



## Recommendation 26.4

Tanya Koshy [Redacted]

Sat 8/29/2020 3:23 PM

[Redacted]

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 26.4 that have been submitted to us as part of the collaborative reform process. After reviewing the package and information provided by SFPD, the California Department of Justice finds as follows:

### Recommendation 26.4:

The SFPD should work with the Police Commission to convene a community focus group to obtain input on the policies and practices as they are being developed.

### Response to 26.4:

The Police Commission and SFPD worked together to create Executive Staff Working Groups (ESWGs) on the five strategic areas identified by the United States Department of Justice's COPS office. Each of these working groups includes community members and is helmed by a Commander, as assigned by the Chief. The Chief and then-President of the Police Commission, Robert Hirsch, went through SFPD's Department General Orders (DGOs) and identified 24 DGOs that merited community input through an ESGW. On December 27, 2019, the Chief issued a Directive, providing guidance on, among other issues, running ESGWs, ground rules on communication, and establishing work plans for the group.

Relevant to Finding 26 (There is limited community input on the SFPD's actions regarding its anti-bias policies and practices), the Executive Staff Working Group on Bias (Bias Working Group) is comprised of a wide range of stakeholders, including representatives from the Youth Commission, the Bar Association, the Public Defender's Office, and the Police Commission. The Bias Working Group provided valuable input to the SFPD on revisions to DGOs 5.03 (Investigative Detentions), 5.17 (Bias-Free Policing Policy) and 11.07 (Prohibiting Discrimination, Harassment and Retaliation). As of the date of this email, DGOs 5.17 and 11.07 have been approved by the Police Commission.

To ensure that input from the community is considered, the Chief's December 27, 2019 Directive requires Executive Sponsors to use recommendation grids to track recommendations/feedback from ESGW members on SFPD policies. Specifically, the grid tracks each specific recommendation received, the date the recommendation was received, SFPD's response as to whether or not to implement the recommendation, and the basis for SFPD's decision on implementation. The grid also serves the purpose of increasing transparency by keeping the ESGW members informed about SFPD's decision-making on their recommendations/feedback. The Bias Working Group also provides regular red-lined edits of draft policies to working group members. The California Department of Justice encourages the Chief to amend his Directive to require ESGW sponsors to circulate redlined versions of draft policies any time SFPD incorporates or declines to incorporate feedback from ESGW members.

8/31/2020

[REDACTED]

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

However, while it finds SFPD in substantial compliance with this recommendation, the California Department of Justice reiterates its observation first noted in Supervising Deputy Attorney General Nancy Beninati's March 4, 2020 letter accompanying the Phase II Report that the ESWGs have not met with regular frequency, with the Bias Working Group as the notable exception. The California Department of Justice once again recommends that ESWGs meet with more frequency so it can take in community feedback. The success the Bias Working Group has had in revising three DGOs demonstrates the value of the ESWGs and the input from the community SFPD can receive through the ESWGs.

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

Tanya

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<b>Finding # 26</b>	<b>There is limited community input on the SFPD's actions regarding its anti-bias policies and practices.</b>
<b>Recommendation # 26.4</b>	The SFPD should work with the Police Commission to convene a community focus group to obtain input on the policies and practices as they are being developed.

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

**Summary**

The San Francisco Police Department and the Police Commission of the City and County of San Francisco collaborated in establishing and coordinating the modification and review of the department's policies and practices addressing bias. The department established an Executive Staff Working Group (ESWG) which partnered with the Commission and the community to modify policies and institute education and training focused on identifying and eliminating bias behavior and conduct. In addition to Department and Police Commission members, the ESWG included but was not limited to representatives of the San Francisco Youth Commission, the League of Women Voters, and other community groups. Members provided input which led to the modification and adoption of General Order 5.17 Bias Free Policing and General Order 11.07 Prohibiting Discrimination, Harassment, and Retaliation.

The Department's Written Directives Unit was given the task of ensuring department policies and practices are consistently evaluated and updated the department. The Written Directives Unit created a Department General Order (DGO) Matrix to assist in managing the process of continuous evaluation and review of department policy. The ESWG Recommendation Grid Template is a good method of tracking community and group policy recommendations. The Department's work in completing this recommendation is sufficient to be designated as Complete, however, the team will continue to monitor this area to ensure these practices are institutionalized.

Compliance Measures		Status/Measure Met
<b>1</b>	Partner with Police Commission to convene community focus group(s).	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>2</b>	Obtain input on policies and practices during policy development.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>3</b>	Establish ongoing evaluation and audit loop that input from community is considered.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**



## **Collaborative Reform Completion Memorandum**

**Finding # 26:** There is limited community input on the SFPD's actions regarding anti-bias policies and practices.

**Recommendation # 26.4:** The SFPD should work with the Police Commission to convene a community focus group to obtain input on the policies and practices as they are being developed.

