August 17, 2016

To: Acting Chief Toney Chaplin, San Francisco Police Department
        San Francisco Police Commission

From: The Bar Association of San Francisco (BASF)

Re: Report and Recommendations: Data Collection and Analysis – BASF Criminal
Justice Task Force

        BASF's Criminal Justice Task Force convened in April 2015 in the wake of
Michael Brown's death in Ferguson, Missouri and the resulting, often violent,
confrontations between police and the community. Our goal was to examine the
fairness of the criminal justice system in San Francisco with particular focus on
whether race adversely affects fairness. As a whole, the Task Force, utilizing the
skills of lawyers, has worked collaboratively with the SFPD to improve the application
and perception of fairness.

        For one year, the Data Collection and Analysis Subcommittee has undertaken
extensive research, consulted with nationally recognized experts, and met at length
with the command and technical staff of numerous police agencies. Their work has
been thorough, fully vetted by the full Task Force, and approved by this Board. As a
legal organization with nearly 8,000 members, we urge the SFPD and Police
Commission to adopt and fund the recommendations of our Subcommittee
summarized in the enclosed report.

        By its very nature, policing involves contact with the community. Effective
January 2017, the collection of data regarding that contact is mandated by state and
local laws. However, what is truly needed is expert analysis of the collected data to
examine whether the police are treating members of the community fairly, to
determine what should be commended and encouraged and what needs to be
improved. This process is also essential to any evaluation of policies, procedure and
training. Currently, the SFPD lacks the capacity to collect relevant data rendering
such analysis impossible.

        Early in its investigation, the Subcommittee learned that it must determine the
appropriate data-related questions to ask to drive its work. Developed and collected
properly, data can be a highly useful tool to allow the SFPD and outside academics "to
examine whether and how police-community interactions unfold differently as a
function of race. Agencies can also use these tools to identify and disseminate best

practices for interacting with community members – especially community members of color – as well as to track the state of police-community relations over time."[1] Researchers identify cultural beliefs coupled with policies, practices and norms as catalysts that encourage racial disparities in treatment. "What we know about cultures is that they change fastest when leaders are on board and driving the agenda."[2]

The SFPD already understands the importance of this undertaking. Acting Chief Toney Chaplin, in his July 26, 2016 letter accompanying the first quarter report on Use of Force stated: "Bottom line – our goal is to be able to provide the information required…not only as a means to build trust through transparency, but more importantly, as a tool to analyze patterns of behavior to ensure fair and impartial policing is delivered to our community."

The goal of both the Task Force and the Subcommittee is to work collaboratively with law enforcement to seek and implement solutions to ease strained police-community relations. We believe that putting into practice the recommendations detailed in our Subcommittee's report is the most critical step in identifying problems so they can be addressed.

We are grateful for the involvement of the SFPD in undertaking this important investigation and drafting of recommendations, and we assure both the SFPD and the Commission that BASF's Task Force and its membership stand ready to assist with implementation of these recommendations.

Respectfully submitted,

Michael F. Tubach
President
The Bar Association of San Francisco

Enclosed: Report from the Subcommittee on Data Collection and Analysis

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[1] Jennifer L. Eberhardt, Ph.D., *Strategies for Change, Research Initiative and Recommendations to Improve Police-Community Relations in Oakland, Calif., p. 14 (June 15, 2016)*
[2] *See* Jennifer L. Eberhardt, Ph.D., *supra*, at 13.

THE BAR ASSOCIATION OF SAN FRANCISCO
CRIMINAL JUSTICE TASK FORCE
REPORT FROM THE SUBCOMMITTEE ON DATA COLLECTION AND ANALYSIS

The Task Force and Subcommittee

The Bar Association of San Francisco (BASF) Criminal Justice Task Force is composed of representatives from law enforcement (including the District Attorney's Office, the San Francisco Police Department (SFPD), and the Sheriff's Department), criminal-defense and civil-rights attorneys, the Mayor's office, academia, non-profit organizations, community advocates, and the judiciary. It began work in April 2015 to bring these professionals together to work collaboratively to address shortcomings and issues of race in the criminal-justice system. The Data Collection and Analysis subcommittee's (Subcommittee) purpose is to examine the SFPD's data-collection practices and make recommendations regarding collecting, analyzing, using, and sharing high-quality data. The goal is to enable the SFPD to use data to improve policing, identify problems, reduce inappropriate uses of force and bias in policing, and provide open data to increase transparency, build community trust and participation, and foster innovation.

The members of the Subcommittee on Data Collection and Analysis now include SFPD Deputy Chief Garret Tom, Captain Jack Hart, attorney Manual Fortes with the Office of Citizen Complaints, United States Magistrate Judge Laurel Beeler, and attorney Julie Traun, Director of Court Programs at BASF. The subcommittee previously included then Deputy Chief and now Interim Chief Toney Chaplin, senior attorney Alan Schlosser with the ACLU, and community advocate Edwin Lindo, J.D., who all continue to consult with the Subcommittee. Other participants include Lieutenant Carl Fabbri, Lieutenant Jennifer Dorantes, Lieutenant Wilfred Williams, Sergeant Nat Steger, Sergeant Stacy Youngblood, SFPD Analyst Jeanne Chisholm, Chief Data Officer Joy Bonaguro with the Mayor's office, Assistant District Attorney Susan Christian, chair of the Bias Subcommittee, deputy public defender Demarris Evans, and Tom Meyer, co-chair of the Task Force and a retired criminal-defense and civil-rights attorney.

Acknowledgments

The Subcommittee met with Oakland, Richmond, and San Jose Police Departments and others in the academic and law-enforcement communities to reach the recommendations in this report. We thank the following for the many hours they spent with us sharing their expertise:

- The Honorable LaDoris Cordell (Ret.), former independent police auditor for the San Jose Police Department;

- Deputy Chief Danielle Outlaw, Captain Paul Figueroa, Lieutenant Chris Bolton, and Sergeant Tam Dinh, Oakland Police Department (OPD);

- Captain Mark Gagan, Richmond Police Department;

- Deputy Chief Jeff Marozick, Lieutenant Michael Kihmm, and Judith Torrico, San Jose Police Department;

- Professor Jennifer Eberhardt, Stanford University, and consultant to the OPD on research initiatives and recommendations to improve police-community relations in Oakland;

- Robert Warshaw, former Police Chief in Rochester, New York, and court-appointed monitor for the OPD; and

- Professor John M. Klofas, director of the Center for Public Safety Initiatives at the Rochester Institute of Technology, who works with the OPD on risk management.

