for both consent and high discretionary reasons) but less likely to be cited and found to be in possession of contraband compared to White drivers. Hispanic drivers were more likely to arrested and searched (for both consent and high discretionary reasons) but less likely to be cited and found to be in possession of contraband compared to White drivers. Finally, Asian drivers were more likely to be cited and found with contraband but less likely to warned, arrested, or searched based on consent compared to White drivers. While these results indicate patterns of disparity, no definitive conclusions can be drawn regarding the underlying motivation for these outcomes including the possibility of racial or ethnic bias. Nonetheless, the patterns of disparity in post-stop outcomes are consistent with those found for the initial stop decision and warrant further monitoring, investigation, and analysis—possibly by drilling down to the officer or unit level using internal benchmarking or officer-to-officer comparison techniques as part of an early warning approach by the SFPD.

Logistic regression tables

Table E.23. Logistic regression predicting whether intertwilight stop occurred in daylight by district (see table E.13 on page 308)

	Bayview		Central		Ingleside		Mission		Northern		Park		Richmond		Southern		Taraval		Tenderloin	
	b	OR	b	OR	B	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR
Driver characteristics																				
African American	0.31**	1.37	-0.18†	0.83	-0.03	0.97	0.15†	1.16	-0.06	0.94	0.18†	1.20	0.10	1.11	0.01	1.01	0.11	1.11	-0.22**	0.80
Hispanic	0.27**	1.30	0.08	1.08	-0.07	0.94	0.06	1.06	0.18	1.19	0.22†	1.24	0.02	1.02	0.25**	1.29	-0.15†	0.86	0.10	1.10
Asian	0.08	1.08	-0.18**	0.84	0.09	1.10	0.03	1.03	0.00	1.00	0.07	1.07	-0.22**	0.81	-0.03	0.97	0.01	1.01	0.19†	1.21
Other	0.20†	1.23	-0.23**	0.79	0.16†	1.18	-0.08	0.93	-0.28**	0.75	-0.11	0.90	0.09	1.09	0.16**	1.17	0.16*	1.17	0.00	1.00
Male	0.09	1.09	-0.07	0.93	0.04	1.04	-0.03	0.97	-0.08	0.92	-0.11†	0.89	-0.03	0.97	-0.11**	0.89	-0.05	0.95	-0.09	0.91
Age	-0.004*	1.00	0.00	1.00	0.01**	1.00	0.00	1.00	-0.00	1.00	0.01**	1.01	0.01**	1.01	0.004**	1.00	0.01**	1.01	0.01*	1.00
Stop type																				
Moving violation	0.23**	1.26	0.12†	1.13	0.24**	1.28	0.20**	1.22	0.33**	1.39	0.21**	1.23	-0.05	0.95	0.21**	1.24	0.22**	1.25	-0.03	0.97
DUI	—	—	-2.17**	0.11	-2.49*	0.08	-1.94	0.14	—	—	—	—	0.78	2.18	-1.58**	0.21	-1.44†	0.24	—	—
PC violation	-0.34	0.71	-0.45	0.64	0.49	1.63	0.69*	1.99	-0.23	0.79	0.46	1.58	-0.54	0.58	0.86†	2.37	-0.51	0.60	0.49†	1.63
MPC violation	-0.13	0.88	0.06	1.06	0.34	1.40	1.35	3.84	-0.32	0.72	0.58	1.79	0.13	1.13	-0.44*	0.65	0.07	1.07	1.84**	6.29
BOLO/warrant	-0.27	0.76	0.83	2.29	-0.16	0.85	1.16*	3.19	0.72	2.06	0.51	1.67	-0.52	0.59	1.09	2.97	0.00	1.00	0.64	1.90
Officer characteristics																				
African American	-0.23**	0.79	-0.10	0.90	0.02	1.02	0.11	1.12	-0.31**	0.73	-0.58**	0.56	-0.50**	0.61	0.48**	1.62	-0.65**	0.52	0.18	1.19
Hispanic	0.16*	1.17	0.33**	1.39	0.31**	1.37	0.07	1.07	0.04	1.04	0.02	1.02	-0.07	0.93	0.06	1.06	0.13	1.14	0.18†	1.20
Asian	0.21**	1.23	-0.06	0.94	0.18**	1.20	0.34**	1.41	-0.03	0.97	0.18*	1.19	0.09	1.10	0.07	1.07	-0.14*	0.87	0.22*	1.25
Other	0.24**	1.27	-0.06	0.94	0.11	1.12	0.37**	1.44	-0.25†	0.78	-0.27*	0.77	0.30**	1.35	-0.71**	0.49	-0.11	0.90	-0.25†	0.78
Male	0.43**	1.54	-0.26**	0.77	-0.14	0.87	0.17†	1.19	0.07	1.07	-0.17	0.85	-0.12	0.89	0.14	1.15	-0.03	0.97	-0.57**	0.57
Years of service	0.01*	1.01	0.03**	1.03	0.05**	1.05	0.01	1.01	0.00	1.00	0.03**	1.03	0.01†	1.01	0.01*	1.01	0.03**	1.03	0.04**	1.04
Rank - Officer	0.15	1.16	0.13	1.14	0.19†	1.21	0.04	1.04	-0.03	0.97	0.62**	1.85	0.51**	1.67	-0.13*	0.88	0.06	1.06	0.17	1.19
District assignment	-2.23**	0.11	-0.21**	0.81	-0.21	0.81	-0.47**	0.62	-1.33**	0.26	-0.6**	0.54	-0.33**	0.72	-0.87**	0.42	0.30**	1.34	0.28*	1.32
Misc. assignment	-1.95**	0.14	-1.47**	0.23	-0.42	0.66	-0.13	0.88	-1.37**	0.25	-0.54	0.58	-0.10	0.91	-0.75**	0.47	-0.75*	0.47	-0.10	0.90
# of officers deployed	-0.002	1.00	-0.01**	0.99	-0.01**	0.99	0.01**	1.01	0.01**	1.01	-0.001	1.00	-0.02**	0.98	0.01**	1.01	-0.02**	0.98	0.01*	1.00
Intercept	1.81**	6.08	0.81**	2.25	0.43	1.54	-0.39	0.68	1.20**	3.31	0.01	1.01	1.11**	3.02	-0.05	0.95	0.81**	2.26	-0.31	0.73
Wald χ^2	307.31**		201.15**		220.35**		151.02**		532.29**		95.89**		83.81**		1081.54**		186.20**		126.28**	
McFadden's R^2	0.04		0.02		0.03		0.02		0.08		0.02		0.01		0.06		0.02		0.03	
N	7902		7193		7437		6055		5498		4662		5347		16083		8456		4097	

Entries are unstandardized regression coefficients (b) and odds ratios (OR). Dashes are used where variables were omitted from models because of no variation. It is important to note that the odds ratios are not directly comparable across districts because base rates vary. † p ≤ .10, * p ≤ .05, ** p ≤ .01.

Table E.24. Logistic regression predicting warning by district (see table E.16 on page 315)

	Bayview		Central		Ingleside		Mission		Northern		Park		Richmond		Southern		Taraval		Tender-loin	
	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR
Driver characteristics																				
African American	0.48**	1.62	0.13**	1.13	0.68**	1.97	0.57**	1.77	0.46**	1.58	0.32**	1.38	0.44**	1.55	0.22**	1.25	0.57**	1.78	0.28**	1.32
Hispanic	-0.08†	0.92	0.04	1.04	0.04	1.04	0.21**	1.23	0.01	1.01	0.08	1.08	0.05	1.05	-0.11**	0.90	0.06	1.07	0.00	1.00
Asian	-0.54**	0.58	-0.36**	0.70	-0.45**	0.64	-0.17**	0.84	-0.38**	0.68	-0.22**	0.80	-0.41**	0.66	-0.36**	0.70	-0.35**	0.71	-0.17*	0.85
Other	-0.10†	0.91	-0.63**	0.53	-0.17**	0.85	-0.17**	0.85	-0.14**	0.87	-0.26**	0.77	-1.61**	0.20	-0.37**	0.69	-0.52**	0.59	-0.19**	0.82
Male	0.003	1.00	-0.21**	0.81	0.01	1.00	-0.10**	0.91	-0.14**	0.87	-0.22**	0.80	-0.01	0.99	-0.29**	0.75	-0.08**	0.92	-0.07†	0.93
Age	-0.01**	0.99	0.00	1.00	-0.01**	0.99	-0.01**	0.99	-0.002	1.00	0.002†	1.00	-0.004**	1.00	0.002*	1.00	0.004**	1.00	-0.01**	0.99
Stop type																				
Moving violation	-0.32**	0.73	-0.13**	0.88	-0.38**	0.69	-0.23**	0.79	-0.19**	0.83	0.24**	1.27	-0.53**	0.59	-0.06*	0.94	0.01	1.01	-0.42**	0.66
DUI	-0.23	0.80	-1.35**	0.26	-1.42**	0.24	-0.34	0.71	-0.73	0.48	-0.45	0.64	0.79*	2.21	-1.49**	0.23	-0.22	0.80	-0.30	0.74
PC violation	0.40**	1.49	0.05	1.05	0.59*	1.80	0.91**	2.48	0.10	1.10	1.06**	2.90	0.14	1.15	-0.20	0.82	0.89**	2.45	0.01	1.01
MPC violation	0.37*	1.45	0.23†	1.25	0.90**	2.45	1.02**	2.77	-0.82**	0.44	1.58**	4.84	1.51**	4.52	-1.35**	0.26	1.53**	4.60	-0.23*	0.79
BOLO/warrant	-1.46**	0.23	-0.32	0.72	-1.92**	0.15	-1.15**	0.32	-1.25**	0.29	0.78	2.18	-0.93	0.39	-1.82**	0.16	-0.44	0.64	-0.10	0.91
Officer characteristics																				
African American	-0.32**	0.73	0.08	1.08	-0.44**	0.65	0.00	1.00	-0.34**	0.71	-0.13*	0.88	-0.40**	0.67	-0.65**	0.52	0.05	1.05	-0.48**	0.62
Hispanic	-0.09**	0.91	-0.16**	0.85	-0.28**	0.75	-0.04	0.96	-0.24**	0.79	-0.39**	0.68	-0.47**	0.63	-0.02	0.98	0.18**	1.19	0.11†	1.12
Asian	-0.37**	0.69	-0.49**	0.61	-0.18**	0.83	-0.31**	0.73	-0.79**	0.45	0.12*	1.12	-0.53**	0.59	-0.26**	0.77	-0.22**	0.80	-0.20**	0.82
Other	-0.40**	0.67	0.02	1.02	-0.15**	0.86	0.06	1.06	0.03	1.03	0.21**	1.23	0.09	1.09	0.02	1.02	0.19**	1.21	-0.08	0.92
Male	-0.02	0.98	-0.29**	0.75	0.12*	1.13	0.11*	1.12	0.05	1.05	-0.09†	0.91	-0.24**	0.78	0.13*	1.14	0.06	1.06	0.01	1.01
Years of service	-0.004	1.00	-0.02**	0.98	-0.05**	0.95	-0.01†	0.99	-0.024**	0.98	-0.001	1.00	-0.02**	0.99	-0.03**	0.97	-0.04	0.96	-0.05**	0.96
Rank - Officer	-0.45**	0.64	-0.54**	0.59	-0.51**	0.60	-0.44**	0.65	-0.16*	0.85	-0.59**	0.56	-0.53**	0.59	-0.06†	0.94	-0.46**	0.63	-0.53**	0.59
District assignment	0.78**	2.18	0.37**	1.45	-0.22**	0.80	0.93**	2.53	0.79**	2.21	0.28**	1.32	0.32**	1.38	0.60**	1.82	1.27**	3.57	-0.05	0.95
Misc. assignment	1.80**	6.06	0.00	1.00	0.56**	1.75	1.34**	3.81	0.26**	1.29	-1.15**	0.32	1.00**	2.73	0.54**	1.72	2.00**	7.39	0.38**	1.47
# of officers deployed	-0.003**	1.00	-0.002†	1.00	-0.002	1.00	-0.004**	1.00	-0.004**	1.00	-0.01**	0.99	-0.01**	0.99	-0.01**	0.99	-0.002	1.00	0.01**	1.01
Intercept	-0.23†	0.79	0.00	1.00	0.61**	1.84	-0.60**	0.55	-0.37*	0.69	-0.27†	0.76	0.85**	2.33	-0.35**	0.70	-1.61**	0.20	0.25	1.29
Wald χ^2	254286**		111489**		230985**		141728**		245421**		48099**		310667**		408182**		190831**		80967**	
McFadden's R^2	0.07		0.04		0.06		0.05		0.08		0.02		0.10		0.06		0.06		0.04	
N	34252		31679		33487		28400		27625		22185		32882		60689		41881		17184	

Entries are unstandardized regression coefficients (b) and odds ratios (OR). Dashes are used where variables were omitted from models because of no variation. It is important to note that the odds ratios are not directly comparable across districts because base rates vary. † p ≤ .10, * p ≤ .05, ** p ≤ .01.

