Department of Police Accountability Audit Assistance

SFPD Use-of-Force Data Audit

Presented by:
Tonia Lediju, PhD, Chief Audit Executive
Steve Flaherty, Principal Auditor
We will:

• Provide an overview of the Department of Police Accountability’s audit of the SFPD’s collection and reporting procedures for use-of-force data.

• Explain the audit’s scope, objectives, and methodology.
San Francisco Charter Section 3.105 and Charter Appendix F authorize the City Services Auditor to conduct periodic, comprehensive financial and performance audits of City departments, services, and activities.

The City Services Auditor is also responsible for the City’s Whistleblower Program.
Audit Standards
Performed in accordance with the U.S. Government Accountability Office’s Generally Accepted Government Auditing Standards (GAGAS).

Performance Audits
• Provide objective analysis, findings, and conclusions
• Assist management and those charged with governance and oversight
• Improve program performance and operations
• Facilitate decision making by parties responsible for overseeing or initiating corrective action
• Contribute to public accountability
Proposition G (2016)

• Amended City Charter Section 4.136(k)

• Renamed Office of Citizen Complaints; became Department of Police Accountability (DPA)

• Separated DPA’s budget from SFPD’s Mandated DPA to conduct a performance audit or review every two years on:
  o Police officer use of force
  o How SFPD has handled claims of officer misconduct
Law Enforcement Reporting Requirements

Requires SFPD to provide quarterly a report to the Mayor, Board of Supervisors, Police Commission, and Human Rights Commission regarding traffic stops, detentions, and arrests.
# SF Admin Code 96(a) vs. DPA’s Audit

<table>
<thead>
<tr>
<th>Purpose</th>
<th>SF Admin Code 96(a) &amp; Cal. Gov. Code §12525.5</th>
<th>DPA Use-of-Force Data Audit</th>
</tr>
</thead>
<tbody>
<tr>
<td>To identify and prevent racial or identity profiling and discriminatory practices</td>
<td>Assesses the adequacy and effectiveness of SFPD's collection and reporting of use-of-force data</td>
<td></td>
</tr>
<tr>
<td>Scope</td>
<td>Preceding calendar year</td>
<td>Calendar year 2017</td>
</tr>
<tr>
<td>Use-of-Force Reporting</td>
<td>Reports on all use of force conducted by SFPD broken down by: • Race • Gender • Nationality • Religion • Sexual orientation of subject(s)</td>
<td>Analyze SFPD’s use-of-force data by evaluating: • Data collection and reporting procedures • Procedures guiding supervisors to assess use-of-force • Data accuracy and reliability • Use-of-force reports for transparency and meeting reporting mandates • Implementation of DOJ-related recommendations</td>
</tr>
</tbody>
</table>
Why is this use-of-force data important?

**Mandated Reporting** – Local and state law require that certain information about force incidents be reported directly to the state or publicly.

**Early Intervention** – Use of force is an “indicator” that can flag an officer for early intervention (including non-disciplinary actions, such as counseling or remedial training).

**Training** – The Police academy reviews all use-of-force incident reports and supervisory evaluations to identify training needs in the areas of using force and writing reports.
Audit Scope

- Calendar Year 2017

Scope Impact Factors

- **October 2016**: DOJ-COPS assessment report issued; makes 272 recommendations

- **December 2016**: SFPD issues a revised use-of-force policy (DGO 5.01)
DPA Audit: SFPD Use-of-Force Data

Audit Objective

To assess the adequacy and effectiveness of SFPD’s collection of and reporting procedures for use-of-force data.

Subobjectives:
1. Are procedures well-designed?
2. Is data complete and accurate?
3. Do SFPD’s use-of-force policies guide supervisors to objectively review whether use-of-force is within policy?
4. Is the available data relevant?
5. Has SFPD implemented DOJ’s recommendations?
# SFPD Audit: Use-of-Force Data

## Reported Uses of Force, by Type

<table>
<thead>
<tr>
<th>Type of Force</th>
<th>1st Q</th>
<th>2nd Q</th>
<th>3rd Q</th>
<th>4th Q</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pointing of Firearms</td>
<td>529</td>
<td>607</td>
<td>428</td>
<td>477</td>
<td>2,041</td>
</tr>
<tr>
<td>Physical Control</td>
<td>207</td>
<td>188</td>
<td>198</td>
<td>148</td>
<td>741</td>
</tr>
<tr>
<td>Strike by Object/Fist</td>
<td>29</td>
<td>57</td>
<td>54</td>
<td>603</td>
<td>203</td>
</tr>
<tr>
<td>Impact Weapon</td>
<td>14</td>
<td>11</td>
<td>10</td>
<td>12</td>
<td>47</td>
</tr>
<tr>
<td>Other</td>
<td>11</td>
<td>16</td>
<td>6</td>
<td>6</td>
<td>39</td>
</tr>
<tr>
<td>OC</td>
<td>7</td>
<td>13</td>
<td>3</td>
<td>11</td>
<td>34</td>
</tr>
<tr>
<td>ERIW</td>
<td>4</td>
<td>18</td>
<td>3</td>
<td>7</td>
<td>32</td>
</tr>
<tr>
<td>Firearm</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Spike Strips</td>
<td></td>
<td>3</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>K-9</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Vehicle Deflection</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>803</strong></td>
<td><strong>912</strong></td>
<td><strong>707</strong></td>
<td><strong>728</strong></td>
<td><strong>3,150</strong></td>
</tr>
</tbody>
</table>

Source: SFPD’s Early Intervention System, Quarterly Report 2017 – 4th Quarter
Subobjective 1: *Are procedures well designed?*

- What are the data points needed?
- Is use-of-force data collection and reporting training adequate?
- Does SFPD’s organizational culture affect use-of-force reporting?
- Is the data that is captured accurate and timely?
Subobjective 2: *Is data complete and accurate?*

- Is force underreported?
- Is force overreported?
- Does reported data align with incident reports?
- Do officers apply use-of-force data collection and reporting policies uniformly?
- Do non-sworn staff apply use-of-force data collection and reporting policies consistently?
Subobjective 3: Do policies guide supervisors to objectively review whether use of force was in-policy?

- Do supervisors receive training on determining whether force was in-policy and, if so, is training adequate?

- What processes do supervisors perform before assessing whether use of force was in-policy?
Subobjective 4: Is the available data relevant?

- What reports (internal & external) does SFPD issue on use of force?
- What reporting mandates/standard does SFPD use in analyzing use-of-force data reporting?
- Can stakeholders and external parties access and use SFPD’s available use-of-force data?
Subobjective 5: Has SFPD implemented DOJ’s recommendations?

- What actions has SFPD taken to meet the DOJ recommendations on use-of-force data and reporting?
Audit Methodology

*Interviews*
Interviews with officers and non-sworn SFPD personnel

*On-site record review*
On-site testing and reconciling of incident documents, other use-of-force forms, and body-worn camera footage

*Conduct an officer mindset survey*
Selected questions in our survey have been administered to law enforcement personnel across the U.S. by the DOJ’s National Institute of Justice and the Pew Research Center
Next Steps

*Continued Fieldwork*
Ongoing record review of selected samples and additional interviews

*Analysis of data*
Analysis of data, including interview and survey responses; analysis of completed on-site field testing

*Report Writing*
Draft report including findings, evidence supporting findings, and recommendations
Questions?