



CITY AND COUNTY OF SAN FRANCISCO
Department of Police Accountability
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President Cindy Elias
Vice President Max Carter-Oberstone
Commissioners
San Francisco Police Commission

Third Quarter 2023 Policy Work

Highlights of the Department of Police Accountability's (DPA's) third quarter 2023 Policy Recommendations are described below.

I. DPA Continues to Recommend that SFPD Convene a Working Group to Analyze and Improve the Accuracy of SFPD's Traffic Stop Data. DPA has also Called for a Review of SFPD's Raw Traffic Stop Data to Evaluate the Scale of Data Discrepancies.

For one year, DPA has raised concerns about the accuracy of the San Francisco Police Department's (SFPD's) Stop Data, the collection of which is mandated by the California Racial and Identity Profiling Act of 2015 (RIPA). Beginning in the Fourth Quarter of 2022, DPA alerted SFPD and the Police Commission to DPA's concerns about Stop Data inaccuracies and called for a Working Group on the issue. We recommended that SFPD and DPA immediately form a working group with SFPD's IT Division, experts on traffic Stop Data, and academic partners to ensure that police officers are entering Stop Data accurately and that the data can be validated. To date, SFPD has not followed this recommendation though it has become increasingly important.

In the Third Quarter of 2023, DPA Executive Director, Paul Henderson, publicly reported that DPA has noticed three issues which could affect SFPD's Stop Data reliability:

- 1.) Officers entering multiple race categories (up to 7) for a single person, creating ambiguity about the race of the person stopped.
- 2.) Officers failing to enter large numbers of their traffic stops in the Stop Data system.
- 3.) Officers entering the wrong race of known persons they stopped.

To be clear, all three issues should have been discovered by SFPD through routine audits of its own Stop Data. In 2021, SFPD issued Unit Order 21-01 to the Special Investigations Unit (SIU) of SFPD to conduct periodic audits which would identify inconsistent Stop Data. Unit Order 21-01 was issued to ensure compliance with RIPA as well as US DOJ Recommendations. Specifically, Recommendation 33.1 of the COPS Report directed SFPD to implement the data collection recommendations in Appendix F so that SFPD would be able to conduct a robust analysis of possible bias by SFPD officers. (COPS Report, pp. 84, 227.) In turn, Appendix F directed SFPD to have an external entity independently analyze SFPD Stop Data and stressed the importance of data integrity. (COPS Report, pp. 356-357).



Appendix F described general checks on data quality that researchers should explore including checking for missing data or errors and checking for misstatements of facts (e.g., intentional or accidental errors).

SFPD reported in a public hearing on September 20, 2023, that they had not audited their Stop Data for errors, misstatements, or accuracy.

As a result, DPA has called for an external review of SFPD traffic Stop Data to determine if the discrepancies DPA has highlighted are isolated incidents or whether SFPD's Stop Data discrepancies are systemic. DPA is aware of several jurisdictions around the country where law enforcement Stop Data is under scrutiny for similar race related errors.

1. **Louisiana.** In 2021, ProPublica reported that Jefferson Parish deputies in Louisiana reported making six stops of Hispanic drivers, out of 73,000 total stops. For context, the population is approximately 18% Hispanic.
2. **Missouri.** In 2022, a Missouri State Trooper pleaded guilty to 12 counts of falsifying stop reports. The trooper reported Black drivers as white and failed to report searches he conducted.
3. **Los Angeles.** In 2022, the Los Angeles County Inspector General reported massive discrepancies in the Stop Data reporting. They estimated 50,731 unreported stops, including 33,531 underreported stops of Hispanic people, 25,395 underreported backseat detentions, and 18,269 underreported consent searches.
4. **Connecticut.** Earlier this year, the Connecticut State Auditor released a report alleging that Connecticut State Troopers placed 26,000 fake infraction records in the state racial profiling system. Almost all the false tickets purported that the driver was white. The Connecticut Attorney General and Governor initiated investigations, but U.S. DOJ and US Department of Transportation have taken over the investigations.

At this time, it is essential that San Francisco exhibit leadership on this issue and take necessary steps to determine the scale and scope of our Stop Data discrepancies. To that end, DPA has made the below recommendations to SFPD.

Recommendations to SFPD

- 1.) SFPD should convene a working group with SFPD, DPA, academic partners, and data experts to determine the purpose and scope of a Stop Data review.
- 2.) SFPD should allow DPA to work with the Controller's Office and/or an academic partner to conduct a review of SFPD's Stop Data.
- 3.) SFPD's SIU should audit all Stop Data entries with general checks on data quality:
 - a. Compare Stop Data against other databases, such as citations or CAD. Each citation and arrest should have a corresponding Stop Data entry. Additionally, each Stop Data entry for a citation or arrest should generate documentation.
 - b. Check for misstatements of facts for citations and arrests.
 - i. Compare race data in SCDS entries to citations and incident reports.