Table E.25. Logistic regression predicting citation by district (see table E.17 on page 317)

	Bayview		Central		Ingleside		Mission		Northern		Park		Richmond		Southern		Taraval		Tenderloin	
	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR
Driver characteristics																				
African American	-0.56**	0.57	-0.21**	0.81	-0.77**	0.46	-0.68**	0.51	-0.54**	0.58	-0.39**	0.68	-0.50**	0.61	-0.34**	0.71	-0.63**	0.53	-0.39**	0.68
Hispanic	0.03	1.03	-0.11*	0.90	-0.20**	0.82	-0.27**	0.76	-0.12*	0.89	-0.15*	0.86	-0.10†	0.91	-0.03	0.97	-0.13**	0.88	-0.07	0.94
Asian	0.56**	1.74	0.34**	1.41	0.44**	1.56	0.18**	1.19	0.41**	1.51	0.24**	1.27	0.40**	1.50	0.36**	1.44	0.36**	1.44	0.19**	1.21
Other	0.09†	1.10	0.60**	1.83	0.13*	1.14	0.18**	1.19	0.14**	1.15	0.24**	1.27	1.62**	5.05	0.36**	1.43	0.51**	1.66	0.23**	1.26
Male	-0.06*	0.94	0.18**	1.20	-0.06*	0.94	0.07*	1.07	0.11**	1.12	0.22**	1.24	-0.01	0.99	0.25**	1.28	0.07*	1.07	0.06	1.06
Age	0.010**	1.01	0.001	1.00	0.01**	1.01	0.01**	1.01	0.002*	1.00	-0.002	1.00	0.01**	1.00	0.0001	1.00	-0.004**	1.00	0.01**	1.01
Stop type																				
Moving violation	0.32**	1.38	0.15**	1.17	0.37**	1.45	0.23**	1.26	0.19**	1.21	-0.21**	0.81	0.52**	1.68	0.07*	1.07	-0.01	0.99	0.43**	1.54
DUI	-1.30*	0.27	-0.99**	0.37	-0.44†	0.64	-2.21**	0.11	-1.90**	0.15	-1.87**	0.15	-2.27**	0.10	-0.72**	0.49	-1.64**	0.19	-0.72	0.49
PC violation	-2.38**	0.09	-1.98**	0.14	-2.26**	0.10	-1.82**	0.16	-2.29**	0.10	-4.55**	0.01	-2.36**	0.09	-1.78**	0.17	-4.07**	0.02	-1.21**	0.30
MPC violation	-0.57**	0.57	-0.53**	0.59	-1.07**	0.34	-1.18**	0.31	0.35*	1.42	-2.13**	0.12	-1.90**	0.15	-0.49**	0.61	-1.74**	0.18	0.27*	1.30
BOLO/warrant	-3.06**	0.05	—	—	-3.56**	0.03	-3.02**	0.05	-3.35**	0.04	—	—	-1.80*	0.17	-2.84**	0.06	-3.35**	0.04	-2.77**	0.06
Officer characteristics																				
African American	0.32**	1.38	-0.02	0.98	0.46**	1.59	0.05	1.05	0.36**	1.43	0.12*	1.13	0.39**	1.48	0.68**	1.97	-0.03	0.98	0.53**	1.70
Hispanic	0.11**	1.12	0.11*	1.12	0.28**	1.33	0.06	1.06	0.23**	1.26	0.40**	1.49	0.46**	1.58	0.02	1.02	-0.16**	0.85	-0.10	0.91
Asian	0.37**	1.45	0.49**	1.64	0.19**	1.21	0.33**	1.40	0.79**	2.21	-0.14**	0.87	0.50**	1.66	0.29**	1.33	0.23**	1.26	0.21**	1.23
Other	0.42**	1.52	-0.02	0.98	0.08*	1.09	0.01	1.01	-0.01	0.99	-0.24**	0.79	-0.09	0.92	-0.03	0.97	-0.17**	0.85	0.10	1.11
Male	-0.05	0.95	0.31**	1.36	0.04	1.04	-0.09†	0.92	-0.04	0.96	0.11*	1.11	0.24**	1.27	-0.14*	0.87	-0.07†	0.93	0.05	1.05
Years of service	0.0001	1.00	0.02**	1.02	0.045**	1.05	0.01†	1.01	0.023**	1.02	0.002	1.00	0.014**	1.01	0.03**	1.03	0.03**	1.03	0.04**	1.04
Rank - Officer	0.84**	2.31	0.65**	1.91	0.62**	1.85	0.56**	1.76	0.34**	1.40	0.70**	2.01	0.51**	1.67	0.22**	1.25	0.42**	1.52	0.57**	1.76
District assignment	-0.74**	0.48	-0.30**	0.74	0.21**	1.23	-0.90**	0.41	-0.78**	0.46	-0.25**	0.78	-0.31**	0.73	-0.58**	0.56	-1.14**	0.32	0.13*	1.13
Misc. assignment	-1.74**	0.17	-0.09	0.92	-0.54**	0.58	-1.42**	0.24	-0.26**	0.77	1.05**	2.86	-1.03**	0.36	-0.56**	0.57	-1.94**	0.14	-0.43**	0.65
# of officers deployed	0.003*	1.00	0.003*	1.00	0.003*	1.00	0.004**	1.00	0.003**	1.00	0.01**	1.01	0.01**	1.01	0.01**	1.01	0.003*	1.00	-0.01**	0.99
Intercept	-0.17	0.84	-0.33*	0.72	-0.98**	0.38	0.34*	1.41	0.16	1.17	0.13	1.14	-0.89**	0.41	0.14	1.15	1.46**	4.32	-0.57**	0.57
Wald χ^2	3088.52**		1311.93**		2626.19**		1788.57**		2637.70**		568.87**		3260.42**		4287.16**		1948.68**		1042.00**	
McFadden's R^2	0.09		0.04		0.07		0.06		0.09		0.03		0.11		0.07		0.06		0.05	
N	34252		31660		33487		28400		27625		22177		32882		60689		41881		17184	

Entries are unstandardized regression coefficients (b) and odds ratios (OR). Dashes are used where variables were omitted from models because of no variation. It is important to note that the odds ratios are not directly comparable across districts because base rates vary. † p ≤ .10, * p ≤ .05, ** p ≤ .01.

Table E.26. Logistic regression predicting arrest by district (see table E.18 on page 318)

	Bayview		Central		Ingleside		Mission		Northern		Park		Richmond		Southern		Taraval		Tenderloin	
	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR
Driver characteristics																				
African American	0.70**	2.02	0.73**	2.07	1.03**	2.80	1.02**	2.76	0.77**	2.17	1.08**	2.93	0.93**	2.53	0.73**	2.08	0.98**	2.66	0.72**	2.05
Hispanic	0.18	1.20	-0.13	0.88	0.66**	1.93	0.57**	1.76	0.58*	1.78	0.53†	1.69	0.66*	1.93	0.26	1.29	0.46†	1.58	0.09	1.09
Asian	-0.98**	0.38	-0.18	0.84	0.27	1.31	-0.41	0.66	-0.59*	0.56	-0.67†	0.51	-0.25	0.78	-0.33	0.72	-0.85**	0.43	-0.17	0.85
Other	0.01	1.01	-0.15	0.86	0.32	1.38	-0.28	0.76	-0.50†	0.61	0.36	1.43	-1.68**	0.19	-0.36*	0.70	-0.25	0.78	-0.79*	0.46
Male	0.56**	1.75	0.11	1.12	0.54**	1.71	0.29*	1.34	0.33*	1.39	0.05	1.06	0.35†	1.41	0.54**	1.71	0.31†	1.37	0.59**	1.81
Age	-0.01**	0.99	-0.01*	0.99	-0.02**	0.98	-0.02**	0.98	-0.02**	0.98	0.00	1.00	-0.02**	0.98	-0.02**	0.98	-0.01*	0.99	-0.02**	0.98
Stop type																				
Moving violation	0.25*	1.29	-0.04	0.96	0.12	1.12	0.00	1.00	0.10	1.11	-0.42†	0.65	0.59*	1.81	0.02	1.02	0.24	1.27	0.13	1.14
DUI	4.11**	61.16	3.35**	28.42	3.28**	26.52	4.23**	68.98	3.47**	32.30	4.21**	67.66	4.30**	73.37	2.65**	14.14	3.05**	21.10	3.46**	31.75
PC violation	2.49**	12.06	3.97**	52.91	3.03**	20.62	1.70**	5.50	2.64**	14.00	3.84**	46.31	2.22*	9.21	2.77**	15.98	3.23**	25.26	2.19**	8.94
MPC violation	1.06*	2.89	0.77	2.16	—	—	-0.17	0.84	-0.11	0.90	2.27*	9.67	0.93	2.54	1.27**	3.57	—	—	0.35	1.41
BOLO/warrant	2.81**	16.59	3.25**	25.90	4.24**	69.65	3.09**	22.01	3.00**	20.17	4.70**	110.42	3.54**	34.56	3.51**	33.44	3.42**	30.65	2.06**	7.82
Officer characteristics																				
African American	0.49**	1.63	-0.61	0.54	-0.07	0.93	-0.51*	0.60	-0.50	0.60	-0.76	0.47	0.76†	2.14	-0.32	0.73	0.76*	2.13	-0.07	0.93
Hispanic	-0.12	0.89	-0.13	0.88	0.46*	1.59	-0.36*	0.70	-0.11	0.90	-0.08	0.92	0.70*	2.01	-0.21	0.81	0.26	1.29	0.21	1.23
Asian	-0.41†	0.66	-0.63*	0.53	-0.07	0.93	-1.05**	0.35	-0.22	0.80	0.50*	1.66	0.28	1.32	-0.36*	0.69	0.16	1.17	0.11	1.11
Other	0.20	1.23	0.05	1.05	-0.37	0.69	-1.33**	0.26	-0.22	0.80	1.08**	2.94	-0.27	0.76	-0.95*	0.39	0.26	1.30	-0.64	0.53
Male	0.25	1.28	0.17	1.19	-0.15	0.86	-0.38*	0.68	-0.03	0.97	-0.10	0.90	0.20	1.23	-0.34	0.71	-0.32	0.73	-0.13	0.87
Years of service	-0.03**	0.97	-0.07**	0.94	-0.05**	0.95	0.00	1.00	-0.04**	0.96	0.04†	1.04	-0.03*	0.97	-0.05**	0.95	-0.02	0.98	-0.02	0.98
Rank - Officer	-1.56**	0.21	-0.54	0.59	-1.13	0.32	-0.13	0.88	-1.31**	0.27	-0.19	0.83	0.23	1.26	-0.51*	0.60	0.05	1.05	0.03	1.03
District assignment	0.87**	2.38	-0.13	0.88	0.99*	2.69	1.27**	3.56	0.77**	2.15	0.84	2.32	0.90†	2.45	0.69**	1.99	0.46	1.59	-0.39	0.68
Misc. assignment	0.76*	2.13	0.77†	2.15	1.38*	3.98	1.57**	4.83	0.59†	1.80	0.29	1.33	1.92*	6.79	0.59*	1.81	1.86**	6.43	0.38	1.47
# of officers deployed	-0.002	1.00	-0.013*	0.99	-0.011†	0.99	0.0001	1.00	0.005	1.00	0.005	1.00	0.004	1.00	0.007	1.01	0.0001	1.00	0.004	1.00
Intercept	-4.23**	0.01	-3.02**	0.05	-4.14**	0.02	-4.60**	0.01	-3.96**	0.02	-6.55**	0.00	-6.58**	0.00	-4.63**	0.01	-5.58**	0.00	-4.24**	0.01
Wald χ^2	84955**		490.11**		44497**		51245**		41507**		26666**		20857**		59467**		296**		26273**	
McFadden's R^2	0.14		0.14		0.13		0.11		0.12		0.11		0.09		0.12		0.08		0.07	
N	34252		31679		33313		28400		27625		22185		32882		60689		41811		17184	

Entries are unstandardized regression coefficients (b) and odds ratios (OR). Dashes are used where variables were omitted from models because of no variation. It is important to note that the odds ratios are not directly comparable across districts because base rates vary. † p ≤ .10, * p ≤ .05, ** p ≤ .01.

Table E.27. Logistic regression predicting high discretion search by district (see table E.20 on page 321)

	Bayview		Central		Ingleside		Mission		Northern		Park		Richmond		Southern		Taraval		Tenderloin	
	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR
Driver characteristics																				
African American	0.99**	2.70	0.90**	2.46	0.85**	2.35	1.16**	3.20	1.09**	2.96	0.91**	2.48	1.20**	3.30	0.93**	2.53	1.28**	3.61	1.33**	3.79
Hispanic	0.32*	1.38	0.39	1.48	0.27*	1.32	0.78**	2.17	0.45*	1.57	0.45†	1.57	0.86**	2.37	0.34*	1.41	0.58*	1.78	0.70**	2.01
Asian	0.08	1.09	0.14	1.15	-0.21	0.81	-0.47	0.63	-0.17	0.85	-0.18	0.83	-0.29	0.75	0.05	1.06	0.01	1.01	-0.40	0.67
Other	-0.11	0.90	-0.15	0.86	0.06	1.06	-0.12	0.89	0.09	1.10	-0.69*	0.50	-0.97**	0.38	0.02	1.02	-0.33	0.72	-0.47	0.62
Male	0.77**	2.16	0.38†	1.46	0.67**	1.95	0.84**	2.32	0.38*	1.46	0.65**	1.92	0.04	1.04	0.19†	1.21	0.19	1.21	0.60**	1.82
Age	-0.04**	0.96	-0.01	0.99	-0.03**	0.97	-0.04**	0.96	-0.02**	0.98	-0.01*	0.99	-0.01*	0.99	-0.01**	0.99	-0.02**	0.98	-0.04**	0.96
Stop type																				
Moving violation	0.06	1.06	0.02	1.02	-0.37**	0.69	-0.26*	0.77	0.03	1.03	0.35*	1.42	-0.34	0.71	-0.48**	0.62	0.70**	2.01	-0.38**	0.68
DUI	1.49	4.43	0.25	1.29	2.13**	8.39	1.81**	6.09	3.10**	22.15	4.12**	61.66	2.68**	14.56	0.79†	2.21	2.49**	12.03	—	—
PC violation	1.49**	4.43	2.86**	17.48	2.70**	14.89	1.58**	4.83	2.14**	8.51	3.53**	34.13	2.58**	13.23	1.93**	6.92	3.13**	22.81	1.34**	3.81
MPC violation	0.78*	2.19	0.68	1.97	1.24**	3.44	0.09	1.10	-0.05	0.95	—	—	1.81**	6.08	0.15	1.17	2.12**	8.32	-0.65	0.52
BOLO/warrant	1.61**	4.99	3.37**	29.08	0.20	1.22	1.43**	4.18	1.62*	5.05	2.96*	19.35	2.52**	12.47	2.32**	10.20	—	—	0.09	1.10
Officer characteristics																				
African American	-0.53**	0.59	0.40	1.50	-0.14	0.87	0.39*	1.47	-0.61*	0.54	-0.07	0.93	0.49	1.63	0.40*	1.49	0.84**	2.31	-0.12	0.88
Hispanic	-0.16	0.85	0.42†	1.51	-0.19	0.83	0.20†	1.22	-0.27	0.76	0.49*	1.64	0.07	1.07	0.21	1.23	0.37*	1.45	0.18	1.19
Asian	-0.29*	0.75	-0.35	0.70	-0.16	0.85	-0.60**	0.55	-0.59*	0.55	0.18	1.20	-0.13	0.88	0.07	1.07	-0.73**	0.48	-0.45*	0.64
Other	0.00	1.00	0.79**	2.20	-0.20	0.82	-0.56*	0.57	0.44†	1.56	-0.22	0.80	-0.43	0.65	0.04	1.04	0.06	1.07	-0.65*	0.52
Male	0.06	1.06	0.24	1.27	-0.20	0.82	-0.01	0.99	-0.05	0.95	-0.28	0.75	-0.51*	0.60	-0.09	0.91	0.13	1.13	0.03	1.03
Years of service	-0.01	0.99	-0.04**	0.96	-0.04**	0.96	-0.03*	0.97	-0.03**	0.97	0.01	1.01	-0.02	0.99	-0.07**	0.93	-0.02*	0.98	-0.08**	0.92
Rank - Officer	0.50*	1.66	-0.12	0.89	-0.26	0.77	-0.59*	0.56	0.59†	1.80	-0.12	0.88	0.21	1.23	-0.55**	0.58	-0.30	0.74	-1.13**	0.32
District assignment	0.36†	1.44	-0.60*	0.55	-0.65**	0.52	0.33	1.38	-0.23	0.80	-0.51*	0.60	-1.55**	0.21	-0.63**	0.53	0.33	1.40	-0.36	0.70
Misc. assignment	1.41**	4.08	0.45	1.57	0.69*	1.99	1.81**	6.11	1.53**	4.61	-1.36	0.26	0.06	1.06	0.39*	1.48	0.93	2.54	1.19**	3.29
# of officers deployed	-0.01*	0.99	-0.004	1.00	-0.004	1.00	0.004	1.00	-0.00001	1.00	-0.028**	0.97	0.001	1.00	0.000	1.00	-0.003	1.00	0.02**	1.02
Intercept	-3.88**	0.02	-4.68**	0.01	-2.21**	0.11	-3.71**	0.02	-4.66**	0.01	-3.14**	0.04	-2.72**	0.07	-2.77**	0.06	-4.96**	0.01	-2.97**	0.05
Wald χ^2	6861.9**		1850.3**		5384.3**		4704.2**		3667.8**		2397.8**		3666.1**		3620.5**		2969.0**		4236.5**	
McFadden's R^2	0.10		0.06		0.09		0.12		0.10		0.07		0.11		0.06		0.07		0.16	
N	34252		31679		33487		28400		27628		22156		32883		60695		41855		17180	

Entries are unstandardized regression coefficients (b) and odds ratios (OR). Dashes are used where variables were omitted from models because of no variation. It is important to note that the odds ratios are not directly comparable across districts because base rates vary. † p ≤ .10, * p ≤ .05, ** p ≤ .01.

