



# San Francisco Department of Police Accountability Update on SFPD's Implementation of DPA Audit Recommendations as of December 2021

February 8, 2022

Department of Police Accountability

Executive Director Paul Henderson

## Update of SFPD Action on DPA Audit Division Recommendations

This document reflects the status of audit recommendations as reported to the Department of Police Accountability (DPA) by the San Francisco Police Department (SFPD) as of December 31, 2021.

DPA audits and assessments<sup>1</sup> are a tool for:

- *Improved transparency* - Creating and raising public awareness of SFPD operations
- *Greater accountability* - Holding the department accountable for growth and reform through recommendation implementation

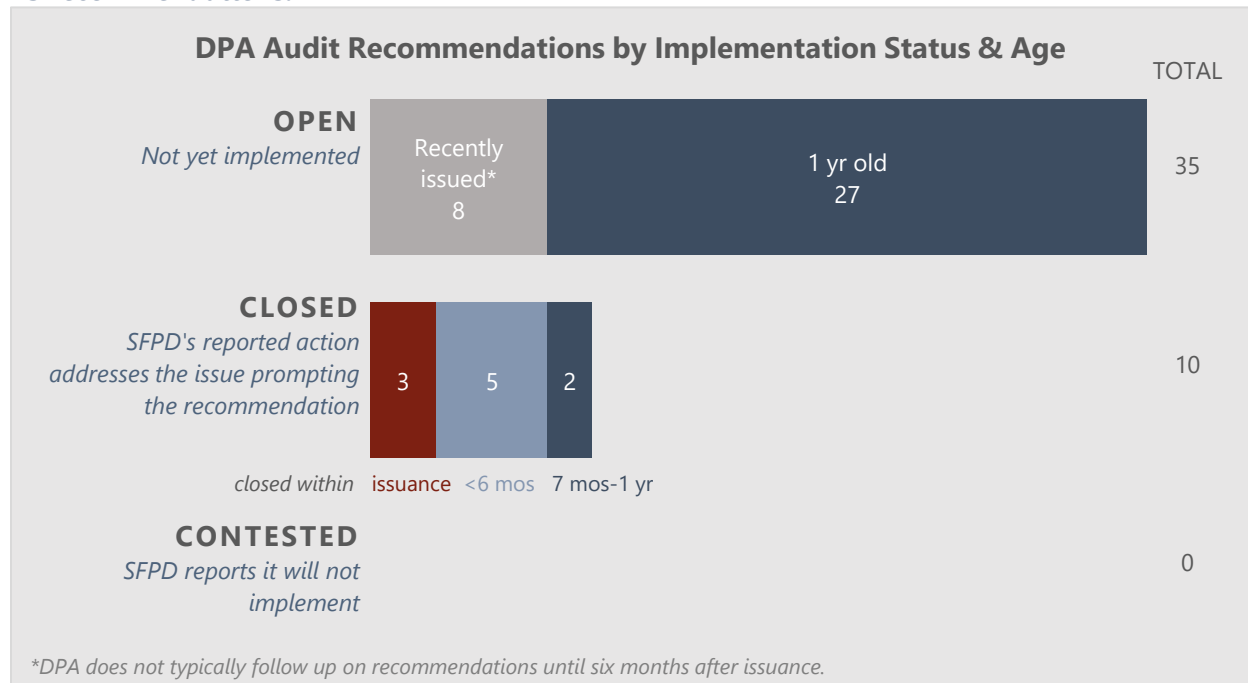
Only SFPD and the San Francisco Police Commission can implement DPA audit recommendations. DPA has no authority to mandate that SFPD implement an audit's recommendations.<sup>2</sup> However, DPA follows up with SFPD to monitor its progress.

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## 35 of 45 (78%) of DPA's Audit Recommendations to SFPD Remain Open

*DPA began conducting performance audits in 2018 and has issued two audits with a total of 45 recommendations.*




<sup>1</sup> Approved by voters in 2016, Prop G renamed the Office of Citizen Complaints to the Department of Police Accountability and expanded oversight responsibilities including conducting performance audits and reviews.

<sup>2</sup> DPA's Audit Division does not and cannot implement changes for SFPD – doing so would compromise its independence in future audits.





## REPORTS WITH OPEN RECOMMENDATIONS

Open recommendations do not necessarily indicate that SFPD will not implement the changes. In some cases the recommendations may be only recently issued, relate to future events such as the annual budget process or labor negotiations, or implementation requires a process with longer timelines like department general order revisions.