III. Annual Report on SFPD’s Languishing Department General Orders

On July 13, 2022, over one year ago, DPA publicly reported on twenty-six (26) Department General Orders which had stalled for one year midway through the development process. To address the problem, President Cindy Elias assigned each Commissioner a set of DGOs to supervise so that these problem DGOs could be completed. To date, twelve (12) of the DGOs have either been finally adopted by the Police Commission or are in meet and confer with the Police Officers’ Association but fourteen (14) are still pending over a year later. A summary of the status of the final fourteen is described in the below table.

DGO	Date DPA submitted Initial Recommendations	Status	Explanation
1.03 – Duties of Patrol Officers	5/19/20	Pending w/DPA.	SFPD worked on DGO 1.03, to combine it with 1.04, and 1.05, for over three years. DPA received the materials it needed to progress on or about 8/24/23. DPA sought an extension of time and will submit Stage 2 Recs on 10/13/23.
1.04 – Duties of Patrol Officers	5/20/20	Pending w/ DPA	Same as above. SFPD had for three years, DPA recently received draft DGO and is now working on Stage 2 recommendations due 10/13/23.
1.05 – Duties of Station Personnel	5/19/20	Pending w/DPA	Same as above. SFPD had for three years. DPA recently received draft DGO and is now working on Stage 2 recommendations due 10/13/23.
1.06 – Duties of Superior Officers (to be combined with 1.07)	7/22/20	Pending w/ SFPD	Concurrence completed on 5/5/23. Chief Scott and DPA met on 5/17/23 and agreed to add one sentence. DPA has no further



			information as to status.
1.07 – Duties of Command Officers (to be combined with 1.06)	7/22/20	Pending w/ SFPD	Same as above.
2.07 - Discipline Process	7/8/20	Pending w/ SFPD	Public comment closing on 10/13/23.
5.06 – Citation Release	6/20/21	Pending w/ SFPD	On 3/6/23, DPA made two edits to SFPD’s final pre-concurrence draft but now 5.06 has been pending with SFPD for 7 months.
5.08 – Non-uniformed officers	7/31/20	Pending w/ SFPD or Police Commission	DPA submitted Stage 2 Recs on 4/17/23 and worked with the SFPD SME to finalize DGO which occurred on or about 5/3/23. On 8/3/23 DPA was advised that 5.08 is still not ready for public comment.
6.10 – Missing Persons	11/23/20	Pending w/ SFPD	DPA received a draft of 6.10 and submitted Stage 2 recommendations on 5/30/23. Under 3.01, SFPD was required to respond in 20 days but did not do so. On 9/12/23 DPA sent an email requesting a response from SFPD in ten days. DPA received no response to that email.
6.14 - Psychological Evaluation of Adults	5/18/20	Pending w/ SFPD	Went to concurrence on 3/24/23 and passed. After concurrence, SFPD Legal wanted to add Fourth Amendment language. DPA worked with SMEs to do so. DGO was re-submitted

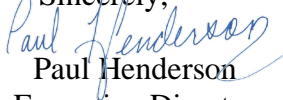


			on 8/22/23 and is still pending.
6.18 – Warrant Arrests	11/17/20	Pending w/ SFPD	Awaiting concurrence.
7.01 – Juvenile Policy	Via 2020 working group	Pending w/ SFPD	After a 1.5-year delay, SFPD reconvened the working group which met from 12/22 to 3/16/23. DGO 7.01 is still pending.
9.05 – Traffic Citation Control	3/3/21	Pending w/ SFPD	Awaiting concurrence.
9.06 – Vehicle Tows	12/21/21	Pending w/ SFPD	In late 2022, SFPD requested to delay responding to DPA’s Recommendations until after 9.01 (traffic DGO), was completed. DPA agreed. However, when 9.01 was completed, SFPD gave notice on 9/1/23 that instead of finishing 9.06, which had been pending for two years, they would go back to the beginning and start the 3.01 process anew.
Probation/Parole DGO	Commission provided DPA’s draft to SFPD on 5/18/21 for input.	Pending w/SFPD	No new information since 2021.



Recommendation to SFPD

DPA recommended that SFPD not interpret DGO 3.01, SFPD's Policy on creating General Orders, to allow for lengthy delays between timed steps or stages. DPA also recommended that SFPD seek an extension of time from the Police Commission when SFPD needs additional time to complete a particular stage of DGO 3.01. Otherwise, DGOs stall and there is no accountability as required by 3.01.

Sincerely,

Paul Henderson
Executive Director