Table E.28. Logistic regression predicting consent search by district (see table E.21 on page 322)

	Bayview		Central		Ingleside		Mission		Northern		Park		Richmond		Southern		Taraval		Tenderloin	
	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR
Driver characteristics																				
African American	0.98**	2.65	1.50**	4.49	0.91**	2.47	1.99**	7.33	1.74**	5.71	2.51**	12.34	1.91**	6.75	1.60**	4.96	1.68**	5.37	0.83**	2.30
Hispanic	0.26	1.30	0.37	1.44	0.39†	1.48	1.18**	3.24	0.98**	2.67	2.11**	8.27	1.41**	4.10	1.13**	3.10	0.58	1.79	0.23	1.26
Asian	-1.22**	0.29	-0.39	0.68	-0.57*	0.57	-0.86	0.42	-0.73	0.48	-0.30	0.74	0.46	1.59	-0.31	0.73	-0.76†	0.47	-0.53	0.59
Other	0.10	1.10	-0.54	0.58	0.09	1.10	-0.20	0.81	-1.48*	0.23	-0.11	0.89	-0.34	0.71	0.15	1.16	0.12	1.13	-0.93*	0.39
Male	1.14**	3.13	1.44**	4.24	1.23**	3.43	1.31**	3.72	1.17**	3.23	0.76*	2.15	0.82**	2.26	0.86**	2.37	2.03**	7.58	0.65**	1.92
Age	-0.04**	0.96	-0.06**	0.94	-0.04**	0.96	-0.05**	0.95	-0.04**	0.96	-0.01	0.99	-0.02†	0.98	-0.05**	0.95	-0.04**	0.96	-0.04**	0.96
Stop type																				
Moving violation	-0.14	0.87	-0.71**	0.49	-0.50**	0.61	-0.56**	0.57	-0.13	0.87	-1.60**	0.20	-1.29**	0.28	-0.48*	0.62	-0.39	0.68	-0.41*	0.66
DUI	3.44**	31.19	0.71	2.03	1.55*	4.70	0.67	1.96	4.95**	140.87	3.22**	25.11	3.30**	27.08	0.65	1.92	2.42*	11.24	—	—
PC violation	0.93**	2.54	1.94**	6.99	1.71**	5.53	0.65*	1.92	2.00**	7.38	2.42**	11.24	2.62**	13.75	1.72**	5.58	2.19**	8.95	1.03**	2.80
MPC violation	1.24**	3.47	0.93†	2.53	1.62**	5.03	1.18**	3.25	1.41**	4.08	2.71*	15.09	1.64*	5.17	-0.44	0.64	1.79*	5.97	0.72*	2.06
BOLO/warrant	0.81*	2.25	2.03†	7.61	1.83**	6.22	-0.48	0.62	1.21†	3.36	3.92**	50.28	2.32*	10.16	1.19	3.28	3.09**	22.07	0.15	1.17
Officer characteristics																				
African American	-0.48*	0.62	-0.34	0.72	-0.70*	0.50	0.08	1.08	-0.67	0.51	—	—	—	—	-0.52	0.59	0.49	1.63	0.35	1.42
Hispanic	-0.06	0.94	0.66*	1.94	-0.03	0.97	0.21	1.23	-0.80*	0.45	0.37	1.45	0.53	1.70	0.24	1.27	0.25	1.29	0.23	1.26
Asian	-0.53*	0.59	-0.10	0.91	-0.64*	0.53	-0.41†	0.66	-1.55**	0.21	-0.76†	0.47	0.31	1.36	0.10	1.11	-0.15	0.86	-0.44†	0.64
Other	-0.34†	0.71	-0.48	0.62	-0.99**	0.37	0.34†	1.40	-0.63	0.53	1.01*	2.74	-0.07	0.93	-0.53	0.59	-0.97	0.38	0.48†	1.62
Male	0.05	1.05	0.66	1.93	0.17	1.19	0.22	1.25	-0.41†	0.66	-0.22	0.81	0.37	1.45	-0.17	0.84	0.23	1.25	-0.05	0.95
Years of service	-0.06**	0.94	-0.04†	0.96	-0.05**	0.95	-0.05**	0.95	-0.03*	0.97	-0.02	0.98	-0.01	0.99	-0.06**	0.94	-0.07*	0.94	-0.05**	0.95
Rank - Officer	0.16	1.17	0.45	1.57	-0.98**	0.38	-0.51	0.60	0.71	2.04	-0.24	0.79	0.11	1.12	-0.42	0.65	-0.24	0.79	0.84	2.31
District assignment	1.52*	4.57	1.47*	4.36	0.33	1.39	1.01†	2.74	1.93**	6.91	-1.69**	0.18	-1.38**	0.25	1.77**	5.85	1.65	5.22	0.50	1.66
Misc. assignment	2.08**	8.00	1.37	3.94	0.90	2.45	1.41*	4.11	1.69**	5.44	—	—	—	—	2.57**	13.04	2.10	8.15	1.67**	5.30
# of officers deployed	-0.01	0.99	-0.01	0.99	0.01	1.00	-0.00002	1.00	-0.0003	1.00	-0.01	0.99	-0.01	0.99	0.0003	1.00	0.01	1.01	-0.01	0.99
Intercept	-5.23**	0.01	-6.64**	0.00	-4.04**	0.02	-5.40**	0.00	-6.56**	0.00	-3.92**	0.02	-4.27**	0.01	-5.85**	0.00	-8.15**	0.00	-4.28**	0.01
Wald χ^2	468.86**		291.33**		488.85**		418.16**		386.11**		256.99**		400.46**		468.59**		634.80**		288.44**	
McFadden's R^2	0.11		0.18		0.13		0.16		0.23		0.24		0.19		0.20		0.17		0.11	
N	34252		31679		33487		28400		27628		19548		31761		60695		41881		17180	

Entries are unstandardized regression coefficients (b) and odds ratios (OR). Dashes are used where variables were omitted from models because of no variation. It is important to note that the odds ratios are not directly comparable across districts because base rates vary. † p ≤ .10, * p ≤ .05, ** p ≤ .01.

Table E.29. Logistic regression predicting contraband found during high discretion searches by district (see table E.22 on page 324)

	Bayview		Central		Ingleside		Mission		Northern		Park		Richmond		Southern		Taraval		Tenderloin	
	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR	b	OR
Driver characteristics																				
African American	-0.54†	0.58	-1.72*	0.18	-1.06**	0.34	-1.31**	0.27	-1.15**	0.32	-2.37**	0.09	-1.15*	0.32	-1.19**	0.30	-3.15**	0.04	-1.12**	0.33
Hispanic	-0.03	0.97	-0.17	0.85	-0.39	0.68	-0.90**	0.41	-0.44	0.64	-2.66**	0.07	-0.84	0.43	-1.53**	0.22	-0.85	0.43	-0.83	0.44
Asian	1.07*	2.92	-0.56	0.57	0.33	1.39	0.48	1.62	0.76	2.14	0.95	2.59	0.54	1.72	-0.59	0.56	0.71	2.03	-0.05	0.95
Other	0.59	1.80	1.28	3.61	-0.09	0.92	-0.63	0.53	-0.70	0.49	0.95	2.60	0.40	1.49	-0.25	0.78	-1.03	0.36	-0.52	0.59
Male	-0.66**	0.52	-1.15	0.32	-0.75*	0.47	-0.69*	0.50	-0.36	0.69	0.25	1.29	-0.70	0.49	-0.67*	0.51	-1.13†	0.32	-0.02	0.98
Age	0.03**	1.03	0.08**	1.08	0.02*	1.02	0.00	1.00	0.00	1.00	0.04*	1.04	0.02	1.02	0.02†	1.02	0.03†	1.03	0.03*	1.03
Stop type																				
Moving violation	0.65**	1.92	1.53*	4.62	0.61*	1.84	0.35	1.42	0.69*	1.99	1.09*	2.96	1.44**	4.23	0.72*	2.04	2.31**	10.07	0.67*	1.96
DUI	—	—	—	—	-4.35**	0.01	—	—	-2.56	0.08	-3.18*	0.04	-2.70*	0.07	-0.02	0.98	-0.43	0.65	—	—
PC violation	0.19	1.20	-0.17	0.84	-0.79	0.45	-0.14	0.87	-0.50	0.61	-2.89†	0.06	—	—	0.66	1.94	1.98†	7.27	0.21	1.23
MPC violation	0.23	1.26	-1.51	0.22	-1.75	0.17	0.91	2.47	—	—	—	—	—	—	-0.03	0.97	—	—	0.26	1.30
BOLO/warrant	-0.27	0.76	-1.67	0.19	0.61	1.84	-1.69	0.18	-1.11	0.33	—	—	0.79	2.21	-0.27	0.77	—	—	—	—
Officer characteristics																				
African American	-0.01	0.99	-1.84*	0.16	-0.14	0.87	0.74†	2.09	0.54	1.71	0.12	1.13	0.95	2.59	0.30	1.35	1.05	2.85	-0.09	0.91
Hispanic	0.35	1.42	-0.12	0.89	-0.50	0.61	0.47	1.60	-0.12	0.88	-0.59	0.55	2.83*	16.97	-0.51	0.60	-0.02	0.98	0.37	1.45
Asian	0.07	1.08	-1.31	0.27	-0.73*	0.48	-0.06	0.94	0.18	1.20	0.60	1.81	0.96†	2.62	0.07	1.07	1.05†	2.85	-0.58	0.56
Other	0.20	1.22	-0.62	0.54	-0.70*	0.50	0.47	1.60	-0.76	0.47	-0.45	0.64	2.03†	7.64	0.49	1.63	0.38	1.46	0.29	1.34
Male	-0.44	0.64	2.48**	11.98	-0.98**	0.38	0.24	1.27	0.41	1.51	-1.25	0.29	-0.87†	0.42	-1.41**	0.24	0.07	1.07	-0.37	0.69
Years of service	0.06*	1.06	0.09	1.09	0.07**	1.08	0.02	1.02	0.00	1.00	0.04	1.04	-0.02	0.98	0.03	1.03	-0.01	0.99	0.05	1.05
Rank - Officer	-0.06	0.94	2.02	7.51	-1.16*	0.31	0.07	1.08	0.02	1.02	0.19	1.21	-1.52	0.22	0.28	1.33	1.58*	4.84	0.29	1.34
District assignment	-1.20*	0.30	-2.32*	0.10	-0.58	0.56	-1.24†	0.29	-2.32**	0.10	-0.37	0.69	-1.03	0.36	-2.84**	0.06	-3.06**	0.05	-1.07	0.34
Misc. assignment	-1.10†	0.33	-0.43	0.65	-1.61†	0.20	-1.38*	0.25	-1.96*	0.14	—	—	-3.08	0.05	-2.72**	0.07	-2.26	0.10	-0.24	0.79
# of officers deployed	0.01*	1.01	0.03†	1.03	-0.001	1.00	0.01	1.01	0.01	1.01	0.10*	1.10	-0.03	0.97	0.00001	1.00	-0.03	0.97	0.01	1.01
Intercept	-1.09	0.34	-5.63*	0.00	2.06†	7.82	1.12	3.06	1.92	6.80	-3.48	0.03	3.73†	41.86	4.08*	59.27	2.71	15.06	-0.54	0.58
Wald χ^2	120.91**		58.31**		106.00**		57.39**		68.70**		71.29**		47.07**		114.78**		125.37**		38.74**	
McFadden's R^2	0.16		0.45		0.23		0.12		0.22		0.43		0.29		0.36		0.51		0.10	
N	79.2		17.1		48.8		45.2		27.7		19.1		19.0		48.9		26.6		31.3	

Entries are unstandardized regression coefficients (b) and odds ratios (OR). Dashes are used where variables were omitted from models because of no variation. It is important to note that the odds ratios are not directly comparable across districts because base rates vary. † p ≤ .10, * p ≤ .05, ** p ≤ .01.

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Appendix F. SFPD Stop Data Collection Recommendations

Concerns of racially biased police behavior have become increasingly pertinent to law enforcement agencies within the last 15 years as allegations of racial bias have been directed toward numerous agencies. These claims have often been the foundation for criminal and civil litigation with the goal of eliminating perceived racial inequalities in police enforcement. As a result of this mounting public and legal pressure, law enforcement agencies have initiated the collection of data to investigate these claims. These data collection efforts generally stem from one or more of three sources: (1) a proactive department voluntarily collecting data; (2) state or other legislation requiring collection of traffic stop data; or (3) court mandates, consent decrees, or settlement agreements to collect such information. Regardless of the source, the nationwide trend has been to expand the collection of data during traffic stops and to a lesser extent pedestrian stops in an effort to empirically assess the legitimacy of claims of racial bias by police.

