

[REDACTED]

From: Gabriel Martinez [REDACTED]
Sent: Wednesday, April 14, 2021 7:01 PM
To: [REDACTED]
Subject: Recommendation 56.1

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 56.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD working with partners to inform complainants and the public about the status of complaints. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 56.1: The SFPD should work with the DPA and Police Commission to minimize obstacles to transparency as allowed by law to improve communications to complainants and the public regarding investigation status, timelines, disposition, and outcome.

Response to 56.1: On July 16, 2020, SFPD Internal Affairs Division created a “customer service protocol” to improve communication with complainants by providing status updates. Under the protocol, IAD will send the complainant a form letter within five days indicating that the complaint has been received and is being internally investigated. The protocol requires the assigned IAD investigator to contact the complainant with status updates monthly until the end of the adjudication of the complaint. At that point, IAD will mail a form letter to the complainant with SFPD’s findings. Cal DOJ recommended that SFPD provide complainants more information in the findings letter; however, SFPD was concerned about the legal ramifications of adding information and did not require additional information to be included in the letter.

Regarding publicly available information, DPA publishes monthly “Openness Reports” on the DPA website. The reports include information regarding the complaints DPA received each month, including a summary of each allegation and DPA’s findings. SFPD links to the DPA website and its published reports on the SFPD website (<https://avanan.url-protection.com/v1/url?o=https%3A//www.sanfranciscopolice.org/your-sfpd/published-reports%29.%26nbsp&g=Nzc0ZmMzMGM4N2YzZTIwMA==&h=ZDUzNjVIZTAzMmRhYTAyYjJmZjk3NDMwM2JiNWUxZDU4MjBiMzU2YTY0ZWZWM4OTc1MzE2ZDljZGRiOGNkZGFmYg==&p=YXAzOnNmZHQyOmF2YW5hbGpvcOmY2NzY3MWJmNGUxY2ZmZWVjZjI4NWE5ODgxNDVjYjIwOnYx>); DPA also

links to its yearly report on complaint statistics on the front page of its website (<https://avanan.url-protection.com/v1/url?o=https%3A//sfgov.org/dpa/&g=NDVmYmNjY2ZkNzhjNTU4OQ==&h=YThlN2YyNjczZmZhNjQ1NTMzMTY0ZGVhM2E0NWlZnWm2ZDRhMDQzMWM2NDNmZmY4YWNjNTRINWI5YW RhMzk3ZA==&p=YXAzOnNmZHQyOmF2YW5hbjpgvOmY2NzY3MWJmNGUxY2ZmZWVjZjI4NWE5OD gxNDVjYjIwOnYx> and https://avanan.url-protection.com/v1/url?o=https%3A//sfgov.org/dpa/sites/default/files/DPA_Statistical_Overview_19.pdf%29.%26nbsp&g=ZmE4OTdkZGY5NWZjZWZiYQ==&h=MTM1NzI5NjcxZmFINzllZDMzNjgwZGQ0ZmI5NTJm NmM2MDZlZDgzYTQ0OGZkODZjZWRIYTZkY2U2MjJlYTnkMA==&p=YXAzOnNmZHQyOmF2YW5h bjpgvOmY2NzY3MWJmNGUxY2ZmZWVjZjI4NWE5ODgxNDVjYjIwOnYx; Additionally, SFPD provides a quarterly IAD report to the Police Commission with the number and type of IAD investigations initiated during the quarter, which is also available on the Police Commission's website (<https://avanan.url-protection.com/v1/url?o=https%3A//sfgov.org/policecommission//iad-sustained-complaints-chiefs-decision-0%29.%26nbsp&g=NmY3OGExM2U2OWJkNzBINw==&h=Nzg1MWMwYTUzMzc2ZDg5MzliNWVhYzc0 Mzg1NGJkYjNkZDcyYzZmMTc4OTRmMmFkNzc5OTlmMzlmYjYwMzBkYg==&p=YXAzOnNmZHQyOmF2YW5hbjpgvOmY2NzY3MWJmNGUxY2ZmZWVjZjI4NWE5ODgxNDVjYjIwOnYx>);

On May 15, 2019, SFPD published Department General Order (DGO) 2.04, "Complaints Against Officers." The DGO had not been updated since 1994. The revised DGO added procedures for increasing public access in the complaint process, including requiring SFPD district stations to display of Department of Police Accountability (DPA) complaint form and brochure on the complaint process in multiple languages, requiring officers to provide DPA contact information to members of the public on request, and requiring officers to assist in the preparation of a complaint form if requested by the complainant.