Executive Summary

Data analysis is critical for effective policing. It identifies racial disparities in police stops, searches, detentions, and arrests.[1] It promotes safe policing by providing a risk-management tool to identify and solve problems to promote fair, unbiased policing. It builds community trust and establishes legitimacy of police action through transparency.[2]

This report recommends measures to the SFPD for effective data gathering and analysis. Key recommendations include collecting all stop data, inputting it into an automated system, using experienced data managers to integrate existing databases and analyze data (including body-camera footage), using data for risk assessment and to improve operations, making data publicly available, and partnering with outside researchers to help map the data and develop analytic and statistical tools to improve policing.

These recommendations are necessary and timely. The state of California and the City and County of San Francisco enacted laws in 2015 that require the SFPD to collect and report data about its law-enforcement stops. The SFPD's existing practices and technological capacity do not allow it to collect and analyze the data easily or meaningfully. The current climate provides an opportunity to build a system to collect data, analyze it appropriately, and identify evidence-based approaches to improve policing and strengthen police-community ties.

Investigative Process and Resources

The Subcommittee met many times with experts at the Oakland, San Jose, and Richmond police departments to see how they collected, analyzed, and used data. We also examined SFPD's current practices on collecting and analyzing data. We met with Judge Cordell, Chief Warshaw, Professor Klofas, and Professor Eberhardt about their work on criminal-justice reform with police departments to improve data collection and analysis and police-community relations.

The following are some of the many resources we reviewed: President's Task Force on 21st Century Policing, *Final Report* (May 2015);[3] San Francisco Police Department, *Review and Response of the Final Report of the President's Task Force* (September 2015);[4] San Francisco Police Department, *Use of Force and Arrest Report — January 1, 2016 – March 31, 2016;*[5] Police Executive Research Forum (PERF), *Reports on the Use of Force;*[6] Jennifer L. Eberhardt,

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[1] Jennifer L. Eberhardt, Ph.D., *Strategies for Change, Research Initiative and Recommendations to Improve Police-Community Relations in Oakland, Calif.*, pp. 6-7 (June 15, 2016).

[2] Interim Chief Toney Chaplin, *Cover Letter to First Quarter 2016 Report in Compliance with Administrative Code 96A* (July 26, 2016).

[3] http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

[4] http://sanfranciscopolice.org/sites/default/files/FileCenter/Documents/ 27535-SFPD%20Response_21st%20Century%20Policing_Final%202015_09_22.pdf.

[5] http://sanfranciscopolice.org/reform.

[6] http://www.policeforum.org/assets/guidingprinciples1.pdf and http://www.policeforum.org/assets/ reengineeringtraining1.pdf.

Ph.D., *Strategies for Change, Research Initiative and Recommendations to Improve Police-Community Relations in Oakland, Calif.* (June 15, 2016);[7] W. Haywood Burns Institute, *San Francisco Justice Reinvestment Initiative: Racial and Ethnic Disparities Analysis for the Reentry Council,* (September 2015);[8] Blue Ribbon Panel on Transparency, Accountability and Fairness in Law Enforcement, *Report* (July 2016);[9] Center for Policing Equity, *The Science of Justice: Race, Arrests and Police Use of Force* (July 2016);[10] and Jack Glaser, Suspect Race: Causes and Consequences of Racial Profiling (Oxford Univ. Press 2015).

New Laws Requiring Data Collection and Reporting

In October 2015, California enacted Assembly Bill 953, *The Racial and Identity Profiling Act of 2015.*[11] It requires law-enforcement agencies to report their data on "stops" to the Attorney General each year by April 1.[12] A "stop" means "any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control."[13] For police departments with more than 1,000 peace officers, the reporting begins by April 1, 2019, and includes "at a minimum" the following information for each stop:

(1) The time, date, and location of the stop.

(2) The reason for the stop.

(3) The result of the stop (such as no action, warning, citation, property seizure, or arrest).

(4) If a warning or citation was issued, the warning provided or violation cited.

(5) If an arrest was made, the offense charged.

(6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for him or her.

(7) Actions taken by the peace officer during the stop, including, but not limited to, the following:

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[7] https://sparq.stanford.edu/.

[8] http://burnsinstitute.org/publications/san-francisco-justice-reinvestment-initiative-racial-and-ethnic-disparities-analysis-for-the-re-entry-council/.

[9] http://sfblueribbonpanel.com/.

[10] http://policingequity.org/wp-content/uploads/2016/07/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf.

[11] Cal. Govt. Code § 12525.5.

[12] *Id.* § 12525(a)(1).

[13] *Id.* § 12525(g)(2).

A. Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

B. Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

C. Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.[14]

If more than one officer performs a stop, only one officer must collect and report the data to his or her agency.[15]

In September 2015, the City and County of San Francisco enacted San Francisco Ordinance 166-15, which establishes data-collection and quarterly reporting requirements for "encounters," uses of force, and arrests. In June 2016, the SFPD and the Sheriff's Department began reporting data for encounters and use of force, and by June 2017, their quarterly reports must contain the following information about encounters, use of force, and arrests.

An "encounter" is a detention or traffic stop (defined as a stop of a vehicle) based solely on an officer's observations (as opposed to in response to information reported from dispatch or reported by a member of the public).[16] It requires the officer to collect the following information:

(1) The time, date, and location of the encounter;

(2) The reason for the encounter (such as the statutory or code violation, the individual's behavior, or any other reason that justified the encounter);

(3) If the officer conducted a search, the type of search (such as a pat search, vehicle search, or full-body search);

(4) The disposition of the encounter (e.g., warning, citation, arrest, release with no further action, or admonishment);

(5) Identifying information (such as race or ethnicity, sex, and approximate age of (a) all persons subject to the detention, (b) the driver of a vehicle stopped during a traffic stop, and (c) the passengers if the officer has reasonable suspicion to detain the passengers;

(6) The name and star number for each officer who participated in the encounter; and

(7) The police district where each officer is assigned.[17]

For uses of force, law enforcement must report the total numbers of uses of force, the total number of uses of force that resulted in death, and the total number of uses of force broken down by race or ethnicity, age, and sex.[18] For arrests, the quarterly reports must contain the total

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[14] *Id.* § 12525(b)(1-7).

[15] *Id.* § 12525/5(c).