In October 2015, the California State Legislature passed a bill that will require law enforcement agencies in California to begin collecting and reporting annually certain specified information on all stops of individuals made by their officers. Specifically, AB 953 requires the annual reporting of information on the following:

- The date, time, and location of the stop
- The reason for the stop
- The result of the stop, e.g., no action taken, warning, citation, property seizure, arrest
- The nature of the warning or citation violation provided
- The offense charged if an arrest was made
- The perceived race, ethnicity, gender, and age of the person stopped
- Whether a consent search was requested and whether consent was granted
- Whether a search was conducted, the basis for the search, and the type of contraband or evidence recovered
- Whether property was seized and the basis for the seizure

In the sections that follow, the assessment team outlines recommendations for stop data collection by SFPD. If implemented, the team's recommendations will include the data elements mandated for collection by AB 953 and will also provide additional information that is useful and appropriate for identifying patterns or trends of racial disparity in police stops.

What data should be collected?

Determining what data police agencies should collect is often based on balancing two competing interests: (1) collecting enough information for meaningful analyses while (2) not overburdening officers or inadvertently encouraging officer disengagement (Fridell et al. 2001; Ramirez, McDevitt, and Farrell 2000). Initially, the most important consideration for data collection is to determine in which situations data

should be gathered. Law enforcement personnel interact with individuals in a variety of situations, and specifying the instances in which data are to be recorded is central to ensuring accurate and complete data collection.

The first decision is whether to collect data on traffic stops, pedestrian stops, or both. The purpose of collecting information on stops is that these actions are often officer-initiated (i.e., not the result of individuals' request for service) and can result in the perception by individuals or other stakeholders that the stop was motivated by an individual's race, ethnicity, or other immutable characteristic. Given the concern of possible officer bias, many agencies specify that data collection efforts be restricted to officer-initiated stops only. As a result, for example, encounters with individuals during traffic accidents would not be recorded. It is also important to note that data must be collected on all stops of interest, regardless of the disposition—that is, regardless of the resulting law enforcement action taken by officers. Finally, agencies must decide if information will be collected on any vehicle passengers or pedestrians' associates. Under AB 953, data on passengers must be collected if any search or seizure related to a passenger takes place.

Given community concerns of possible racial and ethnic bias by San Francisco Police Department (SFPD) officers, the assessment team recommends that the SFPD continue to collect data on all traffic stops and that it begin collecting data on all pedestrian stops, even though AB 953 does not require annual reporting of these data until April 2019 for agencies that employ 1,000 or more officers. For data clarity and analysis purposes, the team also recommends that stops of persons riding nonmotorized conveyances (bicycles, skateboards, scooters, etc.) be captured as pedestrian stops.

The following list of data fields is generally representative of the recommended items for collection (Davis 2001; Davis et al. 2002; Fridel et al. 2001; Ramirez, McDevitt, and Farrell 2000):

- Stop characteristics
    - Time and date of stop
    - Location of stop
    - Duration of stop
    - Reason for stop
    - Outcome or disposition of stop
    - Whether a search was conducted
    - Who and what was searched
    - Reasons or authority for search
    - Whether and what type of property or evidence was seized

- Driver or pedestrian characteristics
  - Age
  - Gender
  - Race or ethnicity
  - Residency (or state of license)
  - Whether the driver had a valid driver's license
- Vehicle characteristics
  - License plate number and state of vehicle registration
  - Vehicle year, make, and model
  - Vehicle condition
- Officer characteristics
  - Badge number for linking with employee database containing officer age, race, gender, years of service, rank, and assignment

Traffic stop data

Following are recommendations for specific categories of information that should be collected on all traffic stops conducted by the SFPD as well as the rationale for including these items.

Stop characteristics

Time, date, and location of stop

- Provide basic contextual information for the stop
- May be necessary for data auditing purposes; depending on the methods of data monitoring chosen
- For all benchmarking methods, data should identify the police district and sector of the stop
- The address and XY coordinates of the stop also should be collected or provided for analysis purposes
- If an incident report is associated with the stop, the incident or case number from the incident report should be captured

Duration of stop

- Examines the possibility that racially biased stops might last for an extended period of time beyond what is normally expected of a traffic stop (Fridell 2004; Fridell 2005; Ramirez, McDevitt, and Farrell 2000)
- Recommended that length of time be captured in exact minutes

Number of passengers

- Important for data validity and analysis purposes when cross-referenced with search and seizure data relating to passengers

Reason for the stop

- Assess officers' discretion in deciding to stop: High discretion stops (e.g., officer-initiated stops for minor offenses) versus low discretion stops (i.e., reactive, mandated, or self-initiated stops for egregious or dangerous violations)
- Instrument must balance measure of discretion with an unwieldy instrument
- Current SFPD categories for Reason for Stop (E-585 data) are recommended, plus the addition of an "investigative" category to capture traffic stops based on reasonable suspicion that a crime has or is about to occur

Disposition/outcome of the stop

- Assess potential disparities at the traffic stop outcome stage
- Recommended categories (Fridell et al. 2001; Ramirez, McDevitt, and Farrell 2000):
    - No action taken
    - Courtesy service/individual assist
    - Verbal warning (AB 953 requires capture of the type of warning provided)
    - Written warning (AB 953 requires capture of the type of warning provided)
    - Criminal citation (AB 953 requires capture of the violation cited)
    - Traffic citation (AB 953 requires capture of the violation cited)
    - Number of citations
    - Primary citation number (for cross-reference purposes)
    - Vehicle impounded
    - Search (see discussion in following section)
    - Arrest
        - Primary basis for arrest
            - Warrant
            - On-view probable cause
            - Pre-existing probable cause
            - Other
    - In addition, AB 953 requires capture of the offense(s) charged
- More than one disposition/outcome should be entered when applicable
- Outcomes may be assigned to drivers and passengers or just drivers, but search information on passengers must be captured under AB 953

Searches and seizure

- Searches are inherently intrusive and may have a lasting impact on individual perceptions of police; thus, their inclusion is crucial
- Search data fields are valuable because:
  - They provide local jurisdictions with a sense of the quantity and quality of searches being conducted, the characteristics of those searches, and their productivity (i.e., frequency and amount of seizures) thus allowing departments to better allocate resources to support this activity (Fridell et al. 2001; Ramirez, McDevitt, and Farrell 2000)
  - They also allow departments to assess whether certain groups are disproportionately targeted for searches
- Recommended categories
  - Consent search requested? Yes / No
  - Consent given? Yes / No
  - Search conducted? Yes / No
  - Search target: Driver, Vehicle, or Passenger (specify all that apply)
  - Search reason: Canine alert, Consent, Incident to arrest, Plain view, Probable cause, Vehicle inventory, Parole/Probation condition, Warrant, Other
- Seizure resulting from search: Yes / No
  - Type of contraband/evidence seized: Alcohol, Currency, Drugs/Drug paraphernalia, Stolen property, Vehicle, Weapons, Other
- Frisk conducted?: Yes / No
  - Frisk target: Driver, Vehicle, or Passenger (specify all that apply)
  - Seizure resulting from frisk?: Yes/No
  - Type of contraband seized as result of frisk: Weapon, Drugs/Drug paraphernalia, Other
- Other seizure of property: Yes/No (required by AB 953)
  - Type of property seized: Currency, Vehicle, Weapon, Other
- Search types and contraband found should be assigned to drivers, passengers, and the vehicle itself

Driver characteristics

Driver age and gender

- Important alternative explanations for disparate patterns because:
  - Age and gender strongly correlate with accusations of racial profiling (i.e., young African-American males presumed to be most frequent targets) (Fridell et al. 2001; Ramirez, McDevitt, and Farrell 2000)
  - Both age and gender are also strongly correlated with risky/illegal driving behavior
- Recommended categories:
  - Age: Year of birth from driver's license
  - Gender: From driver's license

Driver race or ethnicity

- Determining the race or ethnicity must be based on the officer's perception and *not* by asking the person detained (AB 953)
- Charges of racial profiling and racially biased policing are predicated upon the officer's perception of an individual's race or ethnicity, so it is not necessary that the officer correctly identifies the person's race or ethnicity (Davis 2001; Fridel et al. 2001; Ramirez, McDevitt, and Farrell 2000)
- Recommended categories:
  - White
  - African American
  - Asian/Pacific Islander
  - Native American
  - Middle Eastern
  - Hispanic
  - Other

Driver residence

- Important for geographic and multivariate analyses to determine local and non-local drivers (Fridell et al. 2001; McMahon et al. 2002). For example, tracking the confiscation of contraband might involve the identification of source states with this information.
- Recommended method: Driver's ZIP code

Driver demeanor

- Individuals' compliance and demeanor have demonstrated a consistent influence over officer behavior (Worden and Shepard 1996; Engel, Sobol, and Worden 2000).
- Measures may include (capture all that apply):
  - Cooperative
  - Noncompliant
  - Verbal abuse
  - Verbal resistance
  - Verbal threats
  - Physical resistance
- Infrequently used in traffic stop data collection, as can be seen as self-serving, though valuable information can be derived if included and audited for accuracy

Vehicle characteristics

- Officers sometimes report that the decision to stop a vehicle is influenced by (1) type of vehicle or (2) a combination of type of vehicle and driver characteristics (Ramirez, McDevitt, and Farrell 2000). This type of information may provide additional insight into the reason officers make stops or select particular dispositions
- Recommended categories:
  - Type of vehicle: Commercial vehicle, Motorcycle, Motor home, Sedan, SUV, Truck, Van
  - Rental: Yes / No
  - State of registration
  - Condition of vehicle: Poor, Moderate, Good

Officer characteristics

Officer/Employee characteristics and identity

- The rationale for including officer-related variables and identity is twofold:
  - Enables departments to identify potential problem officers who may be disproportionately stopping minorities
  - Facilitates data analysis by assessing if officer characteristics are related to disparate patterns (further discussed in the sections that follow)
- Recommended data (can often be obtained by linking stop and badge/employee number to an employee records system)
  - Star or organizational number
  - Assignment
  - Age

- Race
- Gender
- Length of service
- Rank

Pedestrian stop data

The literature on data elements that should be collected following a pedestrian stop is scant as the literature to date focuses almost entirely on traffic stop data collection. However, a starting point is the data collection requirements for all stops, including pedestrian detentions or consent searches, found in AB 953. Again, the new California stop data elements include the following:

- The date, time, and location of the stop
- The reason for the stop
- The result of the stop, e.g., no action taken, warning, citation, property seizure, arrest
- The nature of the warning or citation violation provided
- The offense charged if an arrest was made
- The perceived race, ethnicity, gender, and age of the person stopped
- Whether a consent search was requested and whether consent was granted
- Whether a search was conducted, the basis for the search, and the type of contraband or evidence recovered
- Whether property was seized and the basis for the seizure

One of the oldest and most robust data collection programs for pedestrian stops is the New York Police Department's (NYPD) UF-250 Stop, Question, and Frisk Worksheet. The worksheet's categories for Reason for the Stop are particularly useful and seemingly would comply with AB 953's requirements. Following are recommendations for data elements that could be collected on all pedestrian stops and which, if implemented, should be compliant with AB 953. Under AB 953, data must be collected on each person detained. Where applicable, reference to the NYPD UF-250 is provided.

Stop characteristics

Time, date, and location of stop

- Provide basic contextual information for the stop
- May be necessary for data auditing purposes; depending on the methods of data monitoring chosen
- For all benchmarking methods, data should identify the police district and sector of the stop
- The address and XY coordinates of the stop also should be collected or provided for analysis purposes
- If an incident report is associated with the stop, the incident or case number from the incident report should be captured

Duration of stop

- Examines the possibility that racially biased stops might last for an extended period of time, beyond what is normally expected of a traffic stop (Fridell 2004; Fridell 2005; Ramirez, McDevitt, and Farrell 2000)
- Recommended that length of time be captured in exact minutes

Reason for the stop

- Assess officers' discretion in deciding to stop: High discretion stops (e.g., officer-initiated stops for minor offenses) versus low discretion stops (i.e., reactive, mandated, or self-initiated stops for egregious or dangerous violations)
- Instrument must balance measure of discretion with an unwieldy instrument
- Recommended categories (NYPD UF-250)
    - Carrying objects in plain view used in commission of crime
    - Fits suspect description
    - Actions indicative of casing victim or location
    - Actions indicative of acting as a lookout
    - Suspicious bulge/object
    - Actions indicative of engaging in drug transaction
    - Furtive movements (describe)
    - Actions indicative of engaging in violent crimes
    - Wearing clothes/disguises commonly used in commission of crime
    - Other reasonable suspicion (describe)

Disposition/outcome of the stop

- Assess potential disparities at the pedestrian stop outcome stage
- Recommended categories (Fridell et al. 2001; Ramirez, McDevitt, and Farrell 2000):
    - No action taken
    - Courtesy service/individual assist
    - Verbal warning (AB 953 requires capture of the type of warning provided)
    - Written warning (AB 953 requires capture of the type of warning provided)
    - Criminal citation (AB 953 requires capture of the violation cited)
    - Pedestrian citation (AB 953 requires capture of the violation cited)
    - Number of citations

  - Primary citation number (for cross-reference purposes)
  - Search (see discussion in the following section)
  - Arrest
    - AB 953 requires capture of the offense charged
    - A separate indication of whether the arrest was made on a warrant is strongly recommended

- More than one disposition/outcome should be entered when applicable
- Outcomes should be assigned to all pedestrians detained

Searches and seizure

- Searches are inherently intrusive and may have a lasting impact on individual perceptions of police; thus, their inclusion is crucial
- Search data fields are valuable because:
  - They provide local jurisdictions with a sense of the quantity and quality of searches being conducted, the characteristics of those searches, and their productivity (i.e., frequency and amount of seizures) thus allowing departments to better allocate resources to support this activity (Fridell et al. 2001; Ramirez, McDevitt, and Farrell 2000)
  - They also allow departments to assess whether certain groups are disproportionately targeted for searches
- Recommended categories:
  - Consent search requested? Yes / No
  - Consent given? Yes / No
  - Search conducted? Yes / No
  - Search target: Person, Purse/Backpack/Briefcase, Other (specify all that apply)
  - Search reason: Canine alert, Consent, Incident to arrest, Plain view, Probable cause, Inventory, Warrant, Parole/Probation condition, Other
- Seizure resulting from search: Yes / No
  - Type of contraband/evidence seized: Alcohol, Currency, Drugs/Drug paraphernalia, Stolen property, Vehicle, Weapons, Other