**Response Date: 07/16/2020**

### **Executive Summary:**

In response to Department of Justice recommendations, the San Francisco Police Department (SFPD) established several groups to obtain input from the community throughout the policy development process. Working with the Police Commission, the SFPD ensured that each group comprised representatives from a wide variety of constituencies and advocacy organizations, as well as representation from relevant SFPD units and the Police Commission itself. Each community focus group, known as an Executive Sponsor Working Group (ESWG), is led by an Executive Sponsor who is a member of SFPD Command Staff. The following ESWGs have been established: Bias, Use of Force, Community Policing, Accountability, and Recruitment & Retention.

The President of the Police Commission assigns each Commissioner to an ESWG. Chief Scott designated Commander Teresa Ewins as the Executive Sponsor of the Bias Working Group. Executive Sponsors work closely with the Police Commission designee(s) to provide input and expertise to formulate policy and procedures. The focus of the Bias Working Group is to obtain community input on the SFPD's anti-bias policies and practices.

The SFPD formed the Executive Sponsor Working Group on Bias in May of 2017. As the policy focus of the group has changed over time, the composition of the group has similarly evolved. Executive Sponsors, Commissioners, community members and advocacy groups have changed due to promotions and reassignments of members.

By directly involving both Commissioners and Commission staff in the working group, Executive Sponsors have ensured responsiveness to emerging community priorities and research assistance for best practices.

### **Compliance Measures:**

#### **1) Partner with Police Commission to convene community focus groups(s)**

Executive Sponsor Working Groups are an integral part of the creation, review and completion of policies and procedures. With respect specifically to the ESWG on Bias, the SFPD, with the assistance of the Police Commissioners, requested community



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participation in the review and development and/or update of three major SFPD policy items:

1. Department General Order (DGO) 5.17,
2. DGO 11.07
3. SFPD's Strategic Plan to Minimize Bias.

With the assistance of the designated Commissioners, the following interagency and advocacy groups participated in the process: Department of Police Accountability (DPA), the League of Women Voters, the Human Rights Commission (HRC), the Public Defender's Office, the San Francisco Bar Association, the San Francisco Youth Commission and the Interfaith Council. The Commissioners played an important role due to their legal minds, but the relationships that they had with the members in the working group enhanced the group dynamic.

The Bias Working Group worked cohesively on policy, and self-corrected to ensure that the composition of the group was reflective of the community. For example, when the group realized that the voice of youth was missing, a representative of the Youth Commission was invited to join. Having this type of openness by all members was essential to developing the working relationship within the group. Much of this was accomplished due to the SFPD and Police Commissioners working together to convene this working group.

Based on the success of the Bias Working Group thus far, in updating major SFPD anti-bias policies, the approach of the Bias Working Group will provide a model for other community focus groups moving forward.

### **2) Obtain input on policies and practices during policy development**

The Executive Sponsor Working Group on Bias has provided input to a number of critical policy documents aimed at minimizing bias in policing within the SFPD. The Bias working Group helped generate initial drafts of updates for Department General Orders on Bias-Free Policing (See Attachment #1: DGO 5.17; Bias-Free Policing Policy) and the Prohibition of Discrimination, Harassment, and Retaliation (See Attachment #2: DGO 11.07; Prohibiting Discrimination, Harassment and Retaliation).

The creation of a DGO dedicated to Investigative Detentions provides another example of ESWG and departmental collaboration. The Bias Working Group identified the need to refine this policy, completed an initial draft, then worked with the department to improve it to reflect both best practices and the practical considerations of patrol officers. (See Attachment #3: DGO 5.03; Investigative Detentions)

To build trust and transparency within the working group, a process was created for the monthly meetings. Each meeting featured call-in capabilities, meeting recordings, a process to submit documents from working group members, materials for the meeting



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prior to the scheduled meeting and minutes from the prior meeting (See Attachment #4: Examples of pre-meeting correspondence, including meeting minutes). When an impasse or conflict necessitated a policy decision from the Chief of Police, his reasoning was presented by the Executive Sponsor in the beginning of the meeting.

Since the start of Collaborative Reform process in 2016, key policies were put in place to guide the review and revision of Department General Orders (See Attachment #5: DGO 3.01; Written Communication System). Additionally, A Chief's Directive was put in place to guide the creation and process for working groups moving forward (See Attachment #6: Chief's Directive on DGO Working Groups). The key component of this directive is a process of feedback by working group members with documented outcomes of this input.