[16] Chapter 96A, *Law Enforcement Reporting Requirements*, § 96A.1, Definitions.

[17] *Id.* § 96A.3(a)(1-7).

[18] *Id.* § 96A.3(b).

number and the total number broken down by race or ethnicity, age, and sex.[19] The ordinance also mandates the following:

> The reports shall also include data regarding the reasons for Encounters and arrests. The departments shall develop categories to collect and report this information (*e.g.*, for Detentions and arrests: reasonable suspicion or probable cause based on observation, known probationer or parolee, consent, etc.; *e.g.*, for Traffic Stops: moving violations, equipment violations, stops based on suspicion of other criminal activity, etc.). The departments shall explain in the report each category and shall report the number of Detentions, Traffic Stops, and arrests for each category. The departments shall also report the total number of each category broken down by race or ethnicity, age, and sex.[20]

The state statute and the San Francisco ordinance differ in three important ways: (1) how officers collect information on race and ethnicity, (2) how they define "stops," and (3) what information to collect about passengers in vehicles.

First, Government Code § 12525.5(b)(6) requires the officer to document "perceived race or ethnicity," and the officer cannot elicit the information from the person stopped. By contrast, § 96A.2(a)(5) allows the officer to "collect information on race and ethnicity by asking the individual." When the individual refuses to provide the information, the officer must "note that the individual refused the request." The SFPD raised the concern that the local ordinance impacts its relationship with the community. The difference also may be meaningful in evaluating the role of ethnicity and race in stops: an officer's perception may be more important than information provided (or refused) by an individual.[21]

Second, Government Code § 12525.5(g)(2) directs the collection of data for all stops. Under the state's definition of "stop," dispatch calls are a "stop." By contrast, and as described above, Section 96A.2 directs the collection of data for all "self-initiated" stops (called "encounters") based "solely on the officers' own observations" as opposed to "information provided by dispatch or reported by a member of the public."

Third, data collection differs for passengers of stopped vehicles. Government Code §§ 12525(b)(6) and (7) require collection of data for all passengers searched (including by a consent search). By contrast, Section 96A.2(a)(5) requires data about passengers if the "officer has reasonable suspicion to detain such passengers."

These differences affect how the SFPD is to design its data-collection system, train officers, and collect the data for reporting and analysis. As to the stop data in requirement two, it is possible to satisfy the state and local laws by creating two fields: "self-initiated" and "dispatched." The differences in requirements one and three appear irreconcilable.

Assessment of the SFPD's Current Data Collection and Analysis

The SFPD does not have a unified, mandatory system for collecting data or a central policy (such as a General Order and a manual) regarding its data-collection and analysis policies. Instead, there are protocols set out in individual bulletins.

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[19] *Id.* § 96A.3(c).

[20] *Id.* § 96A.3(d).

[21] *See* J. Glaser, Suspect Race: Causes and Consequences of Racial Profiling (Oxford Univ. Press 2015), p. 16.

(1) Department Bulletin 14-059, Traffic Stop Data Collection Program Information.

(2) Department Bulletin 15-013, Verifying Identities When Booking or Citing Subjects.

(3) Department Bulletin 15-150, Field Interview Card.

(4) Department Bulletin 16-029, (LEP) Data Collection Crime Data Warehouse.

(5) Department Bulletin 16-030, Change To Crime Data Warehouse.

(6) Department General Order 7.04, Children of Arrested Parents.

(7) Department General Order 5.17, Policy Prohibiting Biased Policing.

Under the SFPD's traffic-stop data-collection program in DB 15-059, officers collect and record "traffic stop" data, called "E585 data." They fill out E585 cards for "any vehicle stops relating to the following incidents:"

- Moving violations, including bicycles and pedestrians;

- Municipal Police Code violations;

- Penal Code violations;

- Transportation Code violations;

- 916 vehicles (suspicious person in vehicle) and high-risk stops;

- Mechanical or non-moving violations;

- Driving-under-the-influence violations;

- Traffic collisions;

- Assistance to motorists; and

- "Be on the lookout," all-points bulletins, or warrants.

Officers report (1) the date and time of stop; (2) the driver's race, sex, and age; (3) the reason for the stop; (4) whether they searched the vehicle; (5) the result of the contact; and (6) the location of the stop. As discussed in the previous section, the new state and local laws increase the SFPD's reporting obligations beyond those on the E585 cards.

The SFPD otherwise does not have uniform procedures or forms to collect consistent categories of data for its various reports, including incident reports, Field Interview Cards, traffic-collision reports, DUI reports, arrests for vehicle-code violations for driving without a license or on a suspended license, or citations. Moreover, officers are not required to fill out the Field Interview Cards, which are handwritten and in any event do not capture the data required by the new state and local laws. Only a portion of pedestrian field interviews is captured on Field Interview Cards, a 3 by 5 card carried by officers and attached as Exhibit 1. Furthermore, the Compstat Field Interview Data Report, which tallies the number of completed Field Interview Cards for SFPD stations within the two divisions (Golden Gate and Metro), does not include

Field Interview Cards completed by officers from the Gang Task Force, Traffic, or Tactical Programs. Certain reports, such as the DUI, traffic-collision, and some vehicle-code reports, also are handwritten. In addition, data is not captured for certain stops (such as a pedestrian stop or a "take on"/Radio Code 917 stop) if the incident does not result in a citation, incident report, or a Field Interview. For example, if an officer observes a "suspicious person" in a gang area, stops the person, checks for warrants and finds none, and then releases the person because there are no violations, the officer is not obliged to record the data from the stop.

The SFPD has two principal systems for compiling data. The SFPD introduced its new system, the Crime Data Warehouse (CDW), in 2012. Incident reports are entered into it directly. CDW, which was created by Oracle, allows remote searches and customized analysis. The legacy system is the 40-year-old "Crime Assisted Bay Area Law Enforcement" (CABLE) system. CDW and CABLE communicate imperfectly, and most CABLE data is not accessible through CDW. Data from other reports (such as the handwritten, DUI, and vehicle-code reports) is not entered into CDW and to the extent it is entered at all, is entered manually into CABLE.

The SFPD primarily uses its systems to reduce crime through the Compstat process. It does not and cannot use the data to examine bias in policing or as a risk-assessment tool for the unnecessary use of force, accountability, or other risk management of officer behavior.