- Frisk conducted? Yes / No
    - Frisk target: Person, Purse/Backpack/Briefcase, Other (specify all that apply)
    - Frisk reason (UF-250):
        - Inappropriate attire/possibly concealing weapon
        - Verbal threats by suspect
        - Knowledge of suspect's prior criminal violent behavior/use of force/weapons
        - Furtive movements
            - Describe
                - Refusal to comply with officers' direction leading to reasonable fear for safety
                - Violent crime suspected
                - Suspicious bulge/object (describe)
    - Seizure resulting from frisk?: Yes/No
    - Type of contraband seized as result of frisk: Weapon, Drugs/Drug paraphernalia, Other
- Other seizure of property: Yes/No (required by AB 953)
    - Type of property seized: Currency, Vehicle, Weapon, Other
- Search types and contraband found should be assigned to each pedestrian subjected to a search or frisk

Pedestrian characteristics

Pedestrian age and gender

- Important alternative explanations for disparate patterns because:
    - Age and gender strongly correlate with accusations of racial profiling (i.e. young African-American males presumed to be most frequent targets) (Fagan 2010; Fagan 2012; Ridgeway 2007)
    - Both age and gender are also strongly correlated with risky/illegal behavior
- Recommended categories:
    - Age: Year of birth from driver's license
    - Gender: From driver's license

Pedestrian race and/or ethnicity

- Determining the race or ethnicity must be based on the officer's perception and not by asking the person detained (AB 953)
- Charges of racial profiling and racially biased policing are predicated upon the officer's perception of an individual's race or ethnicity, so it is not necessary that the officer correctly identifies the person's race or ethnicity (Davis 2001; Fridell et al. 2001; Ramirez, McDevitt, and Farrell 2000)
- Recommended categories:
    - White
    - African American
    - Asian/Pacific Islander
    - Native American
    - Middle Eastern
    - Hispanic
    - Other

Pedestrian residency

- Important for geographic and multivariate analyses to determine local and non-local drivers (Fridell et al. 2001; McMahon et al. 2002). For example, tracking the confiscation of contraband might involve the identification of source states with this information.
- Recommended method: Drivers' zip code

Pedestrian demeanor

- Individuals' compliance and demeanor have demonstrated a consistent influence over officer behavior (Worden and Shepard 1996; Engel, Sobol, and Worden 2000).
- Measures may include:
    - Cooperative
    - Silent noncompliance
    - Verbal abuse
    - Verbal resistance
    - Verbal threats
    - Physical resistance
- Infrequently used in stop data collection, as can be seen as self-serving, though valuable information can be derived if included and audited for accuracy

Other circumstances underlying the stop

- Derived from the NYPD UF-250
- Recommended categories:
    - Report from victim/witness
    - Area has high incidence of offense under investigation
    - Time of day, day of week, or season corresponding to type of offense under investigation
    - Suspect associating with persons known for their criminal activity
    - Suspect is known or suspected gang member
    - Proximity to crime location
    - Evasive, false, or inconsistent responses to officer's questions
    - Changing direction/flight at sight of officer
    - Ongoing investigation of crime patterns/trends
    - Sight and/or sounds of criminal activity (gunshots, blood stains, alarm, etc.)

Officer characteristics

Officer/employee characteristics and identity

- The rationale for including officer-related variables and identity is twofold:
- Enables departments to identify potential problem officers who may be disproportionately stopping minorities
    - Facilitates data analysis by assessing if officer characteristics are related to disparate patterns (further discussed in the following section)
- Recommended data (can often be obtained by linking stop and badge/employee number to an employee records system)
    - Star or organizational number
    - Assignment
    - Age
    - Race
    - Gender
    - Length of service
    - Rank

How data should be collected and analyzed

Currently, the SFPD collects E-585 traffic stop data primarily through the use of a mobile data computer (MDC) "mask" (or data entry screen) that officers complete at the conclusion of a traffic stop. The team recommends that this practice continue for all self-initiated traffic stops. Motorcycle officers currently collect data using a hand-held device. It is critical that the same traffic stop data be collected by all officers making self-initiated stops, including motorcycle officers. Since motorcycle officers do not have access to an MDC in a police vehicle, their continued use of a hand-held device to collect data is recommended with the caveat that the hand-held system used by motor officers to capture traffic stop data must be compatible with the data system used to capture traffic stop information entered by officers on vehicle MDCs. The SFPD and any third party data analysts it employs should be able to link the two datasets (the hand-held system used by motorcycle officers and the MDC system used by all other officers) for analysis purposes.

Options for collecting data on pedestrian stops include a new MDC mask for pedestrian stops and possibly a pedestrian stop card or cell phone app for use when a vehicle MDC is not available or in proximity. Plainclothes officers, foot beat officers, or other specialty units, for example, may be operating on foot and without access to a vehicle MDC. In that case, an electronic hand-held device (or possibly an app for a department-issued cell phone) or hand-fillable card will be needed to document the pedestrian stop. If a paper card is used, data from the card must be entered manually into a database that is compatible with current systems and the new MDC mask.

Independent analysts

Fridell and her colleagues (2001) note that "data collection is both a social science and a political endeavor." That is, even methodologically sound, rigorous data analysis can be criticized in the political realm when it is conducted internally. External, independent analysts bring credibility and objectivity to the process of data collection and analysis that in-house research analysts cannot (Fridell 2004). They also are likely to bring a degree of statistical expertise that supplements internal research capabilities (Fridell 2004). Therefore, nearly all data collection guides recommend at least obtaining independent researchers' assistance for analyzing their traffic stop data. Most advocate a full police-analyst partnership that begins in the initial design and implementation stages and continues through analysis and interpretation of traffic stop data (Davis 2001; Davis et al. 2001; Fridell et al. 2001; Fridell 2004; Fridell 2005; McMahon et al. 2002; Ramirez, McDevitt, and Farrell 2000). Qualified analysts are likely to be associated with colleges, universities, or research agencies and should be trained in social science methods and statistics, have general knowledge of law enforcement, and have experience analyzing and interpreting the complex issues associated with stop data.

Data integrity

Maintaining data quality ensures reliable and valid results. It is essential for any data collection effort, but particularly important for data collected through official sources (i.e., the police). The purpose of data auditing is twofold: (1) to determine whether officers are submitting data for all targeted stops and (2) to

determine whether forms are being completed fully and accurately (Fridell 2004). In addition to resulting in quality data, a data monitoring system can also help ensure officers' compliance with the data collection protocol because they are more likely to be diligent in their data collection if they know their efforts are being reviewed for comprehensiveness and quality (Fridell 2004).

There are three general checks on data quality that researchers should explore (Fridell 2004; Fridell 2005; Ramirez, McDevitt, and Farrell 2000):

1. Checking for submission of data on all self-initiated stops
2. Checking for missing data or errors
3. Checking for misstatement of facts (e.g., intentional or accidental errors)

Several methods of auditing are available for these potential data quality issues (Fridell 2004; Fridell 2005; McMahon et al. 2002; Ramirez, McDevitt, and Farrell 2000):

- To check for submission of all stops:
    - Compare stop data with a secondary data source that tracks some (e.g., citations) or all targeted stops (e.g., computer aided dispatch files)
    - Can compare aggregate numbers across data files
    - Correspondence between the two data sets of 90 percent or more is acceptable.
- To check for missing data or errors:
    - Conduct within first two months of data collection so remedial measures (i.e., additional training, closer supervision) can be implemented (Fridell 2004; Fridell 2005; McMahone et al. 2002).
    - Run frequencies on all variables taking note of those that, if blank, might be "not applicable" (e.g., if no search occurs, search authority, seizure, etc. are not applicable) versus "missing" (Fridell 2004; Fridell 2005).
    - The Police Executive Research Forum recommends that an error rate of less than 10 percent is acceptable (Fridell 2004).
- To check for misstatement of facts:
    - Examine data collection elements that officers might be likely to intentionally misrepresent to make themselves look better (race of driver, length of stop, etc.)
    - Compare race data from DMV license information or photograph
    - Officer perceptions may be wrong without intention
    - Cannot know how much discrepancy between officer perceptions and actual information is legitimate, but can explore outliers if comparing similarly situated officers to each other

As noted earlier, the Police Executive Research Forum recommends less than a 10 percent error rate for traffic stop data (Fridell 2004). Experienced social scientists who work with police stop data often recommend a more stringent standard of less than 5 percent missing or incorrect data. This low error can be achieved through timely feedback on errors, direct supervisory oversight, and emphasis that data collection is an important priority to the agency.

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Appendix G. Memorandum of Agreement between U.S. Department of Justice, Office of Community Oriented Policing Services and San Francisco Police Department for Collaborative Reform Initiative for Technical Assistance

The formatting of this appendix has been adjusted to adhere to COPS Office publication standards and to enhance accessibility. Its content has not been altered.

U.S. Department of Justice
Office of Community Oriented Policing Services

145 N Street NE, Washington, DC 20530

The Office of Community Oriented Policing Services (COPS Office) is responsible for advancing public safety through the practice of community policing by the nation's law enforcement agencies through information and grant resources. The community policing philosophy promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues.

As a form of community policing, the COPS Office developed the Collaborative Reform Initiative for Technical Assistance (CRI-TA) in 2011 in order to partner with law enforcement agencies that may need assistance on a wide variety of issues that can negatively affect law enforcement/community relations—including such things as use of force practices, officer involved shootings, racial profiling, accountability systems, agency transparency, and external communication mechanisms. The purpose of CRI-TA is to improve trust between agencies and the communities they serve by providing a means to organizational transformation through an analysis of policies, practices, training, tactics, and systems of accountability. It is not a short-term solution for a serious deficiency but a long-term strategy that first identifies issues within an agency that may affect public trust and then offers recommendations on how to resolve those issues and enhance the relationship between the police and the community. Agency participation in this collaborative process is voluntary; however, to be eligible for this form of technical assistance, agencies must demonstrate a willingness to implement the recommended reforms.

Using subject matter experts, interviews, analysis of departmental data, surveys, community forums, and direct observation, findings and recommendations are designed to assist law enforcement agencies with enhancing and improving their policies and procedures, systems, and relationships with the communities they serve. These findings and recommendations are issued in a publicly released report. Agencies are then provided assistance with the implementation of those recommendations through technical assistance and training. Agency progress towards achievement of these recommendations is monitored and two public reports are issued documenting this progress at six- and twelve-month intervals after the

issuance of the assessment report. While CRI-TA is a collaborative process, it is also an objective and independent means to institute long-term reform in a way that is transparent to all community stakeholders. Projects may last approximately 24 to 36 months.

There are a number of requirements for your agency and local government officials in order for the collaborative process to be successful. Expectations for your law enforcement agency and local government officials include the following:

1. Acceptance that after work commences, the U.S. Department of Justice determines the goals and objectives necessary to implement collaborative reform effectively.
2. Acceptance that participating in CRI-TA will, at minimum, include an assessment of departmental training, policies, procedures, and incidents for community oriented policing practices and disparate treatment of historically and present-day marginalized populations, including racial and ethnic minorities. This includes traffic stops, pedestrian stops, use of force, and officer-involved shootings.
3. Assignment of a key point of contact within the Office of the Police Executive.
4. Assignment of a senior-level agency executive to oversee the implementation of reforms resulting from CRI-TA and other internal or external processes.
5. Provision of full access by assessment team to relevant departmental records and data, as well as relevant data from other sources available to the local government.
6. Willingness to implement the recommendations, which will be based on professional standards, best practices, research, Collaborative Reform Initiative standards, the President's Task Force on 21st Century Policing, local circumstances, and U.S. Department of Justice priorities.
7. Acknowledgement that all reports will be publicly presented and widely disseminated. We encourage you to review previous reports at http://www.cops.usdoj.gov/Default.asp?Item=2807.
8. Disclosure of any real or apparent conflicts of interest before commencement of work and prompt identification of any conflicts that may arise throughout the duration of the project.
9. Commitment from the chief law enforcement officer and chief government executive to complete the CRI-TA process.
10. Commitment that chief law enforcement officer will proactively communicate their support for the goals and objectives of the assessment throughout the ranks of the agency.
11. Facilitation of the identification of key internal and external stakeholders who will be interviewed and consulted at various points during the process.
12. As needed, coordination of interviews with officers and civilians of varying ranks within the agency, members of community organizations, and other stakeholders.
13. Unless already completed and documented, commit to providing all department personnel with training on (a) procedural justice and (b) the science of unconscious bias and law enforcement.
14. Commitment to public transparency of police operational data and policies, unless doing so would undermine the legitimate public safety goals of the agency or violate any existing contractual agreements, laws, or regulations. As such, the department is encouraged to participate in the national Police Data Initiative (see http://publicsafetydataportal.org/).
15. Commitment to public reporting on the progress the agency is making in the reform process.

16. Continuation of organizational learning and reform after the Collaborative Reform process is completed.
17. Acknowledgement that participation in the CRI-TA program does not preclude any future investigations into the patterns and practices of the law enforcement agency by the DOJ Civil Rights Division.

Before work can formally commence on your project, the chief law enforcement executive and chief government executive must sign, date, and return this Memorandum of Agreement (MOA) to the COPS Office. This MOA is not an obligation of funds nor does it create a legally binding commitment. Nothing in this MOA creates an employment relationship with the Federal Government or requires any provision of benefits incident to employment. By signing this MOA, the chief law enforcement executive and chief government executive understand and agree to the terms of this MOA and acknowledge that failure to meet the terms of the MOA may result in termination of the Collaborative Reform process.

On behalf of the organization that I represent, I am authorized to sign this MOA and will contribute to its success to the best of my ability.

_____ Date: 4/29/16

Ronald L. Davis, Director, COPS Office

_____ Date: 4/26/16

Greg Suhr, Chief, San Francisco Police Department

_____ Date: 4/26/16

Edwin M. Lee, Mayor, City and County of San Francisco

Supporting Documentation Attached: Yes_____ No_____

Appendix H. Goal and Objectives Statement

The COPS Office established the following goal and objectives.

Overall goal

Assess, monitor, and assist SFPD, in collaboration with the community, in the implementation and sustainment of reforms that increase public trust through improvements in community policing practices, transparency, professionalism, and accountability, while taking into account national standards, best practices, current and emerging research, and community expectations. Critical to this effort is ensuring that SFPD is engaged with communities of San Francisco in an open, transparent process centered on building trust and confidence with the Department, particularly in communities of color and other disenfranchised communities.

