



## Recommendation 64.2

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Dear Lt. Altorfer,

Our office has completed its review of the materials related to Recommendation 64.2 that were submitted to us as part of the collaborative reform process. This package focused on SFPD convening quarterly meetings with the Department of Police Accountability (DPA, formerly OCC) to discuss policy and practice recommendations. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 64.2: The SFPD should immediately accept OCC's [DPA's] recommendation, as reported in the First Quarter 2016 Spark's Report, to convene quarterly meetings between the OCC Staff and the SFPD Staff.

Response to 64.2: San Francisco's city charter requires the DPA to present quarterly recommendations concerning SFPD policies and practices to the Police Commission. These reports are known as the Sparks Reports.

On April 5, 2006, the San Francisco Police Commission adopted Resolution 27-06, requiring SFPD and the Office of Citizen Complaints (now DPA) to meet quarterly regarding policy proposals. Beginning in November 2018, SFPD and DPA began conducting monthly meetings on policy recommendations called "Sparks Meetings." Sparks Meetings are used for DPA and SFPD to discuss updates and changes to policies such as Department General Orders and certain Department Bulletins.

SFPD has met monthly with DPA for the past two years, except for a pause from the beginning of this year through May due to the COVID-19 pandemic. The meetings have now resumed, with documented meetings in June, July, and August. The most recent Sparks report presented to the Police Commission occurred on September 2, 2020.

On September 11, 2020, SFPD published Written Directives Unit Order 20-03, "Collaboration with DPA During Policy Development." The Order codifies the practice of monthly meetings, establishes policy and procedure for Sparks Meetings, and directs the use of a recommendation grid to track DPA recommendations and SFPD responses. At the monthly Sparks Meetings, SFPD provides DPA with a status report on DPA's proposed recommendations. The status report includes whether SFPD supports or does not support DPA's recommended policy changes and an explanation. The Order also details the SFPD annual revision plan for Department General Orders in collaboration with DPA. Finally, the Order explains how any policy disagreements can be elevated to the Chief of Police, and ultimately the Police Commission at public meetings.





Based upon all the above, the California Department of Justice finds that SFPD is in substantial compliance with this recommendation. Please let us know if you have any questions or would like to discuss further. Thank you.

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<b>Finding # 64</b>	<b>The SFPD does not routinely collaborate with the Office of Citizen Complaints (Department of Police Accountability (DPA)).</b>
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<b>Recommendation # 64.2</b>	<b>The SFPD should immediately accept DPA's recommendation, as reported in the First Quarter 2016 Sparks' Report, to convene quarterly meetings between DPA staff and SFPD staff.</b>
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<b>Recommendation Status</b>	<b>Complete</b>	Partially Complete	In Progress
	Not Started	No Assessment	

**Summary**

The department has demonstrated policy that mandates meetings specific on Sparks reports. The initial policy was established in March 2017 and recently updated under Unit Order 20-03. This policy was in place in August 2020. The department provides evidence of a practice of monthly meetings as a preference and the use of agendas to track the meetings as well as designated reporting before the Police Commission as to progress, thereby satisfying the compliance measures for this recommendation. However, meetings did not occur for the first 5 months of 2020 due to COVID. There is a record of meetings for 2019, mostly in compliance with the timeline, and then a gap from 12/2019 until 5/20. The package submitted ends the meeting agendas in August 2020. While the work of the department is substantially compliant with the identified compliance measures, there are concerns relative to the wording of Unit Order 20-03 and the current meeting record. Both agencies have continued to work through the pandemic and we believe that the meetings should be supported as a priority for both. The work to date demonstrates the commitment of the SFPD – substantial compliance is awarded based on meeting the compliance measures and the agency focus to date.

Compliance Measures		Status/Measure Met
1	Immediately establish quarterly meetings with DPA to address the Sparks' Report.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Audit loop or management review regarding the convening of the quarterly meetings.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

For purposes of this recommendation inclusion of the Police Commission order from April 2006 is not relevant – as the findings of the assessment team identified this was not being followed. The use of track change agendas is not professional looking and brings question to whether these were distributed. Finally, 179 pages is not needed to demonstrate compliance with 2 measures. The file support should be relevant to the recommendation and compliance measures.

