

[REDACTED]

From: Tanya Koshy [REDACTED]
Sent: Thursday, August 5, 2021 12:16 PM
To: [REDACTED]
Subject: Recommendation 91.2

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Dear Acting Captain Altorfer:

Our office has completed its review of the materials related to Recommendation 91.2 that have been submitted to us as part of the collaborative reform process. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 91.2: The SFPD should consider providing feedback to unsuccessful candidates for promotion as a means of advancing institutional knowledge and performance improvement.

Response to Recommendation 91.2:

Over the course of two meetings earlier this year that were attended by the Chief and Assistant Chiefs, SFPD considered whether it could provide feedback to unsuccessful candidates for promotion. In consultation with the City Attorney’s Office, SFPD determined that it could not provide feedback to unsuccessful candidates because of Civil Service Commission Rule 211.14 which states: “Rating keys shall not be available for review or inspection. Protests of written questions or answers on any examination shall not be allowed.” Because candidates cannot see their own rating keys, SFPD concluded that it was unable to provide specific feedback to candidates.

Assistant Chief Bob Moser reached out to the City of San Francisco’s Department of Human Resources (DHR) seeking to collaborate on how they could nonetheless provide feedback to unsuccessful candidates. After meeting with SFPD, DHR proposed a plan for providing feedback that is consistent with the Civil Service rules. Starting no sooner than 2023, DHR would analyze candidates’ performances in the promotional exams and then provide feedback in the aggregate to the entire promotional exam applicant pool. DHR would identify areas where candidates performed poorly and where they performed well. DHR would aim to provide this feedback no later than 60 days after the adoption of the promotion eligibility list. DHR will first start providing this aggregate feedback with the Lieutenant promotional exam. Since providing this proposal, DHR has updated its Standard Operating Procedures to provide more specific steps it will take to provide feedback in the aggregate. These steps include working with a consultant to summarize feedback, submitting the feedback to SFPD for review and comment, and revising the feedback based on SFPD’s comments.

In short, although SFPD is unable to provide feedback to candidates on their specific performance, this package reflects that SFPD is proactively working with DHR to provide some support to unsuccessful candidates so that they may have success with future promotional exams.

Based upon all of the above, the 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 these further.

Tanya

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[REDACTED]

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Collaborative Reform Completion Memorandum

Finding # 91: The promotion process is not transparent.

Recommendation # 91.2 The SFPD should consider providing feedback to unsuccessful candidates for promotion as a means of advancing institutional knowledge and performance improvement.

Response Date: 05/06/21

Executive Summary:

The SFPD recognizes that not all candidates seeking to promote will succeed as there are a limited amount of promotions available amongst the pool of applicants. SFPD is committed to the promotional and career advancement of each of its members. Although the department does not have a formalized feedback process for unsuccessful candidates, there are measures that candidates can take to get some feedback. Department of Human Resources (DHR) provides test scores to each candidate but not to the Department as these scores are personal. DHR provides the candidates with scores to each category that was rated. Once the candidate has verified the calculation of their final score, the candidate is able to determine their strength and weaknesses for each specific dimension (oral communication, critical thinking, supervision and management, etc.). By knowing which category the candidate scored lower on, the unsuccessful candidate can take this into consideration for any future tests. Examples of feedback provided to all test candidates are included in emails (**attachment #1**) to candidates which show the overall testing score as well as the break down of the scores in each category that was rated. These emails are provided to all candidates who take part in that respective phase of the test.

By referencing a candidate's scores in each category which is explained in detail in the attached and combined with the test study materials provided by DHR, a unsuccessful candidate can determine which category they need to improve in order to succeed in the future promotional exams.

In addition, the Chief of Police has also incorporated office hours for members to discuss any general concerns or questions they may have. During this time if a member has questions or concerns about the promotion process or want feedback about the selection process, they can discuss this with the Chief. Per DN 21-033 (**attachment #2**), members with questions about the promotional process can schedule a meeting with Chief Scott by contacting the Chief's Office. This is also mentioned in Chief's monthly videos (**attachment #3**).



Collaborative Reform Completion Memorandum

Compliance Measures:

1) Evidence of a review and determination of the appropriate feedback for promotional candidates.

The Department Leadership has considered providing feedback to unsuccessful candidates for promotion as a means of advancing institutional knowledge and performance improvement. Meetings were conducted on 03/31/2021 and 04/08/2021 where Chief of Police and the Assistance Chiefs were in attendance. (Attachment #4) During these meetings, this recommendation was one of the main topics of discussion.