DGO 2.04 also established a Disciplinary Review Board to ensure that SFPD works with both the DPA and the Police Commission to review aggregate trends of complaints and specific sustained complaints to identify policy and training failures and make written recommendations. The DRB consists of the SFPD Assistant Chief of Staff, Deputy Chief of the Administration Bureau, a member of the Police Commission, and the Director of the Department of Police Accountability. The DRB reports quarterly to the public and to the Commission on its recommendations and regarding the success or failure of any implemented recommendations.

The first DRB meeting was held on February 11, 2020 and, after a hiatus due to COVID-19

restrictions, DRB meetings resumed in October 2020. For the Fourth Quarter Disciplinary Review Board Meeting in 2020, the DRB composed a memorandum with nine recommendations. These included recommendations on DPA adding specificity in failure-to-supervise findings, providing the public specific numbers of IAD and DPA cases in addition to trend data, and adding a requirement that officers who receive a sustained discourtesy complaint go to specific training to address discourtesy. (December 28, 2020 memo from Assistant Chief Moser to Chief Scott).

Additionally, on December 2, 2020, representatives of SFPD, DPA, and the Police Commission met to discuss strategies to improve communications with the public regarding the complaint process. The group recommended the development of a common SharePoint communications system for the DRB, additional public educational sessions on the complaint process held at District stations (including each agency publicizing the sessions on their websites), and reviewing the finding letter template for possible additional

information. On January 16, 2020, DPA and IAD piloted a presentation to Central Station regarding the complaint process and intend to roll out the presentation to other district stations as Covid restrictions ease.

SFPD and DPA also conduct monthly meetings on policy recommendations called “Sparks Meetings.” These meetings, required by the city charter, Police Commission Resolution 27-06, and SFPD Policy (see e.g., Written Directive’s Unit Order 20-03, "Collaboration with DPA During Policy Development"), are a forum for issues arising between SFPD and DPA, which have included resolving issues in the complaint process. For example, the August 2020 Sparks Meeting included a discussion on complaint log email troubleshooting.

Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation; however, Cal DOJ recommends that SFPD re-visit whether it can include additional information in the form letter to the complainant with SFPD’s findings, such as which steps were taken during the investigation (even if generalized). Please let us know if you have any questions or would like to discuss further. Thank you.

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Finding # 56	The SFPD does not engage in community outreach and information regarding the discipline process and rights of the community.
Recommendation # 56.1	The SFPD should work with the DPA and Police Commission to minimize obstacles to transparency as allowed by law to improve communications to complainants and the public regarding investigation status, timeliness, disposition, and outcome.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

SFPD has engaged the DPA in several arenas since the initial assessment in 2016 – and the CRI reviewers have seen overall improvement. SFPD identifies an agreed upon strategy to continue the focus and improvement on public communication on disciplinary and complaint matters.

Relevant to compliance measure #1, the SFPD has engaged in routine meetings with the DPA regarding Sparks reports, the publication of DGO 2.04 which focuses on discipline and on executive engagement between the two agencies. However, COVID has developed a barrier to the routine nature of such meetings. The department has identified that it is committed to engaging with DPA and the Police Commission on these issues and has demonstrated this commitment, beginning in the fall of 2020.