The SFPD publishes Compstat data and data about reported crimes.[22] In 2016, it joined the White House Police Data Initiative and has published some aggregate statistics including officer-involved shootings and traffic stops by race and ethnicity.[23]

Recommendations

1. Collect Stop Data

1.1 Implement a Single Policy and a Standard Report

The SFPD should implement a single, comprehensive policy for all data collection and reporting. The Subcommittee recommends that the policy be in the form of a General Order to institutionalize the new practices.

The policy should identify the encounters that require a stop-data report, the information that must be captured, and instructions for filling out the form. Step-by-step instructions for reports might be included in a manual with examples. Exhibit 2 is the Oakland Police Department's report-writing manual on field interviews and stop-data reports. Exhibit 3 lists Oakland's "stop-data form fields" used for all stops; officers are required to enter each field electronically before moving to the next field. Exhibit 4 is Oakland's Field Interview report, which can be compared to Exhibit 1, the SFPD's Field Interview card. The narrative portion is helpful to analysts to contextualize stop data.

The policy should include procedures to update the stop-data report and policy on a regular basis to ensure fidelity to best practices. Oakland, for example, will update its forms to conform to Professor Eberhardt's recommendations to them (released on June 15, 2016).

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[22] *See* http://sanfranciscopolice.org/compstat.

[23] *See* http://sanfranciscopolice.org/data.

1.2 Engage an Outside Expert For Input into the Policy

The Subcommittee recommends engaging an outside expert to identify data that — in addition to that required by state and local law — should be captured and analyzed. For example, Professor Eberhardt recommended to Oakland that it include squad and squad sergeant information in the stop-data report because analysis by squad allows better insight into variations in stop outcomes.[24] Again according to Professor Eberhardt, another useful field might be whether evidence was "returned" or "retained." Engaging an expert also will help the SFPD standardize its reports, eliminate handwritten reports, and facilitate data entry.

Other police departments emphasized the importance of working with outside experts. Most departments do not have the expertise to decide what data to capture, what programs and tools are needed to input and analyze data, and how to evaluate what the data shows about patterns in police encounters with the community or the organization of the police department itself.[25] For example, data can be used to compare different squads or stations to compare outcomes. Mapping "stops" in different geographic areas allows comparison of practices and outcomes in those areas. Data can be mined to evaluate productivity. Data also can be extracted for use in monthly risk-management meetings. Data can be used to drive priority briefings and can show the effectiveness of department directives. It can provide useful insights about uses of force and show "early warning" behaviors (such as excessive sick leave or a failure to wear a seatbelt or flak vest) that correlate with uses of excessive force. Body-camera footage can be blended with stop data to provide other insights. Data provides opportunities for feedback to and training of officers and supervisors. In sum, capturing data — including data beyond that required by the new state and local laws — provides insights into behavior, effective policing, and risk management, and it promotes the development of innovative police practices. As the Oakland police department observed, "[w]ith the introduction of body-worn cameras, a wealth of information has become available. . . . The richness of these data has created opportunities for deeper analysis of police-community interactions and has the potential to improve policing by identifying best practices and then using the knowledge gained to train current and future officers."[26] Police departments cannot gain these perspectives and utilities without expert help about what to capture, how to analyze it, and what to do with it.

Experts also can develop a statistical model to control for contextual factors. Our SFPD participants rightly are concerned that data analysis that does not control for contextual factors might not be valid. Professor Eberhardt addresses this concern with her description of the three different approaches that analysts take.

The first is to "lay out the evidence for racial disparities in stops, and then conclude that the police are racists who are deliberately targeting people of color. This approach intends to shake law enforcement agencies into changing their ways." Professor Eberhardt concludes that this approach "usually incites so much police resistance that meaningful reform becomes difficult, if not impossible."

The second approach uses "bloated statistical models so chockfull of covariates (i.e. control variables) that any evidence of disparate treatment disappears." She cites this example: "African

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[24] *See* Jennifer L. Eberhardt, Ph.D., *supra* n. 1, at 43.

[25] *See* Jennifer L. Eberhardt, Ph.D., *supra* n. 1, at 17.

[26] *See* http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display&article_id=4008&issue_id=12016.

Americans are more likely to commit crime than are other groups," and therefore the police are responding to high-crime areas. According to Professor Eberhardt, this approach is problematic because "the daily experiences of communities of color suggest otherwise, and their frustration with these null-finding reports harms relations with police."

The third approach is Professor Eberhardt's problem-solving approach to data analysis to enable police departments to make "evidence-based changes in their policies, practices, and procedures." In Oakland, for example, Professor Eberhardt and her team contextualized the data by statistically controlling for neighborhood crime rates and racial demographics. She cites this example of her findings and their usefulness to the Oakland police department: "using statistical models, we have isolated the conditions under which racial disparities are greatest and least. Simply knowing where, when, and how racial disparities are likely to emerge gives the agency direction on how to lessen them. This approach has yielded dozens of tactics that OPD and other law enforcement agencies can undertake to reduce racial disparities."[27]

2. Automate Data Entry and Establish a Single Data Platform

The CDW and CABLE systems do not collect or share information effectively. The Subcommittee recommends that — given its struggles to integrate its systems — the SFPD hire a dedicated full-time data manager to integrate databases, develop a comprehensive system, and develop currency with the latest data-analysis techniques. That data manager should work with the expert consultants to develop the metrics for risk management, identify the platforms needed to analyze data internally, and implement the data systems that will permit analysis and evaluation by the department and outside experts. The data manager also should coordinate the accurate reporting of stop data under state and local law.

3. Collaborate with Outside Researchers To Study Stop Data and Develop Best Practices

Collaborating with outside researchers on an ongoing basis will give the SFPD more data to make decisions and build and sustain police-community ties. It also will equip the SFPD to use stop data to give feedback to officers and supervisors on their stop performance and evaluate the effectiveness and impact of their current practices, including stop, restraint, and search policies. It will give insight into future training, such as the regular police-community training that Professor Eberhardt recommended to the Oakland Police Department.[28] It will enhance risk management, including identifying outlier officers who have or who are at risk of developing problematic behaviors.[29] It can aid in developing health and wellness practices, which not only are good for officers, but also are associated with a significant reduction in use-of-force incidents.[30]

4. Make Data Accessible

The data must be accessible internally and externally.

Internally, automated reports will allow the SFPD to produce reports and analyze information. For example, Professor Eberhardt recommended to the Oakland Police Department

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[27] *See* Jennifer L. Eberhardt, Ph.D., *supra* n. 1 at 6-7.