Objectives

1. Assess SFPD's use of force policies and practices as they relate to training, implementation, reporting, supervision, and oversight and accountability to ensure adherence to policy and fair and impartial use of force decisions. The assessment will:

    - Analyze the policies, procedures, and training regarding the use of force, less-lethal weapons and firearms, handcuffing and other defensive tactics, crisis intervention, and de-escalation tactics to determine whether they comport with national standards and best practices.
    - Assess whether the policies and training provide sufficient guidance to officers in the field when making use of force decisions.
    - Analyze a statistically relevant sample of use of force data for a minimum of three years to identify patterns and trends in use of force and deadly force by city geography, community characteristics, departmental units, incident factors, and officer-subject demographics to assess for biased based policing practices.
    - Examine the oversight and investigation of use of force incidents, including officer-involved shootings, for quality, thoroughness, transparency, and fairness in the process.
    - Assess the level of interaction and communication with the community from the onset of a use of force incident through the conclusion of the investigative process.

2. Assess SFPD's policies and operational practices to determine if there is biased policing, with a specific focus on people of color, the mentally ill, LGBTQ, and the homeless. The assessment will:

    - Review how community complaints and concerns regarding potential bias are received, examined, and addressed.
    - Evaluate procedures, protocols, training, and organizational accountability to address the issue of bias through a structured organizational approach that includes training and supervision.

- Analyze a statistically relevant sample of SFPD's contact, field interview, and arrest data for a minimum of three years for trends and patterns in encounters with members of the public, including pedestrian stops, traffic stops, and investigative stops to assess for biased policing – both implicit and explicit.

3. Assess the community policing, procedural justice, and community engagement protocols and practices across SFPD in light of national and best practices. The assessment will:

   - Determine whether there is a strategic plan that effectively defines SFPD's goals and outcomes, identifies strategies that will enable the organization to achieve those goals and outcomes, and defines a mechanism to measure progress.
   - Evaluate the role of community stakeholders and determine whether there is active engagement that allows the stakeholders to have a voice in policing decisions.
   - Assess whether existing community policing plans, practices, and procedures provide for transparency, fairness, and impartiality when engaging members of the public.
   - Evaluate the community policing training provided by SFPD to assess whether it supports the Department's community policing goals, and adheres to national standards, best practices, and community expectations.
   - Determine whether community policing efforts are recognized in the Department's performance appraisal and promotional processes.

4. Assess whether the accountability, oversight policies, and practices related to community complaints and their investigation comport with national standards and best practices. The assessment will:

   - Evaluate the overall transparency of the complaint and disciplinary process and how it engages complainants and informs them of investigative outcomes.
   - Determine whether the practices and procedures are conducted with fairness and impartiality when addressing discipline issues including holding officers accountable for misconduct.
   - Evaluate whether SFPD's policies, practices, and procedures effectively define the roles, authority, and operational responsibilities for each of the partners in the complaint and disciplinary process.
   - Determine whether there are internal reviews of the discipline and community complaint processes to identify and address any underlying institutional policies and procedures that may impact officer conduct and therefore contribute to public complaints.

5. Analyze recruitment, hiring and personnel practices to evaluate diversity efforts in SFPD to determine adherence with national standards and best practices. The assessment will:

   - Review the diversity in SFPD across all units and ranks of the Department.
   - Examine recruitment practices, including community outreach and focus on ensuring diversity in recruiting.
   - Assess hiring standards, practices, procedures and protocols to ensure adherence to national standards and best practices.
   - Evaluate promotional policies, procedures, and practices for efforts to ensure fair and transparent outcomes.

Appendix I. Memorandum Re: Review of San Francisco Proposed Use of Force Policies

The formatting of this appendix has been adjusted to adhere to COPS Office publication standards and to enhance accessibility. Its content has not been altered.

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE, Washington, DC 20530

TO: Suzy Loftus, President, San Francisco Police Commission
L. Julius M. Turman, Vice President, San Francisco Police Commission
Petra DeJesus, Commissioner, San Francisco Police Commission
Victor Hwang, Commissioner, San Francisco Police Commission
Joe Marshall, Commissioner, San Francisco Police Commission
Thomas Mazzucco, Commissioner, San Francisco Police Commission
Sonia E. Melara, Commissioner, San Francisco Police Commission

CC: Gregory Suhr, Chief, San Francisco Police Department
Toney Chaplin, Deputy Chief, San Francisco Police Department

THROUGH: Noble Wray, Chief of Police Practices and Accountability Initiative, Office of Community Oriented Policing Services, U.S. Department of Justice

FROM: Nazmia E.A. Comrie, Collaborative Reform Specialist (detail), Office of Community Oriented Policing Services, U.S. Department of Justice

SUBJECT: Review of San Francisco Proposed Use of Force Policies

DATE: May 4, 2016

This memorandum serves to summarize the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office) review and comments on the San Francisco, California Police Department (SFPD) use of force policies as part of the Collaborative Reform Initiative for Technical Assistance (CRI-TA).

Introduction

The COPS Office announced CRI-TA with SFPD on Monday, February 1st. Following the press conference, the COPS Office met with San Francisco Police Commissioner President Suzy Loftus. During that meeting and in follow up e-mails starting on February 12th, the COPS Office agreed to review the use of force policies. The COPS Office received four policies with corresponding comments on Monday, March 21st. The polices include: *5.01 Use of Force*, *5.01.1 Use of Force Reporting*, *5.02 Use of Firearms and Lethal Force*, and *Special Operations CED Bureau Order*.

The COPS Office received comments on the proposed policies from external subject matter experts, San Francisco core assessment team members, and internal staff.

Summary of Review

The following summarize the COPS Office review and comments on the San Francisco use of force polices.

Although the CRI-TA assessment will cover the policies and procedures regarding use of force, this review only assesses the recently developed Use of Force policies, and not the *SFPD Manual of Policy and Procedure* or the current *Use of Force* policies. That will come as part of the overall assessment.

Overall Comments

The COPS Office commends the San Francisco Police Commission and the SFPD for developing, reviewing, and finalizing the use of force policies with community and stakeholder input. This process not only allows the community to have a voice, but also provides a stronger, more comprehensive policy. Furthermore, the process provides accountability and transparency regarding policy development. This is in line with Recommendations 1.3 and 1.4 of the *Final Report of the President's Task Force on 21st Century Policing* (Task Force Report).[1]

The COPS Office suggests that the Police Commission consider combining the three separate use of force policies. The philosophical, legal, and organizational concerns are interlaced between all three policies and it could be streamlined if they were condensed into one policy. The COPS Office reasons that training and holding personnel accountable will be easier with one policy and will provide less opportunity for conflict. This combination will also reduce redundancies and duplication in the language.

The language for the policies needs to be simplified and clarified so that a rank-and-file officer can understand the general guidance and principles. If the policy cannot be understood by an officer reading or referencing them, then the policy has not fulfilled the intended purpose. The language needs to be strong and clear rather than minimizing the guidance with qualifiers.

To this point, whether these polices remain as three separate policies or one combined policy, there should be a section at the beginning with a definition of terms. Unless the definitions are included elsewhere and referenced, they need to be included at the beginning of the policies. The policies are intended to provide guidance to the rank-and-file and the terminology should be clearly stated without requiring an officer to assume the meaning. Although it is beneficial to receive feedback from many groups and individuals, it is crucial to refine the feedback and ensure that the policy reads well and is clear to the reader.

Additionally, the Police Commission should provide a description of levels of force and the list of authorized impact weapons. If these two descriptions are listed elsewhere, then this should be referenced in the policy.

1. http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf

Furthermore, the Police Commission should consider adding information and guidance related to training, investigation, forensics, and especially the role of the supervisor. By suggesting that the supervisor can evaluate the need to respond allows for a failure of supervision. It is a national best practice that a supervisor should be called to an incident involving any use of deadly force or a critical incident. Transformation and reform requires that the first line supervisors be empowered to help change behavior, and therefore, they should be required to be on scene when a critical incident occurs.

As stated in the Task Force Report Action Item 1.5.4, it is vital that "use of physical control equipment and techniques against vulnerable populations – including children, elderly persons, pregnant women, people with physical and mental disabilities, limited English proficiency, and others – can undermine public trust and should be used as a last resort."[2]

The COPS Office strongly recommends that the Police Commission review the Task Force Report, Recommendation 2.2 and its accompanying Action Items, 2.2.1 to 2.2.6 for consideration in the revised use of force policies.[3] The Police Commission should consider the following action items:

- "…emphasize de-escalation and alternatives to arrest or summons in situations where appropriate" (Action Item 2.2.1, page 20)
- "…mandate external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths" (Action Item 2.2.2, page 21)
- "…collect, maintain, and report data to the Federal Government on all officer-involved shootings, whether fatal or nonfatal, as well as any in-custody deaths" (Action Item 2.2.4, page 21)
- "clearly state what types of information will be released, when, and in what situation, to maintain transparency" (Action Item 2.2.5, page 22)
- "establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency…" (Action Item 2.2.6, page 22)

As related to conductive energy devices (CED), the Task Force report states that "studies of CEDs have shown them to be effective at reducing both officer and civilian injuries….but new technologies should be subject to the appropriate use of force continuum restrictions" (page 38). Additionally, the COPS Office and Police Executive Research Forum, released guidelines in 2011 around electronic control weapons.[4] The COPS Office encourages the Police Commission to consider all 52 guidelines as the CED policy is crafted.

Finally, whether the policies stay as separate documents or are combined, there should be as much cross-referencing as is needed to ensure that adequate information is provided in each policy. For example, references to vehicle pursuits, training, or handcuffing should be cross-referenced to the appropriate SFPD policy.

2. http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf, pages 15–16
3. http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf, pages 20-22
4. http://ric-zai-inc.com/Publications/cops-p202-pub.pdf

Individual Policy Comments

The COPS Office is providing comments for each policy in a redline version. The comments and feedback are from the reviewers and are suggestions for improvement and clarity, rather than mandated changes. As stated previously, this memo and the accompanying documents are a preliminary review of the proposed policies and procedures without the full knowledge of the SFPD operations and practices; the CRI-TA assessment includes an objective to assess the use of force policies and procedures.

Appendix J. SFPD Draft Department General Order 5.01 – Use of Force

San Francisco Police Department **5.01**

GENERAL ORDER Rev. 06/22/16

USE OF FORCE

The San Francisco Police Department's highest priority is safeguarding the life, dignity and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. This Department General Order builds upon the Supreme Court's broad principles in *Graham* v. *Connor* (1989) 490 U.S. 386 and is more restrictive than the constitutional standard and state law. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

This order establishes policies and reporting procedures regarding the use of force. The purpose of the policy is to guide an officer's decisions regarding the use and application of force to ensure such applications are used only to effect arrest or lawful detentions or to bring a situation under legitimate control and assist the Department in achieving its highest priority. No policy can predict every situation. Officers are expected to exercise sound judgment and critical decision making when using force options.

I. POLICY

A. SAFEGUARDING HUMAN LIFE AND DIGNITY. The authority to use force is a serious responsibility given to peace officers by the people who expect them to exercise that authority judiciously and with respect for human rights, dignity and life.

B. ESTABLISH COMMUNICATION. Communication with non-compliant subjects is often most effective when officers establish rapport, use the proper voice intonation, ask questions and provide advice to defuse conflict and achieve voluntary compliance before resorting to force options.

C. DE-ESCALATION. Officers shall, when feasible, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance. Officers shall when feasible, attempt to understand and consider the possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may enable officers to calm the subject and allow officers to use de-escalation techniques while maintaining public

and officer safety. Officers who act to de-escalate an incident, which can delay taking a subject into custody, while keeping the public and officers safe, will not be found to have neglected their duty. They will be found to have fulfilled it.

D. **PROPORTIONALITY.** When determining the appropriate level of force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time. It is particularly important that officers apply proportionality and critical decision making when encountering a subject who is armed with a weapon other than a firearm.

E. **CRISIS INTERVENTION.** When feasible, Crisis Intervention Team (CIT) trained officers shall respond to calls for service involving individuals in mental or behavioral health crisis pursuant to Department General Order XX.XX.

F. **DUTY TO INTERVENE.** When in a position to do so, officers shall intervene when they know or have reason know, that another officer is about to use, or is using, unnecessary force. Officers shall promptly report any use of unnecessary force and the efforts made to intervene to a supervisor.

G. **FAIR AND UNBIASED POLICING.** Members shall carry out their duties, including the use of force, in a manner that is fair and unbiased pursuant to Department General Order 5.17.

II. DEFINITIONS:

A. **FEASIBLE.** Capable of being done or carried out to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

B. **IMMEDIATE THREAT**. An immediate threat is considered to exist if a suspect has demonstrated actions that would lead one to reasonably believe that the suspect will continue to pose a threat if not apprehended without delay. A person is an immediate threat if the officer reasonably believes the person has the present intent, means, opportunity and ability to complete the threat regardless of whether the threatened action has been initiated.

C. **MINIMAL AMOUNT OF FORCE NECESSARY**. The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective without increasing the risk to others.

~~C.~~D. **PERSONAL BODY WEAPONS**. An officer's use of his/her body part, including but not limited to hand, foot, knee, elbow, shoulder, hip, arm, leg or head by means of high velocity kinetic energy transfer (impact) to gain control of a subject.

~~D.~~E. **REASONABLE FORCE.** An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to or perceived by the officer at the time.

~~E.~~F. **REPORTABLE FORCE.** Any use of force which is required to overcome subject resistance to gain compliance that results in death, injury, complaint of injury in the presence of an officer, or complaint of pain that persists beyond the use of a physical control hold. Any use of force involving the use of personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, and firearms. Any intentional pointing of a firearm at a subject.

~~F.~~G. **SERIOUS BODILY INJURY.** A serious impairment of physical condition, including but not limited to loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

~~G.~~H. **VITAL AREAS OF THE BODY.** The head, neck, face, throat, spine, groin and kidney.

III. CONSIDERATIONS GOVERNING ALL USES OF FORCE

A. USE OF FORCE MUST BE FOR A LAWFUL PURPOSE. Officers may use reasonable force options in the performance of their duties, in the following circumstances:

1. To effect a lawful arrest, detention, or search.
2. To overcome resistance or to prevent escape.
3. To prevent the commission of a public offense.
4. In defense of others or in self-defense.
5. To gain compliance with a lawful order.
6. To prevent a person from injuring himself/herself. **However, an officer is prohibited from using lethal force against a person who presents only a danger to himself/herself and does not pose an immediate threat of death or serious bodily injury to another person or officer**.