There have been issue specific meetings, as supported by Attachment #3 which documents a shared focus on improvements. While in its early stages, the Disciplinary Review Board (DRB) provides a forum from which the stakeholders can better direct strategy going forward as well as improve transparency in reporting on issues as identified. However, these outcomes have yet to be realized given the early stages of this policy and the limited engagement in 2020. The CRI team is aware of other ongoing engagement with DPA, including early engagement on DGO 2.04 and publication of information to the public on how to file complaints. Further, additional public reporting has resulted in the reporting to the Police Commission and the publication of information on the SFPD’s and DPA’s respective websites. We note that while this meets the compliance measure, the long-term continuous improvement goal is to expand the focus on the institutional engagements, which have improved the process, to one that seeks to strategize on how to ensure the ease of access and focus on communication with the communities of SFPD and the complainants that come forward. The Disciplinary Review Board is part of this approach, and includes the DPA, but is focused on internal process that ideally will result in improved public communications. This is particularly so for the focus on data and policy.

Compliance Measure #2 support includes a variety of actions taken to further transparency and information for the SFPD. Much of the work in this area is focused on the parameters of the collective bargaining agreement and the focus should be expanded to ensure that community transparency is included in the work of the agencies. There is reliance upon the Community Policing DGO 1.08 and upcoming strategic plan which is intended to expand overall engagement. The Department additionally notes that on December 2, 2020, there was a meeting with the department, the DPA and the PC that discussed strategy and solutions for better community engagement and that much of the outreach to date would support a long-term strategy for better engagement. However, this discussion did not result in a strategy which is key to ensure that there is ongoing engagement and sharing of information regarding this specific topic area. While the SFPD seeks to bolster the work to date through reference to the overall community policing strategic plan, the issues of officer discipline and complaint processes have not traditionally been a topic that is communicated under the department’s community policing plan and ensuring transparency and communication on officer disciplinary practices requires ongoing work.

We note that the IAD customer service protocol is one strategic outcome of work on the overall investigations process internal to the SFPD. This is one mechanism that improves transparency as is the additional and more clearly defined information on the SFPD website. For these reasons, the SFPD meets compliance measure #2. However, there is more work to be done in refining a strategy for all of the key entities and we note the discussion on December 2, 2020 was accurate in the focus of the individual agency actions and how they can align with an overarching strategic goal for better communication and transparency.

For compliance measure #3, there has been extensive work in the area of transparency and information continues to be more readily available. The department notes the publication of the Openness report which breaks down all complaints received on the DPA website which is cross-linked as a joined up approach to better information for the public. The range of information now available is impressive and across a range of actions driven by recommendations and therefore, part of the Collaborative Reform Initiative strategies by the SFPD. The roll out and access to information has been measured and structured to be supported as reports, other recommendations and work evolves. For example, the early focus on district level joint presentations as well as reporting through the Police Commission. For the work done to date, we have determined that the SFPD meets compliance measure #3. However, we note that some of the work is relatively recent and encourage the SFPD and DPA continues to further develop and identify the underlying strategy that drives transparency and communication between the institutional stakeholders and the community they serve.

Compliance Measures		Status/Measure Met
1	Establish a routine meeting cadence with DPA and Police Commission.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Identify strategies for improved communication to complainants and the public regarding the progress and conclusion of investigations, including outcomes.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Publish information in accordance with developed strategy.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

It is not clear why the institutional meetings stopped given the DRB partners are working and, presumably, have access to the technology to meet on DRB issues. These are the same stakeholders and we encourage the focus on ensuring the meetings occur routinely and regularly to help align the actions and to better define the strategy.

Compliance Issues

The strategy requires a greater focus and the primary goal should be increasing transparency.



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Finding # 56:

The SFPD does not engage in community outreach and information regarding the discipline process and rights of the community.

Recommendation # 56.1:

The SFPD should work with the DPA and Police Commission to minimize obstacles to transparency as allowed by law to improve communications to complainants and the public regarding investigation status, timelines, deposition and outcome.

