

**From:** [Gabriel Martinez](#)  
**To:** [REDACTED]; [McGuire, Catherine \(POL\)](#); [Scott, William \(POL\)](#); [REDACTED];  
[Altorfer, Eric \(POL\)](#); [REDACTED]  
**Subject:** Recommendation 29.2  
**Date:** Monday, September 13, 2021 12:18:46 PM

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 29.2 that were submitted to us as part of the collaborative reform process. This package focused on SFPD ensuring training on bias investigations. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 29.2: The SFPD should ensure that supervisors are trained on bias investigations, including all of the following:

- [REDACTED] How to identify biased police practices when reviewing investigatory stop, arrest, and use of force data.
- [REDACTED] How to respond to a complaint of biased police practices, including conducting a preliminary investigation of the complaint in order to preserve key evidence and potential witnesses.
- [REDACTED] How to evaluate complaints of improper pedestrian stops for potential biased police practices.

Response to 29.2: Both the Department of Police Accountability (DPA) and SFPD have roles in investigating allegations of bias. DPA has jurisdiction over on-duty complaints of officer misconduct from the public, including complaints of bias. SFPD's Internal Affairs Division (IAD) has jurisdiction over allegations of off-duty misconduct by officers and allegations of on-duty misconduct made by officers, including complaints of bias.

On December 23, 2020, SFPD issued Unit Order 20-07, "Guidelines for Investigations Into Bias Related Complaints." The Unit Order directs SFPD's Internal Affairs Division (IAD) investigators to gather and review documents, body-worn-camera video, and arrest reports in addition to witness interviews in bias investigations. Additionally, if the complaint alleges an officer's selective enforcement of the law, the Unit Order directs investigators to review other enforcement actions by the officer during that day. Similarly, the Unit Order directs investigators to review prior Stop Data Collection System data and arrest reports for possible patterns of bias. The Unit Order lists questions for a complainant interview as well as for the subject officer. On January 13, 2021, IAD conducted training on Unit Order 20-07 and bias investigations and had scheduled a refresher course for July 21, 2021.

On August 19, 2020, SFPD issued Unit Order 20-04, "Internal Affairs Division and Department of Police Accountability Trainings and Seminars." Unit Order 20-04 establishes

<b>Finding # 29</b>	<b>Allegations of biased policing by community members have not been sustained against an officer in more than three years.</b>
<b>Recommendation # 29.2</b>	The SFPD should ensure that supervisors are trained on bias investigations, including all of the following: <ul style="list-style-type: none"> <li>• How to identify biased police practices when reviewing investigatory stop, arrest, and use of force data</li> <li>• How to respond to a complaint of biased police practices, including conducting a preliminary investigation of the complaint in order to preserve key evidence and potential witnesses</li> <li>• How to evaluate complaints of improper pedestrian stops for potential biased police practices.</li> </ul>

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

**Summary**

The SFPD has determined that given the importance of Bias and internal investigations and other IA investigations, supervisors will document preliminary investigations in terms of preserving evidence and clearly documenting discussions with complainants and witnesses. First line supervisors are being taught how to recognize bias indicators (Dashboard Review System), how to intervene early and what corrective action is available. Supervisors have access to the DRS system at all times.

IA Unit Order 20-07 Guidelines For Investigating Bias Complaints gives guidance to IA supervisors regarding conducting a bias investigation. The Unit Order supplements training that IA personnel receive as part of the usual course and assignment to the IA Unit.

Compliance Measures	Status/Measure Met
1      Develop training that is informed by best practices and includes: <ul style="list-style-type: none"> <li>• How to identify bias when reviewing investigatory stop, arrest, and use of force data.</li> <li>• How to respond to a complaint of bias practices.</li> <li>• How to conduct a preliminary investigation to preserve key evidence and witnesses.</li> <li>• How to evaluate complaints of improper pedestrian stops for bias practices.</li> </ul> This recommendation is speaking directly to the responsibilities of first line supervisors.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2      Train all supervisors on bias investigations. DPA and the department's IA Unit are responsible for conducting IA investigations.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3      Establish evaluation or audit loop to assess efficacy of training.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**



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**Finding # 29:** Allegations of biased policing by community members have not been sustained against an officer in more than three years.

- **Recommendation # 29.2:** The SFPD should ensure that supervisors are trained on bias investigations, including all of the following:
  - How to identify biased police practices when reviewing investigatory stop, arrest, and use of force data.
  - How to respond to a complaint of biased police practices, including conducting a preliminary investigation of the complaint in order to preserve key evidence and potential witnesses.
  - How to evaluate complaints of improper pedestrian stops for potential biased police practices.

**Response Date: 7/15/2021**

### Executive Summary:

The San Francisco Police Department continues to strive in its efforts to train members in the recognition and avoidance of biased policing. (See Attachment #1: SFPD Bias Related Training and attachment #2: Roll Call Trainings)

Any member who becomes aware of biased policing, or any other violation shall report it in accordance with established procedure. (See Attachment #3: DGO 5.17 Bias-Free Policing Policy)

If a complaint or allegation of possible bias policing is made, the investigation is conducted by either the Department of Police Accountability (DPA) and/or the Internal Affairs Division. (IAD) Patrol supervisors do not investigate biased allegations. (See Attachment #4: DGO 2.04 Citizen Complaints Against Officers.)

To address potential disparities, the San Francisco Police Department has implemented new policies, procedures, and training to educate our members of potential biases and avoid unequal application of the law. Data collection is a tool that the SFPD will use to understand the work their members undertake each day and what they are being directed to do by supervisors. Examining data can, among other things, help identify disparities that may exist within the agency. Disparities in enforcement actions can damage police and community relationships. With the implementation of the new Dashboard Review System (DRS), the SFPD will use intervention strategies, outside of discipline, to address disparities. The DRS is being designed using a three-phase roll-out plan and will start with the analysis of member traffic stop data. The DRS will be used by front line supervisors as a tool to evaluate and





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intervene when data disparities exist. During the second and third phases, additional data will be pulled into the system for further supervisory review.

### **Compliance Measures:**

#### **1) Develop training that is informed by best practices and includes:**

- **How to identify bias when reviewing investigatory stop, arrest and use of force data.**
- **How to respond to a complaint of bias practices.**
- **How to conduct a preliminary investigation to preserve key evidence and witnesses.**
- **How to evaluate complaints of improper pedestrian stops for bias practices.**

Frontline SFPD supervisors are not tasked with bias related investigations of SFPD members.

However, in order to identify possible bias practices, all members need a solid foundation in recognizing bias both implicit and explicit. The following represents that ongoing foundational education.

Therefore, Patrol Sergeants are taught upon the implementation of the new Dashboard Review System (DRS), that the Dashboard is available for their daily review and in addition to the quarterly review, they are encouraged to review the Dashboard periodically as a means of appropriate leadership as well as observing patterns of misconduct or early indicators of bias. Supervisors are taught that the following is a list of indicators of bias.

In addition, Supervisors are taught that when they receive a complaint of bias they will record the name, address, and telephone number of the complainant and then refer the complainant to (DPA or IAD as appropriate). The supervisor will ensure that any dispatch, BWC, or other evidence is identified, notated in the documentation, and preserved for future use by DPA or IAD.

[REDACTED]

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