[28] *Id.* at 50.

[29] *Id.* at 54.

[30] *Id.* at 54.

that it build a stop-data dashboard to allow the easy use and interpretation of data. A dashboard would allow the department to sort data by type of stop, the reason for stop, and search recovery, among other things. She also recommended integrating body-camera footage so that command staff could move seamlessly from the dashboard to viewing the footage.[31]

Releasing data sets publicly and in open format allows researchers, community groups, and law-enforcement agencies to analyze and share data. By joining the White House Police Data Initiative, the SFPD has shown its commitment to this process.

Conclusion

Under new California and San Francisco laws, the SFPD soon will be required to collect stop data beyond the data it currently captures and report it regularly to government authorities and the public. The new laws present an opportunity for the SFPD to examine its data-collection practices, update them to reflect best practices, and analyze its data to improve policing and build police-community ties. The recommendations in this report are meant as steps in the SFPD's mission to sustain a strong relationship with the community it serves.

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[31] *Id.* at 44-47.

NAME-LAST NAME FIRST | AKA-MONIKER

RACE-CIRCLE | COUNTRY OF ORIGIN
WHITE   BLACK   LATIN   ASIAN   CUBAN   SAMOAN   OTHER

SEX	BIRTHDATE	HEIGHT	WEIGHT	HAIR	EYES	HAIR STYLE

DL/ID NO.	SOCIAL SECURITY NO.	SFNO	COMPLEXION
			D M L

CLOTHING

BEARD, MUST., GLASSES, COLOR STYLE SCARS TATOOS PECULIARITIES

HOME ADDRESS	HOME PHONE

WORK ADDRESS OR SCHOOL/GRADE	GANG

LOCATION OF INTERVIEW	DATE & TIME

FIELD INTERVIEW   SFPD 114 (11/85)

YEAR	MAKE	MODEL	STYLE	COLOR	LICENSE

VIN NO. / VEHICLE DAMAGE

VEHICLE PECULIARITIES

ADDITIONAL INFORMATION OR ASSOCIATES

CIRCLE INVESTIGATIVE CATEGORY

211 / 213   459   DRUGS VICE   GANGS   852   SEX CRIMES TRUANT RUNAWAY   A S

CIRCUMSTANCE OF FI STOP

OFFICER & STAR NO.	RETURN CARD TO	FI NO.

SFPD 114 BACK

FIELD INTERVIEWS & STOP DATA REPORT (836-314)

Self-Initiated Encounters

A separate Field Interview/Stop Data Report (FI/SDR) is required for all self-initiated encounters involving person(s) subject to a(n):
   a. Detention;
   b. Arrest; or
   c. Encounter resulting in a search or request to search.

Self-initiated encounters are encounters that are not related to any radio dispatched call for service, citizen flag-down, or encounters conducted pursuant to the service of a search warrant. Examples:
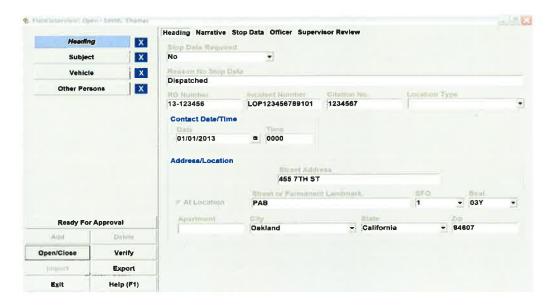
*   Example 1: Officer is walking his beat and asks a person how they are doing. An FI/SDR is not required.
*   Example 2: Same as example 1, but the officer also introduces himself/herself and asks the person what their first name is. Once the person tells the officer his/her name the officer says it is nice to meet him/her and walks away. An FI/SDR is not required.
*   Example 3: Same as example 1 and 2, but while speaking to him/her, the officer shows a picture of a missing girl and asks if he/she has seen her. An FI/SDR is not required.
*   Example 4: Same as example 1 and 2, but while conversing with him/her the officer asks if he/she can produce identification. An FI/SDR is not required provided the officer simply asks and does not demand or coerce his/her identification.
*   Example 5: Same as example 1 and 2, but while conversing with him/her the officer asks if he/she is on probation or parole. An FI/SDR is required.
*   Example 6: During an operation, an undercover officer asks a uniformed officer to stop a vehicle for a vehicle code violation. An FI/SDR is required and must be completed by the officer executing the stop.
*   Example 7: An officer conducts a consensual encounter on a subject. Although the subject is free to leave, the officer asks for consent to search his/her person. An FI/SDR is required.

Radio dispatched encounters

An FI or Crime Report shall be completed on all radio dispatched encounters involving person(s) subject to a(n):
   a. Detention; or
   b. Arrest

For radio dispatched encounters, officers may complete a single FI or Crime Report documenting all persons subject to these encounters   When the FI field based reporting (FBR) form is opened, officers shall select "No" under the "Stop Data Required" field and then enter "Dispatched" under the "Reason for No Stop Data" field.

Disposition Code

Officers shall:
1. Enter "NSDF" as one of the CAD disposition codes for all encounters that do not require the completion of a SDR; or
2. Enter "SDF" as one of the CAD disposition codes for all encounters that require the completion of a SDR.

Passengers in a vehicle

An FI/SDR, is not needed for a passenger(s) of a vehicle who is/are merely detained for officer safety reasons and the interaction is not intrusive. Asking the passenger(s) to produce identification does not require the completion of an FI/SDR; however, asking if he/she is on parole or probation, asking if he/she has a criminal history, or asking if he/she has anything illegal on their person requires the completion of an FI/SDR. Examples:

- Example 1: An officer makes a vehicle stop for a broken taillight. There are 3 occupants in the car. The officer collects the driver's information and does not interact with the other passengers. An FI/SDR is required for the driver and not the passengers.
- Example 2: Same as example 1, but the officer asks the passengers to produce identification. An FI/SDR is not required insofar as the officer asks and does not demand or coerce the passengers' identification.
- Example 3: Same as example 1, but the officer asks a passenger if he/she is on probation or parole. An FI/SDR is required for the driver and the passenger.
- Example 4: Same as example 1, but the officer found that the driver is on probation or parole. The officer asks all the passengers to exit the vehicle to search it. Other than asking the passengers to exit the vehicle, there is no interaction between the officer and the passengers. An FI/SDR is not required for the passengers.