B. USE OF FORCE EVALUATION

The United States Supreme Court in *Graham* v. *Connor* (1989) 490 U.S. 386 held that an officer's use of force must be objectively reasonable under the totality of circumstances known to the officer at the time. This General Order builds upon the broad principles in *Graham* by adding additional factors upon which an officer's use of force shall be evaluated. This General Order is more restrictive than the constitutional standard and state law. Officers must strive to use the minimal amount of force necessary.

1. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 20/20 hindsight, and without regard to the officer's underlying intent or motivation.

2. Factors for evaluating the use of force include but are not limited to:

a. The severity of the crime at issue;
b. Whether the suspect posed an immediate threat to the safety of the officers or others;
c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight;
d. Whether the use of force is proportional to the threat;
e. The availability of other feasible, less intrusive force options;
f. The officer's tactical conduct and decisions preceding the use of force;
g. Whether the officer has reason to believe that the subject is mentally ill, has a physical, developmental or cognitive disability, is emotionally disturbed or is under the influence of alcohol or drugs;
h. Whether there was an opportunity to warn about the use of force prior to force being used, and if so, was such a warning given;
i. Whether there was any assessment by the officer of the subject's ability to cease resistance and/or comply with the officer's commands;
j. Specialized knowledge, skills, or abilities of subjects;
k. Prior contact;
l. Environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic and other hazards; and
m. Whether the subject's escape could pose a future safety risk.

Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

C. **DE-ESCALATION.** When encountering a non-compliant subject or a subject armed with a weapon other than a firearm, officers shall when feasible, use the following de-escalation tactics in an effort to reduce the need or degree of force:

1. Attempt to isolate and contain the subject;
2. Create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate threat that may require the use of force;
3. Request additional resources, such as Crisis Intervention Team (CIT) trained officers, Crisis/Hostage Negotiation Team, or Extended Range Impact Weapon;
4. Designate an officer to establish rapport and engage in communication with the subject;
5. Tactically re-position as often as necessary to maintain the reactionary gap, protect the public, and preserve officer safety; and
6. Continue de-escalation techniques and take as much time as reasonably necessary to resolve the incident, without having to use force, if feasible.

Other options, not listed above, may be available to assist in de-escalating the situation.

Supervisors who become aware of a situation where an officer is using de-escalation techniques shall monitor the radio communications and evaluate the need to respond to the scene.

D. CRITICAL DECISION-MAKING MODEL. Using a critical decision-making model, officers shall collect information, assess the threats and risk, consider police powers and the Department's policies, identify options and determine the best course of action, and review and re-assess the situation.

E. UNLAWFUL PURPOSES. Penal Code Section 149 provides criminal penalties for every public officer who "under color of authority, without lawful necessity, assaults or beats any person." An assault and battery committed by officers constitute gross and unlawful misconduct and will be criminally investigated.

F. SUBJECT ARMED WITH A WEAPON – NOTIFICATION AND COMMAND. In situations where a subject is armed with a weapon, officers and supervisors shall comply with the following:

1. OFFICER'S RESPONSIBILITY. Upon being dispatched to or on-viewing a subject with a weapon, an officer shall call a supervisor as soon as feasible.

2. SUPERVISORS' RESPONSIBILITIES. When notified that officers are dispatched to or on-view a subject armed with a weapon, a supervisor shall as soon as feasible:
   a. Notify DEM, monitor radio communications, respond to the incident (e.g., "3X100, I'm monitoring the incident and responding.");
   b. Notify responding officers, while en-route, absent a "Code 33" or other articulable reasons why it would be unsafe to do so, to protect life, isolate and contain the subject, maintain distance, find cover, build rapport, engage in communication without time constraint, and call for appropriate resources;
   c. Upon arrival, where appropriate, the supervisor shall assume command, and ensure appropriate resources are on-scene or are responding.

IV. LEVELS OF RESISTANCE.

A. Compliant. Subject offers no resistance.
B. Passive Non-Compliance. Does not respond to verbal commands but also offers no physical form of resistance.
C. Active Resistance. Physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.
D. Assaultive. Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person.
E. Life-threatening. Any action likely to result in serious bodily injury or death of the officer or another person.

V. LEVELS OF FORCE.

Officers shall strive to use the minimum amount of force necessary to accomplish their lawful purpose.

A. **Low Level Force**. The level of control necessary to interact with a subject who is or displaying passive or active resistance. This level of force is not intended to and has a low probability of causing injury.
B. **Intermediate Force.** This level of force poses a foreseeable risk of significant injury or harm, but is neither likely nor intended to cause death. Intermediate force will typically only be acceptable when officers are confronted with active resistance and a threat to the safety of officers or others. Case law decisions have specifically identified and established that certain force options such as OC spray, impact projectiles, K-9 bites, and baton strikes are classified as intermediate force likely to result in significant injury.
C. **Deadly Force.** Any use of force substantially likely to cause serious bodily injury or death, including but not limited to the discharge of a firearm, the use of an impact weapon under some circumstances, other techniques or equipment, and certain interventions to stop a subject's vehicle (see DGO 5.05, Response and Pursuit Driving.)

VI. FORCE OPTIONS.

The force options authorized by the Department are physical controls, personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, K-9 bites and firearms. These are the force options available to officers, but officers are not required to use these force options based on a continuum. While deploying a particular force option and when feasible, officers shall continually evaluate whether the force option may be discontinued while still achieving the arrest or lawful objective.

A. **Tools and Techniques for Force Options**
The following tools and techniques are not in a particular order nor are they all inclusive.

- Verbal Commands/Instructions/Command Presence
- Control Holds/Takedowns
- Impact Weapons
- Chemical Agents (Pepper Spray, OC, etc.)
- K-9 Bite
- Vehicle Intervention (Deflection)
- Firearms
- Personal Body Weapons
- Impact Projectile

B. **PHYSICAL CONTROLS/PERSONAL BODY WEAPONS.** Physical controls, such as control holds, takedowns, strikes with personal body weapons, and other weaponless techniques are designed to gain compliance of and/or control over uncooperative or resistant subjects. The use of physical control techniques and equipment against vulnerable populations – including children, elderly persons, pregnant women, people with physical and mental disabilities, people with limited English proficiency, and other – can undermine public trust and should be used as a last resort

1. PURPOSE. When a subject offers some degree of passive or active resistance to a lawful order, in addition to de-escalation techniques and appropriate communication skills, officers may use physical controls consistent with Department training to gain compliance. A subject's level of resistance and the threat posed by the subject are important factors in determining what type of physical controls or personal body weapons should be used.

2. USE. Officers shall consider the relative size and possible physical capabilities of the subject compared to the size, physical capabilities, skills, and experience of the officer. When faced with a situation that may necessitate the use of physical controls, officers shall consider requesting additional resources to the scene prior to making contact with the subject, if feasible. Different physical controls involve different levels of force and risk of injury to a subject or to an officer. Some physical controls may actually involve a greater risk of injury or pain to a subject than other force options.

3. PROHIBITED USE OF CONTROL HOLDS. Officers are prohibited from using the following control holds:
   a. carotid restraint
   b. choke hold--choking by means of pressure to the subject's trachea or other means that prevent breathing.

4. MANDATORY MEDICAL ASSESSMENT. Any subject who has been injured, complains of an injury in the presence of officers, or complains of pain that persists beyond the use of the physical control hold shall be medically assessed by emergency medical personnel.

5. REPORTING. Use of physical controls is a reportable use of force 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. Striking a subject with a personal body weapon is a reportable use of force.

C. **CHEMICAL AGENTS.** Chemical agents, such as Oleoresin Capsicum (OC) Spray, are designed to cause irritation and temporarily incapacitate a subject.

1. PURPOSE. Chemical agents can be used to subdue an unarmed attacker or to overcome active resistance (unarmed or armed with a weapon other than a firearm) that is likely to result in injury to either the subject or the officer. In many instances, chemical agents can reduce or eliminate the necessity to use other force options to gain compliance, consistent with Department training.

2. WARNING. Officers shall provide a warning prior to deploying a chemical agent, if feasible:
    a. Announce a warning to the subject and other officers of the intent to deploy the chemical agent if the subject does not comply with officer commands; and
    b. Give the subject a reasonable opportunity to voluntarily comply unless it would pose a risk to the public or the officer, or permit the subject to undermine the deployment of the chemical agent.
3. MANDATORY FIRST AID. At the scene or as soon as possible, officers shall administer first aid by:
    a. Seating the subject or other person(s) exposed to a chemical agent in an upright position, and
    b. Flushing his/her eyes out with clean water and ventilate with fresh air.
4. MANDATORY MEDICAL ASSESSMENT. Any person exposed to a chemical agent shall be medically assessed by emergency medical personnel. Any exposed person shall be kept under direct visual observation until he/she has been medically assessed. If an exposed person loses consciousness or has difficulty breathing, an officer shall immediately request for emergency medical personnel, render first aid and monitor the subject until relieved by emergency medical personnel. Officers shall notify dispatch to expedite emergency medical personnel if the person loses consciousness or has difficulty breathing.
5. TRANSPORTATION. Subjects in custody exposed to a chemical agent must be transported in an upright position by two officers. The passenger officer shall closely monitor the subject for any signs of distress. If the subject loses consciousness or has difficulty breathing, officers shall immediately seek emergency medical attention. Hobble cords or similar types of restraints shall only be used to secure a subject's legs together. They shall not be used to connect the subject's legs to his/her waist or hands or to a fixed object.
6. BOOKING FORM. Officers shall note on the booking form that the subject has been exposed to a chemical agent.
7. REPORTING. If an officer deploys a chemical agent on or near someone, it is a reportable use of force.

D. **IMPACT WEAPON.** Department issued and authorized impact weapons include the 26" straight wooden baton, the 36" straight wooden baton, the wooden or polymer Yawara stick, the 21' to 29" telescopic metal baton and the wooden bokken, and are designed to temporarily incapacitate a subject.

1. PURPOSE. An impact weapon may be used in accordance to Department training to administer strikes to non-vital areas of the body, which can subdue an assaultive subject who is actively resisting and poses a threat to the safety of officers or others. Only Department issued or authorized impact weapons shall be used. Officers may resort to the use of other objects as impact weapons, such as a flashlight or police radio, if exigent circumstances exist, and officers shall articulate in writing the reason for doing so.
2. WARNING. When using an impact weapon, an officer shall, if feasible:

a. Announce a warning to the subject of the intent to use the impact weapon if the subject does not comply with officer's commands; and
b. Give the subject a reasonable opportunity to voluntarily comply, except that officers need not do so where it would pose a risk to the public or the officer or permit the subject to undermine the use of the impact weapon.

3. RESTRICTED USES. Unless exigent circumstances exist, officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin or kidney. The use of an impact weapon to a vital area has a likelihood of causing serious bodily injury or death, and the intentional use of an impact weapon to these areas shall only be used in situations where lethal force is justified.
4. PROHIBITED USES. Officers shall not:
   a. Use the impact weapon to intimidate a subject or person, such as slapping the palm of their hand with an impact weapon where neither the use of an impact weapon or impact weapon warning is appropriate.
   b. Striking a handcuffed prisoner who poses no threat is an inappropriate action and may result in disciplinary action and/or criminal prosecution.
5. MANDATORY MEDICAL ASSESSMENT. Any officer who strikes a subject with an impact weapon shall ensure the subject is medically assessed.
6. REPORTING. If an officer strikes a subject with an impact weapon, it is a reportable use of force.

E. EXTENDED RANGE IMPACT WEAPON (ERIW). An Extended Range Impact Weapon (ERIW), such as a beanbag shotgun, is a weapon that fires a bean bag or other projectile designed to temporarily incapacitate a subject. An ERIW is generally not considered to be a lethal weapon when used at a range of 15 feet or more.

1. PURPOSE. The ERIW may be used on a subject who is armed with a weapon, other than a firearm, that could cause serious injury or death. This includes, but is not limited to, edged weapons and improvised weapons such as baseball bats, bricks, bottles, or other objects. The ERIW may also be used in accordance with Department training to subdue an aggressive, unarmed subject who poses an immediate threat of serious injury to another person or the officer.
2. USE. The ERIW shall be properly loaded and locked in the shotgun rack of the passenger compartment of the vehicle. Officers shall observe the following guidelines:
   a. An officer deploying an ERIW shall always have a lethal cover officer. When more than one officer is deploying an ERIW, tactical judgment and scene management in accordance with Department training will dictate the appropriate number of ERIW and lethal cover officers.
   b. The ERIW officer's point of aim shall be Zone 2 (waist and below). The ERIW officer's point of aim may be Zone 1 (waist and above) if:
      i. Zone 2 is unavailable; or
      ii. The ERIW officer is delivering the round from 60 feet; or
      iii. Shots to Zone 2 have been ineffective or in the officers judgment a shot to zone 2 would be ineffective.

Officer shall articulate in writing the reason for intentionally aiming the ERIW at Zone 1

c. The use of an ERIW to a vital area has a likelihood of causing serious bodily injury or death, and the intentional use of an ERIW to these areas shall only be used in situations where deadly force is justified.

d. The ERIW officer shall assess the effect of the ERIW after each shot. If subsequent ERIW rounds are needed, the officer shall aim at a different target area.

3. **LIMITED USES**. The ERIW should not be used in the following circumstances (unless the use of deadly force is appropriate)::
   a. The subject is at the extremes of age (elderly and children) or physically frail.
   b. The subject is in an elevated position where a fall is likely to cause serious injury or death.
   c. The subject is known to be or appears pregnant.
   d. At ranges of less than 15 feet.
   e. Concerned raised by a community member about restricting women's breasts as a target area; this requires input from Subject Matter Expert).
4. **WARNING**. When using the ERIW, an officer shall, if feasible:
   a. Announce to other officers the intent to use the ERIW by stating "Red Light! Less Lethal! Less Lethal!"
   b. All other officers at scene to acknowledge imminent deployment of ERIW by echoing, "Red Light! Less Lethal! Less Lethal!"
   c. Announce a warning to the subject that the ERIW will be used if the subject does not comply with officer commands;
   d. Give the subject a reasonable opportunity to voluntarily comply unless it would pose a risk to the community or the officer, or permit the subject to undermine the deployment of the ERIW.
5. **MANDATORY MEDICAL ASSESSMENT**. Any subject who has been struck by an ERIW round shall be medically assessed by emergency medical personnel.
6. **BOOKING FORM**. Persons who have been struck by an ERIW round shall have that noted on the booking form.
7. **REPORTING**. Discharge of an ERIW is a reportable use of force.

