Use-of-Force Data Audit:
The Police Department Needs Clearer Guidance and More Proactive Governance for Better Use-of-Force Data Collection and Reporting

Steve Flaherty, Director of Audits (DPA)
Kat Scoggin, Supervising Auditor (CSA)
The Police Department Needs Clearer Guidance and More Proactive Governance for Better Use-of-Force Data Collection and Reporting

- Interim report issued on December 18, 2019
- Final report issued on October 5, 2020
  - 18 findings
  - 37 recommendations
  - 6 appendices
Overview

• Why We Did This Audit
• Audit Objectives
• How We Did This Audit
• What We Found
• Recommendations
• Next Steps
• Questions
Why We Did This Audit

• In 2016 voters approved Proposition G, which authorizes the Department of Police Accountability to audit SFPD and requires audits of use-of-force and officer misconduct. This is the first such audit.

• Law enforcement officers must use force under some circumstances, but some necessary force can result in pain, injury, or death to a subject. In other circumstances, force may be unnecessary or excessive.

• SFPD must accurately collect use-of-force data to:
  • Build public trust
  • Identify trends in compliance with its use-of-force policy
  • Understand factors that contribute to using force
  • Gain insight into officer bias in using force
  • Meet reporting mandates
Objective

Assess the adequacy and effectiveness of SFPD’s collection and reporting of use-of-force data.

Subobjectives

1. Are use-of-force data collection and reporting policies and procedures designed well?
2. Are they consistently followed?
3. Do they provide adequate guidance to supervisors to objectively review uses-of-force?
4. Does SFPD comply with reporting mandates?
5. Do SFPD’s public reports containing use-of-force information provide clear and easily understood information?
6. Has SFPD implemented DOJ’s recommendations on use-of-force data reporting?
How We Did It

Reviewed use-of-force incidents that occurred in calendar year 2017.

Received a court order allowing review of incidents with juvenile subjects, which are usually excluded from such evaluations.

Used statistical random samples to be 95% certain that what we found is true for all use-of-force incidents.

Reviewed:

- **300** use-of-force incidents with a police report, supervisory evaluation, and station log.
- **269** incidents in which subject resistance but no force was reported.

- **1,369** supervisory evaluation forms
- **291** station log pages
- **28** supervisors interviewed
- **428** officer survey responses
What We Found

• Officers report uses of force reasonably accurately in accordance with SFPD policy, with few errors,

• SFPD does not adequately analyze its data to:
  ▪ Monitor departmentwide compliance with policy.
  ▪ Inform force reduction efforts.
  ▪ Gain insights into the role bias plays in using force.

• SFPD’s public use-of-force reports need improvement.
Officers report uses of force reasonably accurately in accordance with SFPD policy, with few errors.

- Although the policy is thorough, containing all elements identified by the *Use of Force Project* that correlate with reducing force, gray areas led to underreporting and overreporting force in a few situations.

- Process weaknesses caused an estimated 25-82 incidents reported by officers not to be entered in the database.

- The department could not produce some records associated with use-of-force incidents, including evaluation forms (1%), log pages (6%), and log entries (2%).
SFPD does not adequately analyze its data... to monitor departmentwide compliance with policy.

**Example:** Are uses of force evaluated quickly?

<table>
<thead>
<tr>
<th>Policy Compliance Analysis for Thorough and Prompt Supervisory Evaluations</th>
<th>CSA’s Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate at which supervisors respond to scene</td>
<td>• 1% did not have the required two reviews (lieutenant and captain)</td>
</tr>
<tr>
<td>Rate at which supervisors and superior officers review the required information before approving the evaluation form</td>
<td>• 22% of reviewer signatures were not dated</td>
</tr>
<tr>
<td>Rate at which supervisors and superior officers complete evaluations by the end of watch</td>
<td>• 24% of captain approval signatures were not dated</td>
</tr>
<tr>
<td></td>
<td>• Of the evaluation forms with dated captain signatures, it took on average 36 days for the captain to approve the evaluation.</td>
</tr>
</tbody>
</table>

**Barrier:** Review and signature data is collected on forms, but not entered in a database to facilitate analysis and identify trends.
DPA Audit: SFPD Use-of-Force Data

SFPD does not adequately analyze its data... to inform force reduction efforts.

**Example:** What relationship do levels of force and resistance have on subject and officer injuries?

*Analysis performed by Spokane (Washington) Police Department*

*Force factor* is a score based on the proportionality of force to resistance. (15% of Spokane’s incidents had a high force factor.) Scoring incidents in this way leads to insights into outcomes such as injuries resulting from incidents:

<table>
<thead>
<tr>
<th></th>
<th>Low (Less force than resistance)</th>
<th>Medium</th>
<th>High (More force than resistance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject injuries</td>
<td>61%</td>
<td>80%</td>
<td>93%</td>
</tr>
<tr>
<td>Officer injuries</td>
<td>26%</td>
<td>17%</td>
<td>3%</td>
</tr>
</tbody>
</table>

**Barrier:** Staff is needed to code data and analyze the intersections between data points.
The department does not adequately analyze its data... to gain insights into the role bias plays in using force.

Examples:

- Do disparities in severity of force correlate to subjects’ demographics?
- Are officers more likely to use force before being attacked when faced with a subject of a particular demographic group?
- What role does an officer’s race play in their use of force?

Barriers:
- Some data is not systematically collected.
- Staff is needed to code data and analyze the intersections between data points.
DPA Audit: SFPD Use-of-Force Data

SFPD’s public reports need improvement.

Weak public reports hinder transparency and adequacy of information available to decision-makers.

<table>
<thead>
<tr>
<th>Best Practices for Reporting Data</th>
<th>EIS Report</th>
<th>96A Report</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Context</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reports should provide context to assist users in interpreting data and facilitate informed decision-making.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td><strong>User needs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reports should include data that is summarized, stratified, and provided in appropriate detail to meet stakeholder needs.</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Key points</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reports should include a concise and organized executive summary to ensure users can easily follow relevant points.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td><strong>Visualization</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reports should represent data, especially complex data, through graphics that accurately show trends, relationships, and the most significant information.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td><strong>Open Data</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data that supports reports should be available to increase public trust.</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>
Recommendations

- The report includes 37 recommendations to:
  - Clarify and improve policy guidance.
  - Tighten controls over processes and document management to reduce avoidable administrative errors.
  - Establish a data analytics program that has clear objectives, identifies necessary data, ensures the data is in usable formats, and produces timely analysis readily understandable by relevant stakeholders.
  - Ensure public information on uses of force meets best practices for reporting data.
- The department reports progress that caused DPA and CSA to close three recommendations before the report was issued.
- DPA and CSA will follow up with the Police Department every six months on the status of open recommendations.
Questions?