Response Date: 12/09/2020

Executive Summary:

Based on the US Department of Justice's recommendations, the San Francisco Police Department, Department of Police Accountability, and the Police Commission have worked together collectively to improve communications about investigative status, timelines, depositions and outcomes stemming from complaints. The parties developed a three-pronged strategic framework for thinking about efforts to improve communications, mapped efforts made since 2016 to this framework, and identified future opportunities for improvement. In addition to engaging in routine public and working-level meetings with the Police Commission and DPA, the Department has updated Department General Orders, Department Bulletins, and internal protocols to improve transparency and communications about the status, timelines, disposition, and outcome of complaints. These organizations have published regularly-updated reports on disciplinary issues and produced to educate the public on how to follow the status of specific complaints from initiation to conclusion.

Compliance Measures:

1. Routine meetings with DPA and Police Commission.

The San Francisco Police Department engages in routine meetings with the DPA and the Police Commission to improve communications with the public, facilitate relationships and advance policies at the interagency level, and to improve communications specifically related to disciplinary matters.

With respect to public meetings, the Department convenes with DPA at each meeting of the Police Commission (current Police Commissioners, the Chief of Police, and the Director of the DPA attend each Police Commission meeting). Police Commission meetings are held in a public forum and opportunities for citizen comments are built into the agenda. In addition, Police Commission meetings are broadcasted live on



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SFGovTV. A link to access SFGovTV is published on the Police Commissions website at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=21

Many other routine meetings between Department members and representatives of the DPA occur in the course of regular business. For example, Department members meet with DPA regarding policy matters at monthly Sparks' report meetings (**Attachment #1** provides an example of minutes from the Sparks' meetings). Recommendation 56.1 also requires that the SFPD work with DPA to minimize obstacles for transparency as allowed by law. (**Attachment #2**) shows proof of the opened communications through conference calls and formal letter requests in order to achieve transparency. These efforts resulted in an ongoing and productive series of discussions between the Department and DPA on the topic of information sharing, which will result in improved communication with the public regarding disciplinary and other matters.

With respect to disciplinary matters, the Department and DPA established a formal process to review pending cases of mutual interest. DGO 2.04, specifically section 2.04.08 – Disciplinary Review Board—established a mechanism to ensure that the SFPD works with both the DPA and the Police Commission to minimize obstacles to transparency, improve communications to complainants and the public regarding investigation status, timelines, depositions and outcomes (**Attachment #3**).

The DRB consists of the Assistant Chief of Staff, Deputy Chief of the Administration Bureau, a member of the Police Commission (advisory) and the Director of the Department of Police Accountability (advisory). The Disciplinary Review Board reviews and discusses:

- Aggregate trends related to DPA and Internal Affairs Division complaints, both alleged and sustained.
- Policy failure or training failure cases closed in the prior quarter.
- Select sustained cases from the previous quarter to determine the need for training or policy changes.
- SFPD and DPA Recommendations.

The DRB considers whether any policy, procedure or training needs to be revised, added, or re-issued if it relates to the subject matter reviewed. The DRB may make written recommendations that include the manner in which the recommendations shall be implemented and a timeline for completion based upon identified priority level and complexity of recommendation. The DRB reports quarterly to the public and to the Commission those policy and training changes it recommends, and the measure of the success or failure of each change, in a manner consistent with individual police officer privacy rights. The DRB thus provides the public with a window into the disciplinary



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process and publicly highlights any changes—made with the goal of increased transparency and accountability in mind—that the Board recommends.

The first DRB met on February 11, 2020 and, after a hiatus due to COVID-19 restrictions, resumed regular meetings in October 2020. At the most recent meeting, on November 12th, 2020 (Attachment #4), attendees decided to hold a separate discussion covering outreach strategies (discussed further below). DRB meetings act as a forum to identify discipline trends and communicate about areas of common concern and interest. Ultimately, the board reports out to the Commission, which allows the public to gain an understanding of the most pressing issues and developments occurring in the city with respect to officer complaints and discipline.

The combination of regular police Commission meetings, routine meetings on policy and procedural matters, and a formal mechanism for Disciplinary review informs DPA, the Department, and the Police Commission on matters of mutual interest and facilitates clear communication to the public about the joint operations of these organizations.

