Recommendation 33.1

GM

Gabriel Martinez ███████████████████

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 33.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD collecting stop-data information recommended in the US DOJ COPS report that provides for meaningful analysis of disparities in stops. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 33.1: The SFPD should implement the data collection recommendations in appendix F to allow for better information and analysis of stop data.

Response to 33.1: The US DOJ COPS report (published October 2016) assessed SFPD when SFPD's stop-data system was limited in the data it collected and did not require demographic data to be collected for pedestrian and non-motorized stops. The report recommended that SFPD expand its data collection to pedestrians and non-motorized stops and also expand the stop data it collects for each stop to include information such as the reason for the stop, the location of the stop, the reason for any search, the outcome of the stop, demographics of the officer making the stop, and demographic data of the person being stopped, among other information.

On November 28, 2016, SFPD issued Department Bulletin 16-208, "eStop - Traffic Stop Data Collection Program," explicitly requiring stop data collection for bicycle, pedestrian, and vehicle stops. On May 31, 2018, SFPD issued Department Bulletin 18-105, "Stop Data Collection System (SDCS) Implementation," which reiterated the required collection of data for pedestrian, bicycle and vehicle stops, and adhered with the required data collection under the Racial and Identity Profiling Act (RIPA) (including data collection of motorists, bicyclists, and pedestrians). SFPD's Stop Data Collection System complies with RIPA's data collection requirements, which include the perceived LGBT status of the person stopped, whether the person stopped is limited English proficient, whether the person stopped is disabled, and whether the stop was made in response to a call for service, among other information.

SFPD supported the rollout of SDCS with training and guidance, such as the SDCS Web Application Manual. Department Bulletin 18-247 (revised 18-05), "SDCS Implementation," required officers to complete the training and review the guidance. The SFPD Business Analyst Team (BAT) analyzes the stop data and provides thorough quarterly reports known as "96A" reports. And while not a part of this recommendation package, SFPD has formed a partnership with the Center for Policing Equity to analyze stop data and provide recommended reforms.

The BAT also conducts a review of the individual SDCS entries to ensure personal identifying information is not entered, and SFPD has begun an annual audit on other data entry fields. The BAT review was codified in Bureau Order 21-01, "Stop Data Collection System – PII Removal & Geocoding Procedures (January 5, 2021). The Order requires the BAT to review SDCS entries on a quarterly basis to remove personal identifying information, geocode, and geo-anonymize geographic locations. The annual audit reviews SDCS data for (1) personal identifying information, (2) failure to enter information in the narrative field, (3) the consistency of narrative fields with reason for the stop and search, and (4) errors in geocoding.

Cal DOJ had recommended that SFPD institute supervisory review of stop entries—such as having sergeants review a randomized sample of completed stop forms of their officers—as this would provide for timely corrections for errors and aid in sergeants' discussions with their officers regarding the elimination of biased policing and correcting other actions warranting corrective action. This recommendation would also ensure consistent data is produced within all precincts within San Francisco. SFPD has resisted this recommendation out of concern for sergeants' time and has created the above noted alternative auditing approach. While this is not Cal DOJ's preferred approach—it does not provide direct supervisors with additional insights into their officer's day-to-day policing and does not ensure timely corrections or feedback for individual officers that would provide consistent generation of data within SFPD—it is substantially compliant with the recommendation.

Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation. Please let us know if you have any questions or would like to discuss further. Thank you.

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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.

Response Date: 12/10/2020

Executive Summary:

At the time of the original submission for CRI Recommendation 33.1, dated November of 2016, the San Francisco Police Department (SFPD) had transitioned from the E585 data collection system to the E-Stop system. With the implementation of E-Stop, the E585 system was no longer used as a means for collection. This transition occurred when the City and County of San Francisco passed an ordinance establishing Administrative Code Sec. 96A, Law Enforcement Reporting Requirements. The State of California then introduced AB953, Racial Identity Profiling Act, for stop data concurrent to SFPD's E-Stop data collection. (See Attachment #1: AB953, Racial Identity Profiling Act (RIPA) Stop Data Regulations). On July 1st, 2018, the SFPD implemented a new system, the Stop Data Collection System (SDCS) which complies with AB953. SDCS entries are completed for all stops, including but not limited to pedestrian, bicycle and vehicle stops.