Citizen Flag Downs, search warrant services and community caretaking incidents

An SDR is not required for citizen flag-downs, stops related to the service of a search warrant and community caretaking related incidents. Community caretaking is an exception to the Fourth Amendment based on those services expected of and received from police unrelated to criminal investigations. An officer's caretaking function of rendering emergency aid or assistance to a private citizen constitutes a valid exception when the officer subjectively believes the person likely needs assistance for health or safety. Officers should enter "Citizen flag-down," "Community caretaking," "5150" or "Search warrant" for these incidents under the "Reason No Stop Data" field.

Additional FI uses

1. An FI is required whenever an officer unofficially reprimands and releases a juvenile.

2. An FI may be completed whenever contact is made with an individual that may be of some past, present, or future interest to the police. The FI may also be completed when an individual is observed by the officer or a citizen, but contact is not made. The FI creates a nexus that may assist in an investigation.

3. An FI may be completed to report a suspicious vehicle.

FORM COMPLETION INSTRUCTIONS
FIELD INVESTIGATION REPORT (FI)

HEADING

Stop Data Required &   Select "No" for exceptions such as a
Reason No Stop Data   dispatched call. The "Reason No Stop Data"
                                    field should be updated with
                                    dispatched, citizen flag-down, or other
                                    applicable exceptions such as warrant
                                    services, approved special operations, etc.

RD#, Incident Number, Citation No.,   Enter the RD Number - YY-XXXXXX
Location Type, Contact Date & Time   Incident Number – Enter the entire sequence
                                          starting with LOP followed by 12 numbers.
                                          Citation No. – Enter all 7 numbers. A zero
                                          should not be added at the beginning.
                                          Location Type - Select if applicable
                                          Date (MM-DD-YYYY) and Time (HHMM)

Address   Fill-in with exact street address or block
                                    number and street name. Abbreviate roadway
                                    using two (2) letters (e.g., ST (Street), AV
                                    (Avenue), BL (Boulevard), RD (Road), CT
                                    (Court).

At Location   Enter additional information as needed.

BFO, Beat, Apartment, City, State, Zip   Select or enter the correct information.

NARRATIVE

Be as complete and concise as possible. Articulate the reason(s) for the contact, indicating your actions and those of the subject.

For self-initiated stops, the content of the narrative should be consistent with the selection for the "Initial Reason for Encounter."

When completing an FI/SDR for a self-initiated encounter, it is important to articulate:

- Whether the initial contact was a consensual encounter or a detention.

- When a detention, what reasonable suspicion existed.

It is important to clearly define when a detention (seizure) takes place. If the incident starts as merely a consensual encounter, articulate your intent and include objective circumstances that justified the encounter as consensual. For example, document how you approached the subject and indicate that the subject voluntarily consented to the encounter.

If a pat-search was conducted, articulate the reasonable suspicion that caused you to believe the subject was armed or dangerous. Be sure to document in your FI all the circumstances that justified your reasoning to conduct a pat-search.

If the subject is on probation or parole, list the probation or parole officer's name, if known or available. If verified via AWS or CRIMS from an accessible computer terminal, cut and paste the information from the computer into your FBR offense report and/or FI Report. If verified via CORPUS and/or no accessible computer terminal is available to access AWS or CRIMS, document that the parolees/probationer's status was verified via the service channel.

If a crime report is completed for a self-initiated stop involving multiple persons requiring Stop Data collection, write "Refer to crime report RD#" on the FI/SDR narrative section only when the crime report referenced contains articulation of the detention, arrest, and or/search of the primary person listed.

OFFICER

Reporting Officer   Rank, First Name Last Name, Serial Number,
                                                BFO Beat – Enter or select the correct
                                                information

Cover Officer   First Name, Last Name, Serial – Enter the
                                                correct information

Report "Done" Notification

Notify User, Serial Number – Select or enter the correct information

SUPERVISOR REVIEW

Supervisor

Supervisor List, First Name, Last Name, Serial Beat – Select or enter the correct information

Report Action

Select "Approve" or "Disapprove"

SUBJECT & OTHER PERSONS

Subject or Other Persons

First Name, Last Name, Middle Name, Suffix, Height, Weight, Hair, Eyes, Gender, SSN, Race, Ethnicity, Driver's Lic #, Lic. Exp., Lic State - Enter or select the correct information

When an FI is completed for radio dispatched encounters or encounters that do not require Stop Data collection, additional involved parties should be added under "Other Persons."

Alias

Last, First, Age, DOB, Age – Enter or select the correct information

Address

Street Address, Fill-in the location of the stop with exact street address or block number and street name. Abbreviate roadway using two letters (e.g., ST (Street), AV (Avenue), BL (Boulevard), RD (Road) and CT (Court). Apartment, City, State, Zip. Enter or select the correct information.

Home Phone

Home Phone, Cell Phone, Pager - Enter if available

EMPLOYMENT

Employer Information

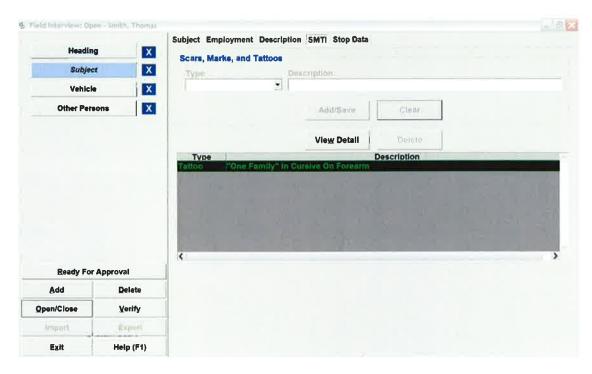Enter or select the correct information.

DESCRIPTION, Suspect Details

Click all applicable "Subject Details." Be sure to indicate whether the suspect is on probation or parole and enter PFN/JFN number if known.

Click and select the "Descriptors" such facial hair, complexion and distinctive features when appropriate. When clothing and "other" is selected, describe the dress as fully as possible, giving particular attention to unusual articles, colors of clothing, or any distinctive details that should be captured.

SMTI - Scars, Marks and Tattoos

Select the appropriate "Type" and enter the description with as much detail as possible. Click "Add/Save" to populate the list.

Vehicle Information

Enter or select the appropriate information, with special attention to identifying marks, features, damage, and the license plate. Enter any unusual details concerning the vehicle, such as damage, alterations, accessories, paint, lettering, stripping. If further clarification is needed, explain in the narrative portion.