F. VEHICLE INTERVENTIONS. An officer's use of a police vehicle as a "deflection" technique, creation of a roadblock by any means, or deployment of spike strips, or any other interventions resulting in the intentional contact with a noncompliant subject's vehicle for the purpose of making a detention or arrest, are considered a use of force and must be objectively reasonable under the circumstances. The Department's policies concerning such vehicle intervention tactics are set forth in DGO 5.05, Response and Pursuit Driving.

G. FIREARMS AND OTHER DEADLY FORCE. It is the policy of this Department to use deadly force only as a last resort when reasonable alternatives have been exhausted or are not feasible to protect the safety of the public and police officers. The use of firearms and other deadly force is the most serious decision an officer may ever make. When safe and feasible under the totality of circumstances, officers shall consider other objectively reasonable force options before discharging a firearm or using other deadly force.

1. **HANDLING, DRAWING AND POINTING FIREARMS.**

a. **HANDLING FIREARMS**. An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double-action feature.

b. **AUTHORIZED USES**. An officer may draw, exhibit or point a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for the safety of others or for his or her own safety. When an officer determines that the threat is over, the officer shall holster his or her firearm or shoulder the weapon in the port arms position pointed or slung in a manner consistent with Department approved firearms training.

c. **DRAWING OTHERWISE PROHIBITED**. Except for maintenance, safekeeping, inspection by a superior officer, Department-approved training, or as otherwise authorized by this order, an officer shall not draw a Department issued firearm.

d. **POINTING A FIREARM AT A PERSON**. The pointing of a firearm at a person is a seizure and requires legal justification. No officer shall point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that 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.

e. **REPORTING**. When an officer intentionally points any firearm at a person, it shall be considered a reportable use of force. Such use of force must be reasonable under the objective facts and circumstances.

2. **DISCHARGE OF FIREARMS OR OTHER USE OF DEADLY FORCE.**

a. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections G.2.d. and e., an officer may discharge a firearm or use other deadly-force in any of the following circumstances:

i. In self-defense when the officer has reasonable cause to believe that he or she is in immediate danger of death or serious bodily injury; or

ii In defense of another person when the officer has reasonable cause to believe that the person is in immediate danger of death or serious bodily injury. However, an officer may not discharge a firearm at, or use deadly force against, a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an immediate danger of death or serious bodily injury to the officer or any other person; or

iii. To apprehend a person when both of the following circumstances exist:
- The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
- The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed; or

iv. To kill an animal posing an immediate threat.

The above circumstances (2.a, i-iv) apply to each discharge of a firearm or application of deadly force. Officers shall reassess the situation, when feasible and safe, to determine whether the subject continues to pose an active threat.

b. **VERBAL WARNING**. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm or using other deadly force.

c. **REASONABLE CARE FOR THE PUBLIC**. To the extent feasible, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of the public or officers.

d. **PROHIBITED CIRCUMSTANCE**. Officers shall not discharge their firearm:
   i. As a warning; or
   ii. At a person who presents a danger only to him or herself.

e. **MOVING VEHICLES**. An officer shall not discharge a firearm at the operator or occupant of a moving vehicle unless the operator or occupant poses an immediate threat of death or serious bodily injury to the public or an officer by means other than the vehicle. Officers shall not discharge a firearm from his or her moving vehicle.

3. **RENDERING OR REQUESTING MEDICAL AID**
   Following the use of deadly force, officers shall render or request medical aid if needed or requested by anyone as soon as reasonably possible.

4. **REPORTING.**
   A. DISCHARGE OF FIREARMS. Except for firearm discharges at an approved range or during lawful recreational activity, an officer who discharges a firearm, either on or off duty, shall report the discharge as required under DGO 8.11, Investigation of Officer Involved Shootings and

Discharges. This includes an intentional or unintentional discharge, either within or outside the City and County of San Francisco.

B. OTHER DEADLY FORCE. An officer who applies other force that results in death shall report the force to the officer's supervisor, and it shall be investigated as required under DGO 8.12, In Custody Deaths. An officer who applies other deadly force that results in serious bodily injury shall report the force to the officer's supervisor. The supervisor shall, regardless whether possible misconduct occurred, immediately report the force to their superior officer and their commanding officer, who shall determine which unit shall be responsible for further investigation. An officer who applies other deadly force that does not result in serious bodily injury shall report the force.

The following chart illustrates how a suspect's resistance/actions can correlate to the force applied by the officer:

Subject's Actions	Description	Possible Force Option
Compliance	Subject offers no resistance	• Mere professional appearance • Nonverbal actions • Verbal requests and commands • Handcuffing and control holds
Passive non-compliance	Does not respond to verbal commands but also offers no physical form of resistance	• Officer's strength to take physical control, including lifting/carrying • Pain compliance control holds, takedowns and techniques to direct movement or immobilize
Active resistance	Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or	• Use of personal body weapons to gain advantage over the subject • Pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject

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Subject's Actions	Description	Possible Force Option
	prevent being taken into or retained in custody	
Assaultive	Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person	• Use of devices and/or techniques to ultimately gain control of the situation • Use of personal body weapons to gain advantage over the subject
Life-threatening	Any action likely to result in serious bodily injury or death of the officer or another person	• Utilizing firearms or any other available weapon or action in defense of self and others to stop the threat • Vehicle intervention (Deflection)

VII. USE OF FORCE REPORTING

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, ERIWs, vehicle interventions, K-9 bites, and firearms. Additionally, officers shall report the intentional pointing of firearms at a subject.

1. NOTIFICATION OF USE OF FORCE. An officer shall notify his/her supervisor immediately or as soon as practical of any reportable use of force. A supervisor shall be notified if an officer receives an allegation of excessive force.

2. EVALUATION OF USE OF FORCE. A supervisor shall conduct a use of force evaluation in all cases involving a reportable use of force.

3. EXCESSIVE USE OF FORCE. Every allegation of excessive force shall be subject to the reporting and investigative requirements of this General Order and applicable disciplinary policies.

B. PROCEDURES

1. OFFICER'S RESPONSIBILITY. Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Descriptions shall be in clear, precise and plain language and shall be as specific as possible.

    a. When the officer using force is preparing the incident report, the officer shall include the following information:
        i. The subject's action necessitating the use of force, including the threat presented by the subject;
        ii. Efforts to de-escalate prior to the use of force; and if not, why not;
        iii. Any warning given and if not, why not;
        iv. The type of force used;'
        v. Injury sustained by the subject;
        vi. Injury sustained by the officer or another person;
        vii. Information regarding medical assessment or evaluation, including whether the subject refused;
        viii. The supervisor's name, rank, star number and the time notified.

    b. 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.

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

a. 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;
b. Ensure the scene is secure and observe injured subjects or officers;
c. Ensure that witnesses (including officers) are identified and interviewed, and that this information is included in the incident report. The number of witnesses may preclude identification and interview of all witnesses, however supervisors shall ensure identification to the best of their ability;
d. Ensure photographs of injuries are taken and all other evidence is booked;
e. 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 VI.B.1.a. above;
f. If applicable, ensure the supervisor's reason for not responding to the scene is included in the incident report.
g. Complete and submit the Supervisory Use of Force Evaluation form, indicating whether the force used appears reasonable, by the end of watch;

h. Complete the Use of Force Log (SFPD 128) and attach one copy of the incident report by the end of watch.

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

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

a. Respond to the scene and assume command, as practical;
b. Notify the commanding officer and ensure all other notifications are made consistent with DGO 1.06, Duties of Superior Officers;
c. If unnecessary force, initiate a civilian complaint and notify the Office of Citizen Complaints (SFPOA has technical question regarding DGO 2.04)
d. Determine which unit(s) will be responsible for the on-going investigation(s);
e. Prepare a report containing preliminary findings, conclusions and/or recommendations, if appropriate.

C. OTHER REQUIREMENTS.

1. USE OF FORCE LOG. The following units shall maintain a Use of Force Log:
   a. District Stations
   b. Airport Bureau
   c. Department Operations Center

2. 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:
   a. 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.
   b. Any use of force occurring at the San Francisco International Airport shall be recorded in the Airport Bureau's Use of Force Log.

3. DOCUMENT ROUTING.
   a. 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 no later than the end of the watch. This information shall be entered into the Use of Force database at Risk Management to generate monthly reports as described in section C (5) below.
   b. On the Monday of each week, unless a holiday, and then on Tuesday, 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 Officers of the Training Division and Risk Management.

4. 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.
5. RISK MANAGEMENT RESPONSIBILITIES. The Commanding Officer of the Risk Management shall general report bi-weekly (1st and 15th) 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.

6. DATA COLLECTION AND ANALYSIS. The Department will collect and analyze its use of force data in the Risk Management Use of Force database. The Use of Force statistics and analysis will include at a minimum:
   a. The type of force
   b. The types and degree of injury to suspect and officer
   c. Date and time
   d. Location of the incident
   e. Officer's unit
   f. District station where the use of force occurred
   g. Officer's assignment
   h. Number of officers using force in the incident
   i. Officer's activity when force was used (ex. Handcuffing, search warrant, pursuit)
   j. Subject's activity requiring the officer to use force
   k. Officer's demographics (age, gender, race/ethnicity, rank, number of years with SFPD, number of years as a police officer)
   l. Suspect demographics including race/ethnicity, age, gender, gender identity, primary language and other factors such as mental illness, cognitive impairment, developmental disability, drug and alcohol use/addiction and homeless.

The Department will post on a monthly basis on its website comprehensive use of force statistics and analysis and provide a written use of force report to the Police Commission annually.

VIII. OFFICER'S RESPONSIBILITY AND COMPLIANCE.

All officers are responsible for knowing and complying with this policy. As with all General Orders, any violation of this policy may subject the member to disciplinary action. Supervisors shall ensure that all personnel in their command know the contact of this policy and

operate in compliance with it. Any member who becomes aware of any violation to this policy shall promptly report it in accordance with established procedure.

References
DGO 1.06, Duties of Superior Officers
DGO 2.04 Citizen Complaints Against Officers
DGO 5.05, Response and Pursuit Driving
DGO 5.17 Policy Prohibiting Biased Policing
DGO 5.18, Prisoner Handling and Transportation
DGO 8.11, Investigation of Officer Involved Shootings And Discharges
DGO 8.12, In Custody Deaths
DGO XX Responding to Behavioral Crisis Calls and The Role of the Crisis Intervention Team

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Appendix K. Memorandum Re: Recommendation Regarding Recent Electronic Communication Incident

The formatting of this appendix has been adjusted to adhere to COPS Office publication standards and to enhance accessibility. Its content has not been altered.

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE, Washington, DC 20530

TO: Gregory Suhr, Chief, San Francisco Police Department

CC: Toney Chaplin, Deputy Chief, San Francisco Police Department

THROUGH: Noble Wray, Chief of Police Practices and Accountability Initiative, Office of Community Oriented Policing Services, U.S. Department of Justice

FROM: Nazmia E.A. Comrie, Collaborative Reform Specialist (detail), Office of Community Oriented Policing Services, U.S. Department of Justice

SUBJECT: Recommendation Regarding Recent Electronic Communication Incident

DATE: May 5, 2016

This memorandum provides a U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office) recommendation related to the recent electronic communication incidents.

Recommendation Regarding Recent Electronic Communication Incident

In response to the recent electronic communication incidents, it is important for the SFPD to identify officer misconduct regarding bias and begin to repair the community mistrust. As such, the COPS Office strongly recommends SFPD conduct a comprehensive audit of official electronic communications, including department issued e-mails, communications on mobile data terminals, and text messages on department issued phones. Periodic electronic communication audits are recognized as being a sound management practice. This audit should follow federal, state, and local laws and statutes. Additionally, any identified officer misconduct should be dealt with appropriately.

Abbreviations and Acronyms

AIM	Automated Information Management
CIT	Crisis Intervention Team
City HR	City and County of San Francisco Human Resources
COPS Office	Office of Community Oriented Policing Services
CPAB	Community Police Advisory Boards
CRI-TA	Collaborative Reform Initiative for Technical Assistance
DGO	Department General Order
DOJ	U.S. Department of Justice
ECW	electronic control weapon (i.e., Taser)
EIS	Early Intervention Systems
FBI	Federal Bureau of Investigation
FDRB	Firearm Discharge Review Board
FI	Field Interview
FTO	Field Training Officer
HR	human resources
IAD	Internal Affairs Division
MDC	mobile data computer
MPC	Municipal Police Code
NYPD	New York Police Department
OC	oleoresin capsicum ("pepper spray")
OCC	Office of Citizen Complaints
PAT	Physical Ability Test
PEG	Police Employee Groups
PIP	performance improvement plan

POA	Police Officers' Association
POST	Peace Officer Standards and Training
SF SAFE	San Francisco Safety Awareness for Everyone
SFPAL	San Francisco Police Activities League
SFPD	San Francisco Police Department

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About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem solving approaches based on collaboration. The COPS Office awards grants to hire community police and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Another source of COPS Office assistance is the Collaborative Reform Initiative for Technical Assistance (CRI-TA). Developed to advance community policing and ensure constitutional practices, CRI-TA is an independent, objective process for organizational transformation. It provides recommendations based on expert analysis of policies, practices, training, tactics, and accountability methods related to issues of concern.

Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.

- To date, the COPS Office has funded the hiring of approximately 129,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs.
- The COPS Office also sponsors conferences, roundtables, and other forums focused on issues critical to law enforcement.

The COPS Office information resources, covering a wide range of community policing topics—from school and campus safety to gang violence—can be downloaded at www.cops.usdoj.gov. This website is also the grant application portal, providing access to online application forms.

In response to requests from city officials who asked the U.S. Department of Justice to conduct an in-depth review of the policies and practices of the San Francisco Police Department (SFPD), the COPS Office launched the Collaborative Reform Initiative for Technical Assistance (CRI-TA) with the SFPD.

The COPS Office supports law enforcement agencies by implementing and sustaining reforms that increase public trust through improvements in community policing practices, transparency, professionalism, and accountability while taking into account national standards, promising practices, current and emerging research, and community expectations.

Although the COPS Office found a department that is committed to making changes and working with the community, it also found a department with outdated use of force policies that fail the officers and the community and inadequate data collection that prevents leadership from understanding officer activities and ensure organizational accountability. The department lacked accountability measures to ensure that the department is being open and transparent while holding officers accountable. Disparities were found in traffic stops, post-stop searches, and use of deadly force against minorities. Altogether, the COPS Office identified 94 findings and developed 272 associated recommendations.

This report is a road map to reform policing in San Francisco to conform to community expectations and improve public safety. This report summarizes the full assessment including findings and recommendations that will help the department modernize its policing practices and enhance community trust.

COPS
Community Oriented Policing Services
U.S. Department of Justice

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