Members of the SFPD; Professional Standards Unit participated in conference call with Hillard Heintze and the California Department of Justice (Cal DOJ) for the purpose of prescreening Bias Recommendation 33.1 on 05/10/2020. In response to the prescreen meeting, the SFPD completed an analysis of stop data to ensure sufficiency and accuracy of data collection. The SFPD Staff Inspections Unit (SIU) conducted a full audit of SDCS data from the second quarter of 2020. From now on, this will be completed on an annual basis in order to conduct an ongoing review of SDCS data. (See Attachment #2: Stop Data Collection System Inspection Report).

The SFPD utilizes the Business Analyst Team (BAT) to monitor and analyze the stop data for accuracy on an on-going basis. The BAT team completes what is called a "data cleaning process" when they download stop data from the SDCS. This process ensures that SDCS data is accurate. (See Attachment #3: SDCS data cleaning process and Unit Order for SDCS PII Removal & Geocoding Procedures).

Finally, the BAT team completes a robust quarterly report, as reflected in the "Chapter 96A Executive Summary". The attached report was generated for the second quarter of the year 2020 and contains summarized information related to stop data for the of the months of April 1st, 2020 – June 30, 2020. (See Attachment #4: 96A Executive Summery; 2nd Quarter, 2020).

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Compliance Measures:

1. **Develop a data collection plan consistent with recommendations on Appendix F.**
   NOTE: Per the attached Hillard Heintze RFI, dated November 14, 2018, Compliance Measure #1 was already met. The below is inclusive of prior submissions, but provides additional and updated information to reflect current practices.

   In 2016, the SFPD transitioned from the E585 data collection system to the E-Stop system, which provided a collection of data related to all stops by SFPD members involving motorists, bicycles and pedestrians. In July of 2018 the department implemented the Stop Data Collection System (SDCS) under State Assembly Bill AB953. The SDCS is a web based application developed by the Office of the Attorney General and California Department of Justice. The use of SDCS complies with AB953 which mandates a certain element of data to be collected as defined in appendix F. In addition, the SFPD Business Analyst Team (BAT) and Staff Inspections Unit (SIU) monitor and analyze the stop data on an on-going basis to ensure sufficiency and accuracy of the in-put data related to stops. Furthermore, the SFPD BAT complies this data to create an accurate and robust quarterly report. (Revisit Attachment #4: 96A 2nd Executive Summery; 2nd Quarter, 2020).

2. **Ensure ongoing review and analysis of data to ensure sufficiency and accuracy of data collection.**

   Members of the SFPD; Professional Standards Unit participated in a conference call with Hillard Heintze and the California Department of Justice (Cal DOJ) for the purpose of prescreening Bias Recommendation 33.1 on 05/10/2020. For completion of this recommendation, specific suggestions were made by Cal DOJ and Hillard Heintze, related to Compliance Measure 2. The following suggestions were communicated in writing on 05/11/20 by Cal DOJ as a result of this prescreen meeting:

   > "For Compliance Measure #2, SFPD will provide clearer language and documentation of the process it has in place for ensuring the accuracy of data collection. As Cal DOJ) noted, the John Jay partnership is helpful in assessing the data on a broader scale but there is no evidence in the package about John Jay ensuring accurate data collection. Commander Ewins explained that PSPP has a process that reviews the quality of the data collection and would send a summary of that process. Depending on the scope of that review, suggested that one thing the Department could consider doing is a review of a sample of reports to ensure that the data is being properly collected."