2. Identify strategies for improved communication with the public regarding the progress and conclusion of investigations, including outcomes.

The San Francisco Police Department and the Department of Police Accountability endeavor to provide timely and relevant information to all members of the public regarding the progress and conclusions of their investigations. While information related to ongoing investigations is often restricted, both SFPD and DPA recognized the need to develop strategies to increase public awareness of both the general investigative process and also details, as permitted by law, related to specific cases.

On December 2, 2020, representatives of SFPD, DPA and the Police Commission met to discuss strategies to improve communications with the public regarding progress and conclusion of investigations, including outcomes (Attachment #5). The group recognized that a number of steps had already been taken to advance the issue, but that a strategic framework would be required to ensure that future steps taken tie back to an overall vision of improved communication with the public and complainants. The group discussed several different frameworks, and ultimately grouped their collective efforts into three categories:

1. Steps to improve communications with the public
2. Steps to improve communications with complainants
3. Steps to improve communications regarding investigative outcomes and results.

During the meeting, it was noted that many steps already taken fit into this framework. By line of effort:



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1. *Steps to improve communications with the public*
 - *DGO 1.08 Revision*
 - *Community Policing Strategic Plan*
 - *SFPD/DPA/Commission Staff briefings at District station meetings*
2. *Steps to improve communications with complainants*
 - *DGO 2.04 Revision*
 - *DGO 1.08 Revision*
 - *Translation of Complaint Form 293*
 - *DB 17-255*
 - *DB 19-195*
3. *Steps to improve communications regarding investigative outcomes and results*
 - *IAD Customer Service Protocol*

This strategic framework will also provide guidance to the Department, DPA and the Police Commission regarding future efforts. These will include the development of a common sharepoint communications system for the Disciplinary Review Board, additional public educational sessions held at District stations, and updates to the Department web site.

Additional details regarding past achievements, organized by General Orders, Department Bulletin / Form updates, and the Internal Affairs Division Customer Service Protocol are included below:

DGOs

In May of 2019, the San Francisco Police Commission passed a revised version of DGO 2.04, "Complaints Against Officers," which outlines for officers and the public precisely how complaints are processed (**Attachment #3**). The document, which had not been updated since 1994, was updated to include additional procedures for increasing public awareness about the complaint process such as mandating the display of DPA brochures at each station and requiring officers to provide DPA contact information to members of the public on request. The updated DGO also established the Discipline Review Board discussed above, clarified which entity (i.e. SFPD/IAD or DPA) handles which types of complaints, and included a Memorandum of Understanding that outlines the reporting requirements for each organization. These updates help inform the public and police officers about the steps taken after a complaint is filed, and the reporting requirements and DRB help communicate the outcomes of investigations in a timely and fair manner.



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More recently, the Department finalized and the Commission approved an updated version of DGO 1.08, "Community Policing." Transparency, accessibility, and improved communication served as guiding principles throughout the revision process, which included significant input from community stakeholders (Attachment #6). The revised DGO reinforces the Department's commitment to engage in community outreach and provide information regarding the discipline process and rights of the community by providing honest and transparent communications with the public. In addition, DGO 1.08 emphasizes that the SFPD will take responsibility and hold all members accountable for their actions while creating a diverse set of communication channels between the SFPD and the community where conversations, input, and collaboration is solicited and publicly shared.

These themes were expanded upon in the Community Policing Strategic Plan, which sets the direction for how the Department approaches community policing at the Department, Bureau, and Unit levels (Attachment #7) and is coupled to DGO 1.08. The first goal of the Community Policing Strategic Plan is communication, which is described in Objective 1.1:

Create a diverse set of communication channels between the SFPD and community. The SFPD is available to share and receive information and feedback across a range of communications channels that are equally accessible to all community members. Existing tools are widely promoted, and new ones developed in conjunction with the community to meet all their needs.