Report Title and Key Findings	Issuance Date	Open Recs.	Last Status Update
<b>1 The San Francisco Police Department and the Police Commission Can Improve Policies and Practices Around Investigations Related to First Amendment Activities</b>	12/7/2021	8 of 8	None - recently issued

 <p><i>DGO 8.10's guidance on when the order applies to investigations is limited and not specific</i></p>	 <p><i>2 officers did not receive required training prior to starting work in the Special Investigations Division</i></p>	 <p><i>SFPD did not destroy records as required</i></p>	 <p><i>SFPD did not provide the Police Commission with timely confirmation that there were no requests for DGO 8.10 investigations</i></p>	 <p><i>Operations plans do not consistently reference the source of First Amendment event information</i></p>
<p><i>Other matters DPA noted include SFPD's use of social media as a source for First Amendment event information, and changes in technology that warrant the Police Commission and SFPD revisiting DGO 8.10's requirements on video and photographic recording at First Amendment events.</i></p>				

<b>2 The Police Department Needs Clearer Guidance and More Proactive Governance for Better Use-of-Force Data Collection and Reporting</b>	10/5/2020	27 of 37	12/3/21
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 <p><b>Policy gray areas</b> led to officers underreporting and overreporting force.</p>	 <p><b>Process weaknesses</b> led to undercounting and overcounting uses of force.</p>	 <p><b>Inadequate data analysis</b> led to missed opportunities to:</p> <table border="1"> <tbody> <tr> <td>Report out department-wide policy compliance.</td> <td>Understand factors increasing likelihood of force.</td> <td>Gain insight on the role of officer bias in using force.</td> </tr> </tbody> </table>	Report out department-wide policy compliance.	Understand factors increasing likelihood of force.	Gain insight on the role of officer bias in using force.	 <p><b>Weak public reports</b> hinder transparency and adequacy of information available to decision-makers.</p>
Report out department-wide policy compliance.	Understand factors increasing likelihood of force.	Gain insight on the role of officer bias in using force.				

## PROGRESS ON RECOMMENDATION IMPLEMENTATION

Progress described here reflects SFPD responses regarding the implementation of key open DPA audit recommendations *as of December 31, 2021*, for the use-of-force data audit by operational area, with references to the relevant recommendation numbers.<sup>3</sup> Note that recommendations are paraphrased and combined for brevity. Please refer to the audit report for further context, exact wording, and additional recommendations.

### Policy and Governance

<b>Recommendation</b>	<b>Progress</b>
<p>Implement supplemental guidance to <i>reduce gray areas in policy</i> and clarify when control holds qualify as reportable force, addressing unrelated pain and injury in force reporting, and pointing a firearm in the direction of multiple individuals.</p> <p><i>(Recommendations #1-3)</i></p>	<p><b>Action Taken:</b> Revisions to Department General Order 5.01 <i>Use of Force</i> (DGO 5.01) that address gray areas in reporting are in progress.</p> <p><b>Action Needed:</b> After the revised DGO 5.01 is approved by the Police Commission, SFPD reports it will incorporate the changes into its use-of-force training.</p> <p><i>SFPD's last status update was in December 2021. The Police Commission approved the revised DGO 5.01 on January 12, 2022.</i></p>
<p>When resistant subjects are brought under control without reportable use of force, <i>require officers to describe how they overcame the subject's resistance</i>.</p> <p><i>(Recommendation #7)</i></p>	<p><b>Action Needed:</b> SFPD reports it will revise its report writing manual following approval of the revised DGO 5.01, and that use-of-force training will include improving report narrative clarity by describing the specific type and amount of force.</p>
<p>Establish <i>a data analytics program</i> for its use-of-force data that clearly outlines objectives, identifies the data required to meet those objectives, ensures the department collects the data in a usable format, and produces analysis in a timely manner and in a format that is readily understandable by relevant stakeholders.</p> <p><i>(Recommendations #8, 9, 25)</i></p>	<p><b>Action Taken:</b> In anticipation of the revised DGO, SFPD reports it has revised data collection and guidance to improve data validity.</p> <p><b>Action Needed:</b> SFPD reports it will include a data gap analysis and strategic plan for an analytics program in the workplan for its Business Analysis Team, but that limited analytical resources constrain its ability to complete this work.</p> <p><i>As part of implementing changes to data collection, SFPD should continue to evaluate the success of that implementation and ensure data fields capture data that is valid (measures what it intends) and reliable (consistent and accurate).</i></p>

<sup>3</sup> The DGO 8.10 audit is too recently issued – future updates will include the status of recommendations made in this report.