   In response to the Prescreen meeting with Cal DOJ and Hillard Heintze, the SFPD completed an analysis of stop data to ensure sufficiency and accuracy of data collection. The SFPD Staff Inspections Unit (SIU) conducted a full audit of SDCS data from the

second quarter of 2020. From now on, this will be completed on an annual basis in order to conduct an ongoing review of SDCS data. The information on audit frequency was communicated in a Department Memorandum on 10/08/2020 as follows:

"The SMB leadership has also ordered the SIU to identify the above topic and its detailed objectives as a subject of an annually recurring audit. The SIU Monitoring Team - that is tasked to determine whether an inspection topic should be revisited at the conclusion of the improvement loop process, has been notified of the order from the leadership." (See Attachment #5: SFPD Department Memorandum dated 10.08.20)

The information below represents the results of this audit:

This audit focused on review of accuracy of the following SDCS fields:
1. Whether officers entered the subject's Personal Identifiable Information (PII) in the narrative portions of SDCS
2. Whether officers entered the identity of any officer, CAD number, citation number, incident number, or confidential investigative technique or source
3. Whether the descriptions entered by the officers in the narrative fields were consistent with the identified reason for the stop and/or search
4. Whether officers entered the correct format for the location of the stop

The following were the findings of this audit:
- Finding #1 – 100% compliance. No PII information was identified from the 94 SDCS samples examined.
- Finding #2 – 100% compliance. No unique identifying information was identified from the 94 SDCS samples examined.
- Finding #3 – 96% compliance. Of the 94 SDCS samples examined, SIU found that 96% or 93/96 were consistent. Consistency occurs when information in the open narrative field are consistent with identifiers chosen for the reason for stop and/or search.
- Finding #4 – 75% compliance. Of the 94 SDCS samples examined, SIU found that 75% or 75/94 followed the proper location format, however, 25% or 19/94 entries failed to apply the same location format
(Revisit Attachment #2: Stop Data Collection System Inspection Report)

Remedial action was taken to resolve these issues through the issuance of a Department Notice on 10/07/2020 (See Attachment #6: Department Notice 20-141; Stop Data Collection System). DN 20-141 addressed deficiencies uncovered by the audit, and provided remedial training to correct those deficiencies.

In order to ensure ongoing review and analysis of this stop data, the SFPD receives feedback from the California Department of Justice (DOJ) if a significant issue is discovered in SDCS data entry by SFPD members. This occurred with the entry of personal identifiable information (PII) when the SDCS was first rolled out to the SFPD. The DOJ determined that there were consistent errors in stop location data, where members

were incorrectly entering an exact address vs. a block number or intersection. When this occurred, the SFPD completed remedial action by retraining all members on SDCS entry by issuance of Department Bulletin #18-247. (See Attachment #7: DB # 18-247: Stop Data Collection System (SDCS) Implementation). This bulletin served to supplement and clarify proper data entry protocol, which was initially summarized during the SDCS roll-out in Department Bulletin #18-105. (See Attachment #8: DB #18-105 Stop Data Collection System (SDCS) Implementation).

To further ensure sufficiency and accuracy of data collection, the SFPD also utilizes the Business Analyst Team (BAT) to monitor and track the data from the SDCS system. The BAT team analyzes and cleans incoming stop data from the SDCS prior to creating their quarterly report. (Revisit Attachment #4: 96A 2nd Executive Summery; 2nd Quarter, 2020). In downloading SDCS stop data, the BAT team is able to correct PII data entry errors utliziing the data cleaning process. This process of data cleaning involves geographic re-coding to the nearest intersection when address information is entered as an exact location. (Revisit Attachment #3: SDCS data cleaning process and Unit Order for SDCS PII Removal & Geocoding Procedures).

3. **Train officers and supervisors on data collection responsibilities, including how to collect and accurately report data.**
   NOTE: Per the attached Hillard Heintze RFI, dated November 14, 2018, Compliance Measure #3 was already met. The below is inclusive of prior submissions, but provides additional and updated information.