Building off of the group's past success at contributing positively to the SFPD policy development process, the ESWG on Bias now has the tools and experience to contribute productively to the SFPD's Strategic Plan to Minimize Bias. The Bias Working Group was divided into four sub-groups with a lead organizer to guide the progress and focus on each dimension of bias. The four subgroups are:

- Police Perceptions of Community
- Community Perceptions of Police
- Bias within the SFPD Workforce
- Bias by Proxy

Each group outlined "Tools to Build Trust" to cover how the following categories relate to their assigned dimension on: training, outreach, and community policing. In the final phase, each group will provide implementation recommendations, which are based off of the best practices that they found in their research. The final product will be presented in August, 2020 for final review.

The Department's new policies, DGO 3.01 and the Chief's Directive, provide clear and long standing guidance for the policy development and review process while emphasizing the need for inclusion, accountability and ongoing feedback.

### **3) Establish ongoing evaluation and audit loop that input from community is considered**

SFPD established several processes to continuously evaluate group progress, and to ensure meaningful input for SFPD policy development and review.

First, Chief Scott and then-Commission President Robert Hirsch examined all DGOs and agreed to a list of those that would require community input in the form of working groups. This list of DGOs has been embedded in the SFPD's DGO Matrix Schedule to



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ensure that working group input is obtained prior to the DGO entering internal concurrence (See Attachment #7: DGO Matrix).

Second, the Department issued a Chief's Directive providing guidance for effective and efficient working group meetings (See Attachment #6: Chief's Directive on DGO Working Groups). This Chief's Directive assigns Executive Sponsors to each of the working groups. In addition, it provides guidance for selecting working group members, facilitating productive proceedings, and formally recording the input provided by each working group. This last capability entails the use of "recommendation grids," which formalize and systematize group feedback while also providing a process for the SFPD to respond to the group and explain why certain recommendations will not be included in the final work product. Additional information on the recommendation grid follows:

#	Recommendations	Date recommendation received	SFPD response	SFPD explanation	Open/Closed
R1					
R2					
R3					
R4					
R5					

*Exhibit 1: Recommendation Grid Template.*

In summary, each ESWG first provides distinct policy recommendations and submits them to the SFPD. Next, the department provides a formal response, for which three outcomes are possible:

1. Recommendation included in draft
2. Recommendation not included in draft (explanation required)
3. Requires analysis. SFPD may need more time to review the recommendation.
  - a. Example: A recommendation conflicts with law enforcement industry standards or best practices. Internal SMEs may need more time to review to determine how best to implement. This may not be resolved during the working group process.

Depending on the level of analysis required or the need for internal review, recommendations are then classified as "open" or "closed." Once a recommendation has been closed, the recommendation will not be revisited unless there has been a change in local or state law that warrants a review.

The SFPD Written Directives Unit, working in concert with each Executive Sponsor, facilitates the exchange of views via the above "recommendation grid" and updates a



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group's template following each working group meeting. Upon the completion of the working group review and update of the DGO, the Executive Sponsor or designee sends the final recommendation list to the SFPD Written Directives Unit to include in a group or DGO historical file, as appropriate. This system allows for a continual evaluation of the impact each group has on the policymaking process, while also providing a record for historical audits.

The ESWG on Bias developed their own processes in light of the Chief's Directive, which have recently been implemented. Input from the working group was ongoing with discussion in the monthly meeting, email and calls with the Executive Sponsor or Commission Staff. In each meeting a redlined document was maintained by Commission Staff member Rachael Kilshaw (Sgt., Retired) to show progress, and to provide an ongoing record of change (See attachment 8, redlined versions of DGOs 5.17 and 5.03, October 2019). Additionally, members provided documents prior to a meeting. The information was reviewed and provided if it was relevant to the meeting's agenda. Due to the positive working relationships within the group, members were not stopped from speaking about information that may not have been within the agenda. That being said, a timeline was closely adhered to and agreed upon by all members in the group.

When the group reached an impasse, the Executive Sponsor would meet with Chief Scott, the Commissioners assigned to the group, and Commission staff to resolve the issue. In one of these situations, Chief Scott suggested the creation of a survey to evaluate sworn and non-sworn impressions and expertise on language that was being proposed. The outcome of this survey helped guide Chief Scott's final decision. The Executive Sponsor then presented the Chief's decision with an explanation of his decision. This follow-up and presentation was positive for the group and well received.

The collaboration among the SFPD, Police Commissioners, and community representatives demonstrates a positive approach to the review and development of SFPD anti-bias policies and procedures. The development and updating of SFPD policy relied on input and guidance from the Executive Sponsor Working Groups, which created an ongoing improvement loop that serves as a model for future policy development in the SFPD.