After careful consideration of this compliance measure, it was determined Civil Service Rules preclude candidates from seeing their test answers or the scoring key, SFPD and DHR are unable to provide specific feedback to each candidate. However, DHR does provide each candidate with a rater dimension score which is a score provided specifically to the testing candidates which show how they individually performed on the test. This was explained in a email from DHR. (Attachment 5) Once candidates have verified their calculated score, they are able to identify their strengths and weaknesses based on the specific dimensions. In preparation to the examination, DHR also provides each candidate with an Exam Prep Guide, 30 days prior to the exam. The current Civil Service Commission Rules (Attachment #6) governing this process provides:

"Sec. 211.14 - Rating keys shall not be available for review or inspection. Protests of written questions or answers on any examination shall not be allowed."

After review and consideration, with counsel from the City Attorney's Office, the Department will continue with the current process, in accordance with the Civil Service Rules. Assistant Chief Moser sent a letter to DHR Manager Dave Johnson. In summary, AC Moser acknowledges the Civil Service Rules and requests to collaborate with DHR regarding how best to provide additional feedback to candidates. (attachment #7)

Dave Johnson replied with a official letter acknowledging receipt of the letter and are working on a response. (attachment #7)

SFPD does not have a formalized feedback process for promotional candidates but the Chief of Police does have office hours which allows any member to set an appointment with the Chief to discuss any questions, issues or concerns they may have. At this time if a member would like to discuss the promotional process, selection or receive any general feedback they are able to.

In addition, the Chief has an open door policy allowing unsuccessful candidates to meet with the Chief who offers general feedback which is referenced in DN 21-033. The Chief and Assistant Chiefs also visit all station level line ups and speak freely to members about promotional issues/concerns and always welcome questions from all department members.



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On Thursday, 02/25/2021, Members of the SFPD PSPP team participated in a prescreen with Hillard Heintze and CAL DOJ in regards to this recommendation and the following suggestions were provided:

Hillard Heintze advised that the package does not include evidence of any review and determination of the appropriate feedback for promotional candidates. Hillard Heintze added that it is common practice among law-enforcement agencies to provide individual feedback regarding promotional scores. Hillard Heintze requested that, at a minimum, the package demonstrate that SFPD pushed DHR to provide that type of feedback. That request should come from the Chief or Assistant Chief level. Furthermore, the Chief's open door policy is not in response to any such review and does not reflect a strategic approach to providing feedback. In other words, the "framework for feedback aimed at improving knowledge and performance for future processes" (CM 2) must flow from the review and determination of the appropriate feedback for promotional candidates that SFPD will describe in CM 1.

2) Framework for feedback aimed at improving knowledge and performance for future processes if review supports such a process.

In the last promotion cycle that occurred in February 2021, the Chief of Police implemented an interview component to the selection process in addition to a review of the secondary criteria of eligible candidates (identified by the Rule of 10 Scores, CSR 213.3.3).

When making appointments, the Appointing Officer will consider the following secondary criteria:

- Assignments
- Training
- Education
- Community involvement
- Special qualifications
- Commendations/awards
- Bilingual certification
- Discipline history

Additionally, Promotional candidates may be invited to an interview when being considered for appointments during the Secondary Criteria process. The interview/promotional panel consists of SFPD Command Staff and Professional Staff. This is referenced in the "Sworn Promotional Process" DN (attachment #8).



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It is believed that through the interview process candidates receive feedback about important criteria for selection for promotion.

3) Continuous improvement loop.

SFPD Leadership will review this recommendation in the future pending any changes in the Civil Service Commission Rules and/or changes in the law which will allow additional feedback and improvement pertaining to this recommendation.

A memorandum was prepared requesting to survey promotional candidates. In collaboration with the Department of Human Resources (DHR), Staff Services Division will survey members that participate in each promotional test. The survey results will be reviewed by SFPD and forwarded to DHR with the goal of using the feedback to continuously improve the promotional testing process. In addition, this survey will serve to review the questions and concerns of the candidates in an effort to improve the success of future promotional test candidates (attachment #9).

After review and consideration, with counsel from the City Attorney's Office, the Department will continue with the current process, in accordance with the Civil Service Rules. Assistant Chief Moser sent a letter to DHR Manager Dave Johnson. In summary, AC Moser acknowledges the Civil Service Rules and requests to collaborate with DHR regarding how best to provide additional feedback to candidates. (attachment #7)

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Finding # 91: The promotion process is not transparent.