The Strategic Plan further calls on individual officers and supervisors to take personal responsibility for their actions—whether positive or negative. This not only helps increase trust with the community that SFPD serves, but, when considered in conjunction with DGO 2.04, requires officers to improve communications and supervisors to take responsibility for identifying misconduct at the earliest opportunity. Under objective 5 – SFPD Organization, specifically section 5.10, the policy states:

Hold officers accountable for their actions and embodying community policing tenets. Every member of the SFPD should feel responsible for the work they do, including both recognition for the positive and accountability for the negative. Ownership for the Department's actions goes a long way towards earning the trust and respect of the San Francisco community, and lays the foundation for open and lasting relationships.

Considerations:



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- *Accountability and responsibility are for both positive and negative actions – officers should know they'll get credit when they do something good, and that the onus is on them for inappropriate conduct.*

Strategies:

- *Make public apologies and own up to shortcomings when relevant, and then correct them*
- *Train supervisors to identify misconduct and intervene.*

Department Bulletins

In addition to updating Department General Orders, SFPD has also published Bulletins to improve communications regarding discipline matters with the public generally and DPA specifically. The issuance of Department Bulletins and notices compliments the revisions made to DGOs 2.04 and 1.08 in that they allow the Department to respond to gaps and challenges as they emerge.

To establish communication mechanisms that reflect the diversity of San Francisco, the Department and DPA worked together to translate complaint Form 293 (Attachment #8) into Spanish, Chinese, Russian, Tagalog and Vietnamese. DB 17-255 (Attachment #9) informs Officers where to locate the forms on their SFPD desktop and a link to access the forms from (Attachment #10) DPA's website. Whereas in the past, community members with limited English proficiency may have had to rely on interpreters to process a complaint, they can now do so directly in a language that suits them best.

Correct processing of complaints and prompt correction of problematic behavior relies on transparent and reliable communication between DPA and SFPD. To help expedite DPA notification of complaints received at SFPD stations, the Department issued DB 19-195 a directive to e-mail a log of all complaints received the prior day before 9am (Attachment #11). This log includes CAD numbers (which officers acquire upon complaint intake) and information regarding the urgency of the complaint, which helps DPA allocate resources in line with the gravity of the allegations made and improve response times to complainants.

Internal Affairs Division Customer Service Protocol

In response to CRI recommendation 56.1, the SFPD Internal Affairs Division created a customer service protocol which provides guidelines for officers to provide status updates to complainants (Attachment #12). This protocol will serve as a key tool for increasing public awareness of investigations and outcomes moving forward.



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The protocol requires that the assigned IAD Investigator will send the citizen complainant a form letter via certified mail within (5) working days indicating that the complaint has been received and is being internally investigated (Attachment #13). The aforementioned IAD Investigator shall remain in contact with the complainant in order to further the investigation as well as inform the complainant regarding the status of the investigation. At minimum, the IAD Investigator shall be in contact with the complainant on a monthly basis until the associated case has been adjudicated. All contact and attempted contacts will be memorialized in the IAD Investigators chronological report and referred to in the investigative report when appropriate.

At the conclusion of the investigation, the IAD clerk will mail out a form letter to the complainant with the Department's findings on the matter (Attachment #14). The timelines and touchpoints outlined in this protocol will ensure that the public remains updated about individual cases, and the chronology will serve as an additional point of accountability in the event that communications break down with individual complainants.

3. Publish information in accordance with developed strategy.

The three-pronged strategy identified in accordance with compliance measure two articulated a framework for thinking about a number of pre-existing and future mechanisms for better communication and information sharing among the Police Commission, DPA, and the Department and with general public.

For its part, DPA publishes monthly "Openness Reports" (Attachment #15) on their website. The "Openness Reports" contain an in-depth report of all complaints received for that specific month. The report is broken down by:

1. Summary of Allegation
2. Category of Conduct
3. Finding
4. Department Action
5. Findings of Fact

DPA also publishes monthly statics on their website that portray year to date statistics of cases received, how the complaints were received, and a summary of the allegations.