## Data and Technology

<b>Recommendation</b>	<b>Progress</b>
<p>Introduce <i>real-time digital use-of-force data collection</i> and adjust data reliability controls as appropriate to ensure effective transition and continued accuracy.</p> <p>(Recommendations #16, 19)</p>	<p><b>Action Taken:</b> SFPD reports it has incorporated use-of-force reporting into its incident reporting system. This would eliminate the delay between the incident and transcribing the use-of-force form information into a database.</p> <p><b>Action Needed:</b> SFPD's new system for reporting force, including accompanying guidance and training, will not be rolled out until after the revised DGO 5.01 is implemented.</p>
<p>Ensure staff consistently and completely <i>redacts information exempt from disclosure</i> using secure, digital technology and explore options for automating aspects of redaction for consistency and efficiency.</p> <p>(Recommendations #20-22)</p>	<p><b>Action Taken:</b> SFPD reports it now uses digital redaction technology for document redaction and that staff are trained on redaction in compliance with the California Public Records Act.</p> <p><b>Action Needed:</b> SFPD reports it will investigate technologies for automating redaction tools.</p>

## Public Reporting and Transparency

<b>Recommendation</b>	<b>Progress</b>
<p>Improve the <i>quality of publicly issued reports</i> containing use-of-force data by including:</p> <ul style="list-style-type: none"> <li>■ An executive summary</li> <li>■ Sufficient background</li> <li>■ Definitions of terms and abbreviations</li> <li>■ Trend explanations</li> <li>■ Context with relevant relationships between data to help users understand the data's meaning</li> </ul> <p>(Recommendations #28-35)</p>	<p><b>Action Taken:</b> SFPD added an executive summary, glossary of terms, and adequate background information to its Early Intervention System (EIS) quarterly reports and attached its previously separate summary to its Administrative Code 96A report (now titled SFPD Quarterly Activity &amp; Data Report).</p> <p><b>Action Needed:</b> SFPD noted a commitment to soliciting feedback from the Police Commission and other stakeholders to ensure reports meet user needs, but has not reported how this will be accomplished.</p> <p>SFPD notes that, as it grows its analytical capacity and consults with academic partners, it will expand inclusion of relevant relationships between data points and visualizations in its mandated reports. SFPD is considering a pilot program for a new data-driven risk management suite which would enhance its ability to analyze use-of-force data.</p>

## Public Reporting and Transparency *(continued)*

<b>Recommendation</b>	<b>Progress</b>
<p><i>Publish the data</i> underlying its Early Intervention System Quarterly Report and its Administrative Code 96A Report through the City's open data portal.</p> <p><i>(Recommendation #36)</i></p>	<p><b>Action Needed:</b> SFPD has not published the data underlying its reports through the City's open data portal and states it has limited staffing and system capacity to provide regular reporting that could be transferred to the City's open data portal.</p>
<p>Ensure it fully <i>complies with the reporting requirements</i> in Department General Order 5.01.</p> <p><i>(Recommendation #37)</i></p>	<p><b>Action Needed:</b> SFPD still does not comply with some reporting requirements of its policy, including submitting annual written use-of-force reports to the Police Commission.</p>

## ADDITIONAL CONSIDERATIONS

In some cases, DPA has closed recommendations based on SFPD's reported actions but sees opportunity for SFPD to further develop in those areas. This section provides additional information on improvements to recommendation implementation SFPD should consider.

### Public Report Executive Summaries

DPA recommended SFPD include an executive summary that highlights key points in the EIS quarterly report. SFPD stated that the "Salient Data" page in the revised EIS quarterly report format serves as an executive summary. DPA suggests renaming this page with the more common "executive summary." Although this page does highlight some information, the summary does not meet best practices – it does not represent similar data in a consistent format or with visualizations, provides no context for increases or decreases in EIS indicator points or alerts, and omits key elements of the report such as information about interventions.

## RECOMMENDATION STATUS DETAIL

This section summarizes the status of the specific recommendations made in the below reports.



Report Title	Recommendation Numbers		
	Open	Closed	Contested
<i>The San Francisco Police Department and the Police Commission Can Improve Policies and Practices Around Investigations Related to First Amendment Activities (12/7/21)</i>	1-8	-	-
<i>The Police Department Needs Clearer Guidance and More Proactive Governance for Better Use-of-Force Data Collection and Reporting (10/5/20)</i>	1-7, 9, 11, 12, 14-19, 22-25, 27, 30, 31, 34-37	8, 10, 13, 20, 21, 26, 28, 29, 32, 33	-
<b>Total</b>	<b>35</b>	<b>10</b>	<b>-</b>

### About the San Francisco Department of Police Accountability Audit Division

DPA is an oversight agency that investigates officer-involved shootings and complaints about SFPD officers, and audits SFPD practices. DPA recommends new policies and policy changes to the Police Commission and SFPD. DPA and SFPD are separate agencies that both report to the Police Commission. DPA's Audit Division is separate from its investigation and policy advisory functions.

San Francisco Charter (Section 4.136) mandates DPA to audit the San Francisco Police Department's use of force and handling of police misconduct every two years. The Charter also gives DPA the authority to conduct performance audits and reviews to check whether the SFPD has followed all laws, ordinances, and policies. DPA's executive director decides the frequency, topics, and scope of the audits and reviews. The Audit Division conducts audits and assessments in compliance with the U. S. Government Accountability Office's Generally Accepted Government Auditing Standards.

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