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Response Date: 07/13/2021

ADDENDUM

DHR and the Civil Service Commission are the governing bodies responsible for what type of feedback can be provided to promotional candidates. On 05/05/2021, as recommended by our oversight partners (CAL DOJ and Hillard Heintze), SFPD sent an official letter to DHR to consider the modification of the Civil Service Commission Rule(s) in order to facilitate more comprehensive feedback to unsuccessful candidates during the promotional-examination process. The reason for this was because the current rules do not allow for the review-inspection of examination material. In an effort to meet the threshold of compliance with this recommendation, SFPD reached out to DHR to address the spirit of this recommendation. (see attachment #2)

In June 2021, Hillard Heintze provided a status report on Recommendation #91.2. In the status report, Hillard Heintze stated that Compliance Measure (CM) #1 (Evidence of a review and determination of the appropriate feedback for promotional candidates) has been met by the Department. CM # 2 (Framework for feedback aimed at improving knowledge and performance for future processes if review supports such a process) and CM #3 (Continuous improvement loop) were noted as not assessed.

According to the status report regarding CM #2, Hillard Heintze provided the following feedback.

“Compliance Measure #2: the department implemented a formal interview process as a component of the promotional process. There are a range of skills identified as the secondary criteria contributing to promotional decisions. However, it is unclear how the department will use this to help improve knowledge and performance for future success. The department identifies that they will not be able to address the underlying goal of this compliance measure. This compliance measure is not assessed based upon the input for the City of San Francisco’s legal and human resource expert.”



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According to the status report regarding CM #3, Hillard Heintze provided the following feedback.

“Compliance Measure #3: the department identifies that it will monitor this recommendation for future changes in the law. The CRI Team would advise consideration and review of the secondary criteria as well as the overall skills of successful candidates to help use the data to better prepare and support qualified applicants for promotion to be successful. However, given the legal opinion and actions of the department in response, this compliance measure is not assessed.”

On 06/28/2021, Mr. Dave Johnson (Manager, Department of Human Resource [DHR] of the Public Safety Team) provided a formal letter (**Attachment # 1**) in response to a previous letter sent by Assistant Chief Robert Moser on May 5, 2021 (**Attachment # 2**). The Department has reviewed the response from Mr. Dave Johnson, and is submitting the letter to Hillard Hientze and CAL DOJ as follow up for consideration and assessment for CM #2 and CM #3.

According to the letter (**Attachment #1**), DHR appreciated the “advocacy from Cal DOJ and Hillard Heintze to consider a rule change as a means to provide useful exam feedback to candidates.” Mr. Johnson met with Lieutenant Raymond Cruz (Project Manager of Recommendation 91.2) and Commander Steve Ford (Executive Sponsor of Recruitment & Retention) to explore how DHR can provide meaningful feedback to candidates while also maintaining confidentiality of specific test answer keys in compliance with Civil Service Commission rules to ensure a pragmatic analysis and approach to the recommendation.

Per Mr. Johnson’s letter, DHR agrees with SFPD that test feedback could be beneficial to candidates and the Department as a whole. DHR provided preliminary thoughts on how DHR may provide candidates with better feedback in the future. DHR “proposes the publication of an analysis of candidate responses identifying those areas where candidates performed poorly and those where candidates performed well. The analysis will look at candidate performance in the aggregate and not on an individual basis. DHR proposes to undertake this analysis beginning with Q060 Lieutenant anticipated no sooner than 2023 and to make this analysis available to all SFPD members [including candidates and future candidates].”

The following are some preliminary thoughts about how DHR will achieve this goal.




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- Provide a response analysis that identifies overall areas of strength and weakness in candidate responses, detailed by test component.
- Attempt to identify negative trends in responses.
- Publish the analysis as close as possible to but within 60 days of eligible list adoption.
- Incorporate aggregate candidate performance feedback into future vendor contracts.

Please review Mr. Johnson's letter to see a more in-depth proposal and explanation regarding the above listed ideas. SFPD is submitting two letters (**Attachment # 1 and #2**) as evidence of the Department's continuous communication with DHR to address the spirit behind Recommendation 91.2, while complying with the input provided by the City of San Francisco's legal and Human Resources. Once DHR finalizes any official processes, SFPD will assist in incorporating the official process into official SFPD announcements in order to inform department members.

On 07/08/2021, DHR provided SFPD with their revised Standard Operating Procedure which incorporates Post-Examination Feedback (**Attachment #3**). The document provided by DHR further clarifies the steps which will be taken in the feedback process including the inclusion of SFPD in the process.

 #151
ACT CAPT. ERIC J. ALTORFER #151

Professional Standards & Principled Policing

Acting Captain Eric J. Altorfer