

[REDACTED]

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**From:** Tanya Koshy [REDACTED]  
**Sent:** Tuesday, July 27, 2021 3:53 PM  
**To:** [REDACTED]  
**Subject:** Recommendation 18.2

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 18.2 that have been submitted to us as part of the collaborative reform process. After reviewing the package and information provided by SFPD, the California Department of Justice finds as follows:

Recommendation 18.2:

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

Response to 18.2:

To comply with this recommendation, SFPD revised its general order on use of force (Department General Order (DGO) 5.01) to list out specific tasks a supervisor must complete when notified of a use of force. These tasks include ensuring that witnesses are interviewed and photographs of injuries taken, immediately reviewing the officer's body worn camera footage, and completing a supervisory use of force evaluation form. Rather than create a separate on-scene checklist, the Department has made all of its DGOs available via an application on every sworn member's Department-issued cell phone. Thus, when notified of a use of force, a supervisor can use their cell phone to access and refer to DGO 5.01's list of their on-scene tasks.

Though SFPD did not create a separate on-line checklist, the California Department of Justice and Hillard Heintze agree that SFPD's approach of (1) revising DGO 5.01 to include a list of tasks a supervisor must complete during a use of force incident and (2) making this policy accessible via members' cell phones is sufficient for substantial compliance with this recommendation.

Following the revision of DGO 5.01, SFPD rolled out a full-day training course on the policy for all members. These trainings took place between January 2017 and July 2019. SFPD also trains on a supervisor's on-scene responsibilities as part of the required Continuing Professional Training that members are required to take every two years. One way that SFPD ensures that supervisors are abiding by the list of responsibilities codified in DGO 5.01 is by auditing the supervisory use of force evaluation forms for deficiencies. This form, and the protocols around it, are described in more detail in the packages for Recommendations 4.2 and 4.3.

Based on the all of the above, the California Department of Justice finds SFPD in substantial compliance with this recommendation.

Please let us know if you have any questions or would like to discuss these further. Thank you.

Tanya

<b>Finding # 18</b>	<b>The SFPD does not adequately investigate officer use of force.</b>
<b>Recommendation # 18.2</b>	<b>The SFPD should create an on-scene checklist for use of force incidents.</b>

<b>Recommendation Status</b>	<b>Complete</b>	<b>Partially Complete</b>	<b>In Progress</b>
	<b>Not Started</b>	<b>No Assessment</b>	

**Summary**

The San Francisco Police Department did not create an on-scene checklist, but instead revised DGO 5.01 Use Of Force. Section VII, Supervisor Responsibilities issues clear guidance to supervisors regarding required actions when responding to all use of force scenes. The DGO is available in an electronic format and accessible in the field to all supervisors. This section is an appropriate substitute for a checklist. Supervisors are required to complete a Supervisory Use of Force Evaluation on all reportable force incidents. The supervisor’s evaluation is reviewed by the Lieutenant and Captain; and audited by the EIS Unit to ensure the supervisor evaluation is correct and policy is being followed. If not correct, the supervisor can be re-educated, counseled, or receive other corrective action.

Compliance Measures		Status/Measure Met
1	Develop on-scene checklist created for use of force incidents.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Require use of checklist through policy.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Provide training regarding use.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Audit/review to ensure use of form.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
5	Evidence of supportive and remedial action if deficiencies are found.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**



## Collaborative Reform Completion Memorandum

**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 # 18.2** The SFPD should create an on-scene checklist for use of force incidents.

**Response Date:** 12/10/20

### Executive Summary:

Since the publication of this recommendation in October 2016, Department General Order (DGO) 5.01 (Use of Force) was revised and issued on December 21, 2016. The DGO mandates specific responsibilities for both supervisors and superior officers with regard to use of force. The General Order is currently being updated as of November 2020. There have been updates to use of force reporting requirements and a new non-use of force report for drawing and exhibiting a firearm.

DGO 5.01 Section VII. B. 2. (Use Of Force Reporting-Supervisor's Responsibility) **(Attachment # 1)** states the following:

*SUPERVISOR'S RESPONSIBILITY. When notified of the use of force, the supervisor shall conduct a supervisory evaluation to determine whether the force used appears reasonable and within the provisions of this order. The supervisor shall:*

- 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 VII.B.1. [Officer's Responsibility] above;*





## Collaborative Reform Completion Memorandum

- f. *If applicable, ensure the supervisor's reason for not responding to the scene is included in the incident report.*
- g. *Immediately review the officer's body worn camera footage and other available evidence prior to completing and submitting the Supervisor's Use of Force Evaluation form, indicating whether the force used appears reasonable or the determination is pending investigation, 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.*

"G" has added language from the use of force policy update regarding a review of body worn camera and other evidence prior to completing the force evaluation that now includes "pending investigation."

Department supervisors are required to complete a "Supervisory Use of Force Evaluation Form." Department Form 575A is a step by step form completion guide. Department Form 575B are the actual forms that supervisors are required to complete and submit.

Department Bulletin (DB) 18-171 **(Attachment #2a)** outlines the procedures for completing these forms. It also provides contact information for the EIS Unit for additional help or questions.

DB18-171, (Attachment #2)


	<b>DEPARTMENT BULLETIN</b>
	A 18-171 10/03/18
<b>Updated Supervisory Use of Force Evaluation Form</b> (Supersedes DB 17-006, Amends DGO 5.01)	
<p>The purpose of this bulletin is to outline the procedures for completing the <u>updated</u> Supervisory Use of Force Evaluation Form SFPD 575B (Rev. 09/18). The Step by Step Form Completion Guide SFPD 575A (Rev. 09/18) has also been updated to reflect the changes made to the form. Please contact the EIS Unit at 415-837-7150 for additional help or questions.</p>	
<p>The following items have been added to the form:</p> <ul style="list-style-type: none"><li>• <b>Heading</b></li></ul>	



## Collaborative Reform Completion Memorandum

As of October 2020, DB 18-171 is in process to be re-issued in the 4<sup>th</sup> quarter of 2020. Please refer to memorandum written by Sgt. Darwin Naval, Legal Division, requesting the reissuance of DB 18-171. **(Attachment #3)**

*Memorandum: Reissuance of DB 18-171, (Attachment # 3)*

San Francisco Police Department				
<b>To:</b>	Captain Mark Cota Commanding Officer Risk Management Office	APPROVED	YES	NO
<b>From:</b>	Sergeant Darwin Naval #2271 <i>DN #2271</i> Legal Division	_____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Date:</b>	Friday, October 09, 2020	_____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Subject:</b>	Request for Reissuance of Department Bulletin 18-171	_____	<input type="checkbox"/>	<input type="checkbox"/>

I am requesting Written Directives re-issue Department Bulletin 18-171, Updated Supervisory Use of Force Evaluation Form. Department Bulletin 18-171 was originally issued on 10/03/2018 and has surpassed its two-year period.

### **Policy Accessibility for Members on Scene**

Please be advised that all written policies including Use of Force reporting policies/evaluation such as DGO 5.01, DB 17-006 and DB 18-171 are accessible to all sworn members via their Department Cell Phone which they are required to carry. Through [PowerDMS](#), a cloud based policy management software application which is installed on department cell phones, members are able to access all departmental issued policies. Please see screen shot of the PowerDMS application icon below.