   SDCS entries are completed for all stops, including but not limited to pedestrian, bicycle and vehicle stops. Members are required to enter all stop data into the SDCS prior to the end of their shift. Department-wide training for the SDCS was distributed in a Department Bulletin on May 31, 2018. (Revisit Attachment #8: DB 18-105; Stop Data Collection System (SDCS) Implementation. Department Bulletin 18-105 included an additional training packet with the aforementioned AB953, RIPA Stop Data Regulations as well as the Stop Data Collection Form, DSCS Web Application Manual and SDCS data entry tips. (See Attachment #9: Stop Data Collection Form #2000, Attachment #10: SDCS Web Application Manual [pg. 1-5; Cover page and Table of Contents], and Attachment #11: SDCS data entry tips). Per Department Bulletin 18-105, members were to become familiar with the training materials no later than June 30th, 2018.

   Police Recruits attend a basic academy which is currently 34 weeks of training. Recruits in the police academy receive a hands-on, 2-hour block of training by academy staff in the proper entry of data into the SDCS.

   For existing members, the training coordinators for each SFPD station were detailed to a "train the trainer" training in May of 2018. These training coordinators could then act as

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subject matter experts for members already assigned to the field. Members in the field received training from the station training coordinators, in addition to the issuance of Department Bulletins 18-105, 18-247 and 20-141. (Revisit Attachment #8: DB #18-105, Attachment #7: DB #18-247 and Attachment #6: DB #20-141).

Members also have access to the SDCS Web Application Manual which is available at the station or electronically via the SFPD Intranet. (Revisit Attachment #10: SDCS Web Application Manual).

4. **Evidence of ongoing review/continual improvement loop.**
   NOTE: Per the attached Hillard Heintze RFI, dated November 14, 2018, Compliance Measure #4 was already met. The below is inclusive of prior submissions, but provides additional and updated information.

After roll out of the SDCS, some minor deficiencies in entries to the SDCS were discovered by the Business Analysis Team (BAT) at the SFPD Professional Standards Unit. The SFPD utilized deparment email to communicate immediate updates to all members related to SDCS use (See Attachment #12: SDCS Rollout Emails). Department wide emails were the most efficient and effective way to provide information to members since access to email via department cell phones is available to members 24/7 from anywhere, including in the field.

In the months following the roll-out, the Business Analysis Team continued to notice minor deficiencies in stop data entry in the SDCS. This resulted in remedial action by creating formal instruction and updated training via Department Bulletin. DB 18-247 was distributed to all members five months after the roll-out, on December 4, 2018. This bulletin served to supplement Department Bulletin 18-105 by further clarifying the proper entry of data for the SDCS. After the SDCS audit in September 2020, the SFPD distribuited updated training via Department Bulletin #20-141 in October, 2020. (Revisit Attachment #7: DB #18-247 and Attachment #6: DB #20-141. The SFPD continues monitor SDCS entry and train new members at the academy on the proper entry of data into the SDCS.

The SFPD BAT team also communicates with the California Department of Justice (DOJ) for assistance with use of the SDCS. The SFPD attended a board meeting with the California DOJ after the rollout of the SDCS, in November of 2018. This board meeting included the Race and Identity Profiling Act (RIPA) board, and discussed the SDCS rollout and issues related to the rollout of this system. While attending this meeting, the SFPD was able to share information as well as learn more about the SDCS in order to better train members in the field. A RIPA meeting report was created at the conclusion of this meeting for the purpose of summerizing the meeting. This report includes a discussion of the error rate around personal intification entry, which is being addressed through an SDCS audit,

after-entry data cleaning, and pre-entry training of officers. (See Attachment #13: RIPA meeting report).

Per SFPD Policy, all "A" priority department bulletins shall be signed and acknowledged by members via the Human Resource Management System (HRMS). A record of this signed acknowledgment is maintained in HRMS in each member's electronic personnel file. The SFPD BAT Team conducted audits for bulletin sign-off related to Deparment Bulletin #18-105 and 18-247. (See Attachment #14:, Audit Report for DB #18-105 from 9/6/18 compared to 5/6/20, & Audit Report for DB #18-247). Note that the Audit Report for Department Bulletin 18-105 from 9/6/18 compared to 5/6/20 shows a significant improvement loop for sign-off and compliance. Sign-off for Department Bulletin 18-105 went from 322 non-compliant members (87%) in 2018 to just 22 non-compliant members (98%) in 2020. Compliance for Department Bulletin #18-247 is also at 98%. Please note that various types of leave, including: vacation, family leave, maternity leave, military deployment, medical disability, and other forms of separation from the Department can account for the inability to reach 100% compliance in an audit.