FORM COMPLETION INSTRUCTIONS
STOP DATA COLLECTION REPORT (SDR)

HEADING, STOP DATA

Stop Category

Select "Self- Initiated" assignment.

Special Assignment & Special Assignment Type

Indicate whether you are on Special Assignment. If yes, indicate your special assignment.

Race/Ethnicity Determination Question

Select your answer to the question.

Encounter Type

Select vehicle, pedestrian, bicycle or other.

Initial Reason for Encounter

Select the most appropriate answer:

Consensual Encounter -- A police encounter in which officers do not exert any authority or use any force, and the subject voluntary agrees to stop and answer questions or otherwise assist officers in their investigation.

Because these encounters are, by definition, consensual, a subject may refuse to talk with officers, refuse to identify himself/herself, or otherwise refuse to cooperate. Officers shall select "Consensual Encounter" when:

- The encounter starts off as consensual, but is elevated to a detention because the person is determined to be on probation or parole.

Reasonable Suspicion - A seizure supported by a reasonable suspicion to believe criminal activity may be afoot and the perso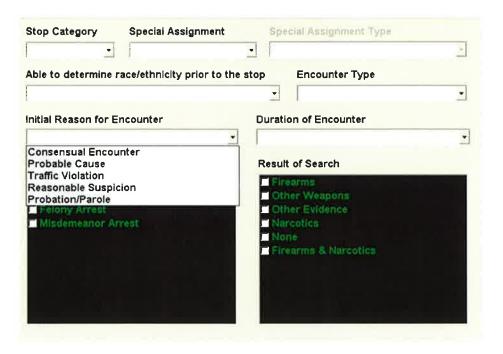n seized is possibly involved with that criminal activity. Unlike consensual encounters, a person subject to a detention is not free to leave.

Probable Cause - Probable cause to arrest exists when the totality of the circumstances or "total atmosphere" of the case would cause a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.

Traffic Violation – Any traffic related violation of the Vehicle or Oakland Municipal Codes involving a pedestrian, bicyclist or motor vehicle.

Probation/Parole – Any initial seizure due to the status of the probationer/parolee.

Stop Category	Special Assignment	Special Assignment Type

Able to determine race/ethnicity prior to the stop	Encounter Type

Initial Reason for Encounter

Consensual Encounter
Probable Cause
Traffic Violation
Reasonable Suspicion
Probation/Parole
Felony Arrest
Misdemeanor Arrest

Duration of Encounter

Result of Search

- Firearms
- Other Weapons
- Other Evidence
- Narcotics
- None
- Firearms & Narcotics

Duration of Encounter   Select the duration for the encounter.

Result of Encounter   Select the result of encounter.   If an FI is
completed as a result of a citation or warning,
select "citation or warning." Arrests have the
highest priority and should be marked
accordingly.

Result of Search   Select the result of the search.

SUBJECT, STOP DATA

Oakland Resident, Search Conducted   Select your answer to each section. The type
Handcuffed & Type of Search   of search marked should be consistent with
the search described in the narrative of the FI
or crime report.

Multiple FI/SDR Reports

1. When multiple people are detained during a self-initiated stop, each person shall be
    listed as the primary "Subject" on a separate FI/SDR. The Stop Data collection fields
    must correspond with the primary "Subject" on the FI/SDR in order for accurate data
    analysis to occur. Example:

    *   An officer stops a vehicle for failing to stop for a stop sign. The vehicle is
        occupied by four subjects. Upon contacting the driver, the officer observes a
        handgun and narcotics paraphernalia in plain view. All occupants of the
        vehicle (S1, S2, S3, S4) are subsequently detained while the crime is
        investigated. At the conclusion of the incident, the officer shall fill out four
        separate FI/SDRs (one for S1, one for S2, etc.)

2. When officers want to document all of the people detained to create a nexus, a primary
    FI/SDR should be completed with everyone listed under "Subject" and "Other
    Persons." All fields should be completed as accurately as possible for every "Subject"
    and "Other Person" in the primary FI/SDR.

    After the primary FI/SDR is completed, officers need only complete the mandatory
    "Last Name", "First Name", "Gender", "Race" and "Age" data fields on the
    subsequent FI/SDRs under the "Subject" tab. Examples:

    *   Same scenario as section 1 above. The primary FI/SDR (S1) shall list all four
        subjects detailing as much information as possible about each one. Complete a
        separate FI/SDR for S2, S3 and S4 using only the "Last Name", "First Name",
        "Gender", "Race" and "Age" fields.

In the narrative write "See primary FI for S1 (List S1's first name and last name)" or "Refer to crime report RD#"

- Same scenario as section 1 above. When detailed "Subject" or "Other Person" information is already entered in the main crime report, complete an FI/SDR for each subject using only the "Last Name", "First Name", "Gender", "Race" and "Age" fields.

In the narrative write "Refer to crime report RD#"

Oakland PD Stop Data Form Fields

1. **General Stop Information**
   a. RD-Number
   b. Date
   c. Time
   d. Incident Number
   e. Beat Number
   f. Location of Stop
   g. Special Assignment
   h. Special Assignment Type (Select One)
      i. Narcotics
      ii. Prostitution
      iii. Cruising
      iv. Violence Suppression
      v. Special Event
      vi. Other
   i. Primary Officer
   j. Cover Officer
   k. Approving Supervisor
2. **Could you determine the race/ethnicity of the individual(s) prior to the stop?**
   a. Yes or No
3. **Stop Category**
   a. Self-Initiated
4. **Encounter Type (Select One)**
   a. Vehicle
   b. Pedestrian
   c. Bicycle
   d. Other
5. **Initial Reason for Encounter (Select One)**
   a. Consensual Encounter
   b. Probable Cause
   c. Traffic Violation
   d. Reasonable Suspicion
   e. Probation/Parole
6. **Result of Encounter (Select One)**
   a. Warning
   b. Citation
   c. Felony Arrest
   d. Misdemeanor Arrest
   e. Report Taken-No Action
   f. FI Report