**Compliance Issues**

The new policy for the unit level is challenging. There are a number of exceptions for the meeting requirements – for example use of should rather than will; and, providing excuse for workload issues – when is that not heavy? A mandatory minimum of meetings should be included in the policy because as written it is conceivable to never meet based upon the waivers recognized in the policy. No standards are identified for chain of command approval for SMEs to attend – nor for the priority to allow them to do so - which may prove detrimental to the process. Finally, the meeting support should be optimized for attendance by the necessary parties. Given how we are managing in the period of COVID-19, physical appearances should be supplemented by use of digital when parties are precluded from attending due to C/O decisions.



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### Finding # 64:

The SFPD does not routinely collaborate with the Office of Citizen Complaints.

### Recommendation # 64.2:

The SFPD should immediately accept OCC's recommendation, as reported in the First Quarter 2016 Spark's Report, to convene quarterly meetings between the OCC Staff and the SFPD Staff.

**Response Date:** 09/24/20

### Executive Summary:

The San Francisco Police Department is committed to long term strategic planning with community input. To that end, the Department will improve its responsiveness by keeping the Department of Police Accountability (DPA), formally known as the OCC, informed in an unbiased and procedurally just way and seek resolutions through collaborative efforts.

Although the SFPD and DPA initially met quarterly, monthly meetings began in September 2018. Beginning in November 2018 meeting minutes and agendas were kept and shared with the SFPD/DPA attendees prior to the meetings. The SFPD and DPA collaboratively create the agenda and topics for discussion for the upcoming meetings to review recommendations from DPA that inform the Spark's Report.

The Spark's Report and sharing of recommendations has changed considerably since the USDOJ first visited SFPD. The DPA recommendations housed in an ever-growing and overly cumbersome, centralized document are now tracked with individual Department General Orders (DGOs) or Bulletins, as they are revised or developed, and are relevant to that particular DGO or Bulletin.

Meetings between DPA and the Professional Standards and Principled Policing Unit represent the discussions that are recommended by Commission resolution #27-06. The content of those meetings and discussion are what comprise the updates to the Commission, in the form of a Spark's Report.

### Compliance Measures:

#### **1) Immediately establish quarterly meetings with DPA to address the Spark's Report**

On 4/6/06, the San Francisco Police Commission approved resolution #27-06 (Attachment # 1) which mandates Spark's report discussions between the SFPD and DPA. Additionally, Unit Order 17-01 "Professional Standards and Department of Police Accountability Compliance with Department of Justice Task 66.1, 66.2, 66.3, 64.2" was



## **Collaborative Reform Completion Memorandum**

issued on 3/22/17 mandating that DPA and SFPD meet regularly to review the Spark's Report (Attachment # 2).

On August 25, 2020, the Strategic Management Bureau superseded Unit Order 17-001 with Unit Order 20-03 – Collaboration with DPA During Policy Development (Attachment # 3). The SMB updated the policy and procedures of the Spark's Report Meetings by issuing Unit Order 20-03, which established regular meetings with DPA to review the Spark's Report

### **Unit Order 20-03 – Collaboration with DPA During Policy Development:**

#### **Meetings:**

Meetings shall be structured to first address pressing items (e.g., DGOs, DBs, topics identified in latest Spark's' Report), followed by a review of DGOs in accordance with the annually published schedule. If approved by a Commanding Officer, an SFPD Sworn SME/Assigned member may be in attendance to address each policy item. WDU OIC should consider restricting the number of meetings dedicated to exchanging views on one particular SFPD policy item.

#### **Meeting Dates:**

Spark's' meetings should occur approximately every month, with exceptions for holidays or occasions when necessary parties cannot attend and additions of meeting as necessary to address workload.

#### **Spark's' meeting facilitator:**

Commanding Officer of WDU shall facilitate or shall designate an SFPD facilitator.