The SFPD Business Analyst Team (BAT) analyzes SDCS entries and completes a data cleaning process prior to summarizing said data in the quarterly 96A reports. (Revisit Attachment #4: 96A 2nd Executive Summery; 2nd Quarter, 2020). This data cleaning was in response to incorrect entry of Personal Identifiable Information, or PII. The BAT team discovered that exact addresses were being entered vs. the nearest intersection. The updated training provided in the aforementioned department bulletins, in addition to the data cleaning process created a significant improvement loop in ensuring sufficient and accurate data collection. (Revisit Attachment #3: SDCS data cleaning process and Unit Order for SDCS PII Removal & Geocoding Procedures).

Another noteworthy improvement included an update in SDCS member accessabillity. When the SDCS was first rolled out, it was only available on the department desktop computers. Shortly after rollout, however, a significant improvement loop was accomplished when the SFPD included the SDCS on department issued cell phones. This improvement allowed data entry for the SDCS on the member's work cell phones as an app, while in the field via the MDT or on station computers for ease of access and submission of data prior to the end of a members shift.

5. Evidence of supportive and remedial action if deficiencies are found.

NOTE: Per the attached Hillard Heintze RFI, dated November 14, 2018, Compliance Measure #5 was already met. The below is inclusive of prior submissions, but provides additional and updated information.

The most significant remedial action by the SFPD for recommendation #33.1 was the transition from the E585 data collection system to the E-Stop system and finally to the Stop

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Data Collection System (SDCS) which complies with AB953: Racial Identity Profiling Act. The SDCS entry is completed for all stops, including but not limited to pedestrian, bicycle and vehicle stops. Furthermore, members are required to enter all stop data into the SDCS prior to the end of their shift. (Revisit Attachment #1: AB953, Racial Identity Profiling Act (RIPA) Stop Data Regulations).

When the SFPD was informed by the California Department of Justice (Cal DOJ), the SFPD BAT team and the SFPD SIU regarding deficiencies and errors found in the SDCS entries by members, additional supportive and remedial actions were taken. Training occurred via various department bulletins which served to supplement and clarify proper data in-put protocol. (Revisit Attachment #8: DB #18-105, Attachment #7: DB #18-247 and Attachment #6: DB #20-141).

After members were retrained, as discussed above, the SFPD BAT team was able to correct prior entry errors by cleaning the data. The BAT Team continues to download the SDCS stop data and correct the PII entry errors by geographic re-coding to the nearest intersection when address information is entered incorrectly. (Revisit Attachment #3: SDCS data cleaning process and Unit Order for SDCS PII Removal & Geocoding Procedures).

When the SDCS was first rolled out, it was only available on the department desktop computers. Shortly after rollout, however, remedial action was accomplished when the SFPD included the SDCS on department issued cell phones. This action supported members with the ease of access and submission of data prior to the end of a members shift.

Finally, as discussed above in Compliance Measure #2, after the SDCS audit was conducted, the SFPD saw that only 75% of the department was in compliance with address entry in the SDCS system. (Revisit Attachment #2: Stop Data Collection System Inspection Report). Therefore, the SFPD took remedial action to resolve these issues through the issuance of a Department Notice on 10/07/2020 (Revisit Attachment #6: Department Notice 20-141). DN 20-141 addressed deficiencies uncovered by the audit, and provided remedial training to correct those deficiencies. The SFPD will complete this audit on an annual basis in order to conduct an ongoing review of SDCS data. (Revisit Attachment #5: SFPD Department Memorandum dated 10.08.20). Additionally, the SFPD will continue to monitor SDCS entry and train new members and retrain existing members as needed on the proper entry of data into the SDCS.