7. **Persons Stopped Information (Up to Seven)**
   a. Race (Select One)
      i. White
      ii. Asian
      iii. Black
      iv. Hispanic
      v. Native American
      vi. Pacific Islander
      vii. Middle Eastern
      viii. Other
   b. Age Group (Select One)
      i. Under 18
      ii. 18-29
      iii. 30-39
      iv. Over 40
   c. Searched – Yes or No
   d. Search Type (Select One)
      i. Consent
      ii. P/C
      iii. Probation/Parole
      iv. Incident to Arrest
      v. Inventory
      vi. Weapons
   e. Handcuffed –Yes or No
8. **Duration of Encounter (Minutes)**
   a. 0-9
   b. 10-19
   c. 20-30
   d. Over 30
9. **Result of Search (Check all that apply)**
   a. Firearms
   b. Other Weapons
   c. Other Evidence
   d. Narcotics
   e. None
   f. Firearms & Narcotics

10. **Narrative – The narrative included in the Field Interview Report or associated Crime Report.**

Oakland Police Department

455 - 7th Street
Oakland, CA 94607

Field Interview

RO #	CAD INCIDENT		LOCATION TYPE	CONTACT DATE	CONTACT TIME
14-000083	LOP140101001			01 JAN 14	1458

LOCATION

Blk Of E   h St , Oakland, CA 94606

PERSON #1	PERSONS NAME (LAST, FIRST, MIDDLE, SUFFIX)			SEX M	RACE B	D.O.B.	AGE 26

ALIAS NAME (LAST, FIRST)	ROLE TYPE Subject	ETHNICITY Not of Hispanic Origin

SSN	DL STATE CA	DL NUMBER	DL EXP	HEIGHT 6'0"	WEIGHT 170	HAIR BLK	EYES BRO

PLACE EMPLOYED/SCHOOL/UNION LOCAL NO./ETC.	EMPLOYER

ADDRESS	STREET NAME

CITY Oakland	STATE CA	ZIP 94606

BUS ADDRESS	STREET NAME

CITY	STATE	ZIP

CONTACT	HOME PHONE	CELL PHONE	BUS PHONE	EXT	PAGER	CODE

DETAILS	☐ DRIVING	☐ PROBATION	☐ TRANSVESTITE	☐ PAROLE	☐ 647bPC

PFN/JFN BEX296	GANG NAME

CHARACTERISTICS	TYPE	DESCRIPTION
	Clothing	Grn hat, gray vest, whi pants
	Complexion	Dark
	Facial Hair	Unshaven

SMTI	SMTI TYPE	SMTI DESCRIPTION
	Tattoo	"Star" Tattoo Left Cheek On Face, "Flower" Right Cheek

REPORTED BY OFF	SERIAL	BEAT 17X	BFO 1

Oakland Police Department

455 - 7th Street
Oakland, CA 94607

Field Interview

RD #	CAD INCIDENT	LOCATION TYPE	CONTACT DATE	CONTACT TIME
14-000083	LOP14010100'		01 JAN 14	1458

LOCATION

Blk Of E. .th St., Oakland, CA 94606

Narrative
Summary:

On 01 Jan 14 at approx. 1458 hrs, I (   ) was wearing full police uniform and driving marked veh 17 . I have been in contact w/ a local merchant   , . . , who has had issues w/ petty thefts and robberies on the 1   ) blk of Blvd. I was told by   that a certain individual was seen on video (MB 20's, 6'0, 170LBS with long dreadlocks) being involved w/ the crimes. I also know that Investigator   : needed FC's on a similar per a DB item from 30 Dec 13.

On today's date, I was on routine patrol on the   blk of E.   th St when I saw two MB's walking EB on the south sidewalk. I saw a MB that looked similar to the above description and decided to make consensual contact.

I made contact w/ Subj's   and   and advised them of my intentions to speak w/ them consensually. They both were receptive to my request and   gave me his CDL and   provided his personal info to Ofc.

I was able to determine that   PFN # was   and his Crims photo matched his person.   was not active to Probation or Parole at this time.

     was positively ID'd by his CDL and I was able to confirm his PFN # of   was active to Probation (245(a) PC) w/ a full way search clause via Wants / Warrants. I decided to invoke   robation status and searched his person w/ negative results.

Both   and   were not handcuffed and were cooperative w/ our requests.

Both subjects were 937C, FC'd, ID'd and released.

No Other Known Witnesses.

PDRD activated.

REPORTED BY	SERIAL	BEAT	BFO
OFF		17X	1

Oakland Police Department
Stop-Data Collection Form

Could you determine the race/ethnicity of the individual(s) prior to the stop?   Yes

STOP CATEGORY	DATE	TIME	INCIDENT NO.	RD NO.	CITATION NO.
Self-Initiated	01/01/2014	1458	LOP140101001	14-000083	

SPECIAL ASSIGNMENT

No

SPECIFIC STREET LOCATION	BEAT
Blk Of E.' h St , Oakland, CA 94606	17X

ENCOUNTER TYPE	INITIAL REASON FOR ENCOUNTER	RESULT OF ENCOUNTER
Pedestrian	Consensual Encounter	FI Report

PERSON ENCOUNTERED / PRESENT AND SEARCH INFORMATION

Instructions:
1. Complete the boxes for race, gender, age, and if an Oakand resident for all individuals encountered.
   a. Use the following Race Codes: W - White; A - Asian; B - Black; H - Hispanic; I - Native American; P - Pacific Islander; M - Middle Eastern; O - Other
   b. Use the following Age Group Codes: A - Under 18; B - 18-29; C - 30-39; D - Over 40
2. Check the appropriate box whether a search was conducted and regarding the type of search for all individuals. (Check all that apply)

	Race Code	Gender	Age Group Code	Oakland Resident	Search Conducted		Consent	P/C	Prob./ Parole	Incident to Arrest	Inventory	Search Warrant	Weapons
P1	B	● M ○ F	B	●	○ Yes	● No	○	○	○	○	○	○	○
P2		○ M ○ F		○	○ Yes	○ No	○	○	○	○	○	○	○
P3		○ M ○ F		○	○ Yes	○ No	○	○	○	○	○	○	○
P4		○ M ○ F		○	○ Yes	○ No	○	○	○	○	○	○	○
P5		○ M ○ F		○	○ Yes	○ No	○	○	○	○	○	○	○
P6		○ M ○ F		○	○ Yes	○ No	○	○	○	○	○	○	○
P7		○ M ○ F		○	○ Yes	○ No	○	○	○	○	○	○	○

DURATION OF ENCOUNTER (In Minutes)	RESULT OF SEARCH
20-30	

PRIMARY OFFICER SERIAL NO.   **COVER OFFICER SERIAL NO.**

SUPERVISOR SERIAL NO.

TF-3232E