#### **Spark's' meeting attendees:**

SFPD Strategic Management Bureau, WDU staff, DPA representative(s), if approved by chain of command, the SFPD SME/Assigned members or SME/Assigned member designee may also attend. A representative from the Police Commission Office (not a commissioner) may attend as an observer. The Commander of the Chief of Staff will attend one meeting a quarter.



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### **Agenda:**

The Commanding Officer of the WDU Unit or designee will send a draft agenda to DPA for review and potential revision ahead of the meeting. SFPD and DPA will only discuss DPA policy recommendations where recommendation grids have been provided to the Department by DPA.

Meeting agendas and minutes began in November 2018. SFPD and DPA began meeting monthly instead of quarterly. The meeting minutes are reviewed and approved by both parties. Attached are monthly meeting agendas (see attachment # 4) spanning from February 11, 2019 through August 25, 2020. There were no meetings between January 1, 2020 through May 21, 2020. This was due to mutual cancellations and the COVID-19 pandemic.

### **Minutes:**

WDU Unit staff shall take meeting minutes and shall keep an electronic repository of meeting minutes in the shared WDU Unit network folder and update files related to relevant DBs and DGOs for tracking purposes.

Meeting agendas and minutes began in November 2018. SFPD and DPA began meeting monthly instead of quarterly. The meeting minutes are reviewed and approved by both parties. Attached are monthly meeting minutes (see attachment # 5) spanning from February 11, 2019 through August 25, 2020. There were no meetings between January 1, 2020 through May 21, 2020. This was due to mutual cancellations and the COVID-19 pandemic.

### **2) Audit loop or management review regarding the convening of the quarterly meetings.**

In order to ensure that the ongoing management review regarding the convening of the quarterly meetings between the SFPD and DPA, the SFPD adopted PSPPB Unit Order 17-01 (Attachment # 1) which requires the following steps to guarantee management review and collaboration with the DPA:

*Written Directives personnel will schedule a meeting with DPA personnel on a quarterly basis following the release of the Sparks Report to discuss the recommendations. All discussions will be documented through an agenda and notes of all discussions will be forwarded through the chain of command through PSPPB. The quarterly meeting will take place on*



## Collaborative Reform Completion Memorandum

*the first Wednesday following the release of the report to the Police Commission. Meeting location will take place at the San Francisco Police Department HQ at 1245 3rd Street.*

*Written Directives personnel will review the Sparks Report and the meeting notes will be directed through the chain of command for "action where appropriate". Should SFPD concur with the action as recommended by DPA, appropriate department solutions will be implemented i.e. Department Bulletin, Department General Order, Unit Order, etc. Should SFPD not concur with DPA recommendation, PSPPB Written Directives personnel will communicate this decision to DPA.*

*Written Directives personnel will prepare and provide twice-yearly-reports to the Police Commission regarding actions resulting from the Sparks Report. The report will indicate whether or not the action is supported by the Department and include a timeline for completion and implementation assuming it is a supported action. This report will be provided by the Commanding Officer of PSPPB.*

PSPPB Unit Order 17-01 (Attachment # 1) was then superseded by the Strategic Management Bureau superseded Unit Order 17-004 with Unit Order 20-03 – Collaboration with DPA During Policy Development (Attachment # 3), which codifies SFPD and DPA collaboration by defining the following steps to ensure that both quarterly and monthly meetings between the SFPD and DPA are consistent, routine, and systematized:

### A. Sparks' Meetings:

- a. This is the primary conduit for SFPD policy discussions with DPA. They shall serve as the forum to exchange views on DGOs, amendments to DGOs, Department Manuals, and other policies. If views cannot be resolved in Sparks' Meetings, the matter shall be referred to a "Chief's Recommendation Meeting" for final discussion (see "Escalation" section). Final approval for any changes shall be determined by the Chief of Police and/or designee. The "Chief's Recommendation Meeting" must happen before any party may directly address their case to the Police Commission. Only the Police Commission, through a public meeting process and as it considers a document for adoption, may override the decisions made by the Chief of Police and/or designee in the "Chief's Recommendation Meeting".



## **Collaborative Reform Completion Memorandum**

### B. Meeting Dates:

- a. Sparks' meetings should occur approximately every month, with exceptions for holidays or occasions when necessary parties cannot attend and additions of meeting as necessary to address workload.