To provide a cross reference to members of the public who may be interested in aggregate information on complaints, the San Francisco Police Department established a link to the DPA website on its published reports page. This page contains DPA's reports, including openness reports and statistics. (<http://sanfranciscopolice.org/your-sfpd/published-reports>) (Attachment #16), and the Police Commission also provides a



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link to this page on its web site. In addition, DPA and the Police Commission publish a public calendar on its web site which provide notice to the public of the date, time and location of public meetings (Attachment #17 & #18).

The Department, DPA, and the Police Commission also published materials about the disciplinary process in accordance with the requirements of CRI recommendation 56.5, which calls on these organizations to hold community outreach events to educate the public about the disciplinary process (Attachment #19) PowerPoint presentations materials from Central Station workshop. A pilot event was held at Central Station in February 2020, and although the restrictions on gatherings due to COVID-19 temporarily impeded the convening of other workshops, additional community events on the topic will be held in the future.

SFPD has also published information related to its disciplinary communication strategies independently. In October 2018, for example, SFPD released and published the (reference attachment 6) Community Policing Strategic Plan, which can be obtained on the SFPD's website. Providing this information to the public will set expectations regarding communication and hold officers accountable to engage with the community on a wide variety of topics, including discipline.

In addition, as required by Police Commission Resolution 97-04, the Department provides the Police Commission with a quarterly report that reflects the number and type of IAD investigations initiated during each reporting period. (Attachment #20) This report includes the number of cases sustained, disciplinary action taken, dismissed cases, and the current number of active IAD investigations. The IAD Quarterly report is presented to and published on the Police Commission's website for public viewing.



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Finding #56: The SFPD does not engage in community outreach and information regarding the discipline process and the rights of the community.

Recommendation # 56.1: The SFPD should work with DPA and the Police Commission to minimize obstacles to transparency as allowed by law to improve communications to complainants and the public regarding investigation status, timeliness, disposition, and outcome.

Response Date: 02/16/2021

ADDENDUM

On Monday February 08, 2021, The SFPD received notification that their review of Recommendation 56.1 was in final review with Hillard Heintze. However, Hillard Heintze requested the following before submitting the recommendation to Cal DOJ for substantial compliance:

It is not clear why the institutional meetings stopped given the DRB partners are working and, presumably, have access to the technology to meet on DRB issues. These are the same stakeholders and we encourage the focus on ensuring the meetings occur routinely and regularly to help align the actions and to better define the strategy.

In May of 2019, the Police Commission adopted Resolution 19-40, which created an MOU of understanding between DPA and the SFPD regarding the updated Department General Order 2.04.

The updated DGO 2.04 established a plan for an ongoing collaboration between SFPD and DPA called the "Discipline Review Board" (DRB). The board consists of members from SFPD, DPA and the Police Commission. The protocol for the members is to have quarterly meetings to examine inefficiencies, policy gaps, and protocols for the complaint system and discipline process.

In order to begin the substantive review required by DGO 2.04, it was necessary to first have several meetings with DRB stakeholders in order to agree on the structure of future DRB meetings, the scope of material to be covered, and determine which body would present what topics. To that end, the Chief of Staff; the Commander, Captain and Lieutenant of Risk Management Office; and representatives of Department of Police Accountability held several preliminary meetings to lay the foundation for the first substantive meeting of the Discipline Review Board.



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The first of these preparatory DRB meetings was held on February 11, 2020 to discuss the parameters set in DGO 2.04 Section .08. A follow up meeting was scheduled to occur on March 17, 2020. (See [Attachment #1: Meeting Minutes from February 11, 2020](#))

After the first preparatory meeting was held, further progress with the DRB was delayed by several unforeseen and unprecedented events, such as the global Covid 19 pandemic, high levels of civil unrest, and catastrophic wildfires.

Due to the Covid 19 pandemic, the first stay at home order was enacted by Mayor London Breed on March 16, 2020. As a consequence of this stay at home order, all in-person meetings were cancelled. All City departments then had to meet the challenge of finding the technological capabilities to meet and work remotely. Shortages in necessary equipment such as lack of cameras and laptops delayed this process. Shifting levels of restriction also contributed to delays as San Francisco as well as the rest of the world sought to understand how best to protect its employees while maintaining productivity. (See [Attachment #2: Email from Mayor London Breed Regarding Stay at Home Order](#))

In May and June of 2020, San Francisco was subject to large demonstrations and civil unrest following the death of George Floyd in Minneapolis. During several weeks in June, all days off were cancelled for the entirety of the Department in order to have sufficient staffing to ensure public safety. These demonstrations required large and unforeseen time commitments from DRB stakeholders which further contributed to the delay in scheduling a follow-up meeting.

In July and August, the San Francisco Bay Area was beset with catastrophic wildfires. The San Francisco Police Department and its leadership expended large amounts of time and resources lending mutual aid and coordinating efforts with allied agencies in the region to provide public safety and relief for affected communities. Many SFPD members from all ranks were personally affected by the fires as they were forced to evacuate their homes and find alternate accommodations for themselves and their families. These challenges also contributed to the delay in scheduling a follow-up meeting.

Despite the delay caused by the above unforeseen circumstances, the Department was not deterred in its determination to move forward with the DRB process. IAD and DPA continued communicating via email in an effort to keep the process of preparing for the first substantive DRB meeting from stalling out. In April 2020, Lt. Wilhelm of IAD reached out to Samara Marion of DPA to communicate about which cases would be reviewed and requested that they set up a Teams meeting to keep the process moving forward. Further emails were sent in June of 2020 regarding cases to be reviewed by the DRB. Between April and June, Samara Marion retired and it took some time for DPA to determine who would replace her at DRB meetings. Sarah Hawkins of DPA was eventually chosen, and she reached out to Lt. Wilhelm in August of 2020 in order to schedule a meeting. (See [Attachment #3: Emails between Lt. Wilhelm and DPA members](#))



Collaborative Reform Completion Memorandum


The second preparatory DRB meeting occurred on September 30, 2020. In that meeting, DRB stakeholders made progress in determining topics and challenges to be discussed in the first substantive DRB meeting. (See Attachment #4: Meeting Minutes from September 30, 2020)

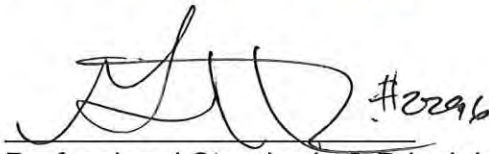
Due to the Department's commitment to meeting the requirements of the CRI process in as timely a manner as possible, DRB stakeholders did not wait until the next quarter to schedule the last of the preparatory DRB meetings, but held the final preparatory DRB meeting on November 12, 2020. In that meeting, as in previous preparatory meetings, the SFPD and the DPA worked collaboratively to finalize the protocols and topics to be discussed. Through their collaboration, SFPD and DPA agreed to discuss aggregate trends in cases and found common ground between the agencies in methods to mitigate complaints. Both agencies also agreed that the process for the DRB may change or evolve as needed as the process progresses. (See Attachment #5: Meeting Minutes from November 12, 2020)

The first substantive DRB meeting occurred on December 18, 2020. This meeting was attended by the Assistant Chief, Commander of Risk Management Office, the Deputy Chief of the Administration Bureau, The Deputy Chief of the Field Operations Bureau, A member of the Police Commission, and the Director of the DPA. (See Attachment #6: Meeting Minutes from December 18, 2020)

Following that meeting, a memorandum was authored by Assistant Chief Moser and submitted to the Chief of Police in order to keep him informed of the DRB findings and recommendations. (See Attachment #7: DRB Memorandum to the Chief of Police)

Since the first substantive DRB meeting has now taken place, all subsequent DRB meetings will be held quarterly, per the requirements set out in DGO 2.04. The next meeting is scheduled for March 19, 2021. (See Attachment #8: Calendar Screenshot for March DRB Meeting)

 #634
Executive Sponsor
Commander Denise Flaherty

 #2296
Professional Standards & Principled Policing
Acting Lieutenant Gabriel Rivera