### C. WDU Items Not Included in Sparks' Meetings:

- a. As internal procedural directives, MOUs, Unit Orders, Department Notices, Department Bulletins that do not amend DGOs, training films or materials, SFPD website modifications, policy items involved in active litigation and Chief's Directives shall not be considered during Sparks' Meetings.

### D. Sparks' meeting facilitator:

- a. Commanding Officer of WDU shall facilitate or shall designate an SFPD facilitator.

### E. Sparks' meeting attendees:

- a. SFPD Strategic Management Bureau, WDU staff, DPA representative(s), if approved by chain of command, the SFPD SME/Assigned members or SME/Assigned member designee may also attend. A representative from the Police Commission Office (not a commissioner) may attend as an observer. The Commander of the Chief of Staff will attend one meeting a quarter.

### F. Agenda:

- a. The Commanding Officer of the WDU Unit or designee will send a draft agenda to DPA for review and potential revision ahead of the meeting. SFPD and DPA will only discuss DPA policy recommendations where recommendation grids have been provided to the Department by DPA.

### G. Meetings:

- a. Meetings shall be structured to first address pressing items (e.g., DGOs, DBs, topics identified in latest Sparks' Report), followed by a review of DGOs in accordance with the annually published schedule. If approved by a Commanding Officer, an SFPD Sworn SME/Assigned member may be in attendance to address each policy item. WDU OIC should consider restricting the number of meetings dedicated to exchanging views on one particular SFPD policy item.

### H. Minutes:

- a. WDU Unit staff shall take meeting minutes and shall keep an electronic repository of meeting minutes in the shared WDU Unit





## Collaborative Reform Completion Memorandum

network folder and update files related to relevant DBs and DGOs for tracking purposes.

### I. Proceedings:

- a. The Commanding Officer of the WDU Unit or their designee should facilitate each meeting.

To demonstrate that both the quarterly and monthly meetings have occurred, the SFPD has provided all of the 2019 and 2020 monthly meeting agendas (Attachment # 4). It should be noted that in 2020, monthly meetings between the SFPD and DPA were cancelled due to the COVID-19 Pandemic. The meetings have resumed as of May of this year. In addition, the SFPD has provided the meeting minutes (Attachment # 5) from the aforementioned quarterly and monthly meetings between the SFPD and DPA.

Furthermore, the SFPD has provided all 2019 and 2020 Spark's meeting quarterly reports (Attachment # 6) that have been presented to the San Francisco Police Commission, that encapsulate the ongoing meetings and discussion between the SFPD and DPA.

Finally, the SFPD has provided San Francisco Police Department General Order 3.01 – Written Communication System (Attachment # 7) which further safeguards the necessary collaboration with the DPA by making meetings and review policy moving forward:

#### 3.01.03 – Department of Police Accountability Review:

Upon approval by the Chief of Police, draft General Orders and Manuals will be forwarded to the Department of Police Accountability (DPA) for review. Prior to adoption by the Police Commission, the Department of Police Accountability will have (30) thirty calendar days to review a proposed General Order or Manual and submit recommendations to the Department. The Department will review any Department of Police Accountability recommendation to determine if they should be incorporated into the General Order or Manual. If no recommendations are received within (30) thirty days, the draft General Order or Manual will be submitted to the Police Commission for adoption.



## **Collaborative Reform Completion Memorandum**

When necessary, a meeting between the Police Department and the Department of Police Accountability will be held to exchange views on the proposed order and attempt to resolve any differences, as outlined in Police Commission Resolution 27-06.

In the event of an impasse between the Department and the Department of Police Accountability, the draft General Order or Manual along with Department of Police Accountability recommendations, will be submitted to the Police Commission for resolution.

It should be noted that upon review of this recommendation, it determined that this particular recommendation (64.2) was similar to the 66 series, specifically 66.1; 66.2 and 66.3 that have been submitted to the California Department of Justice (CalDOJ) for external validation. The PSPPB reached out to Hillard Heintze requesting technical advice:

