



## Recommendation 64.5

Gabriel Martinez [Redacted]

Wed 12/9/2020 8:48 AM

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Dear Lt. Altorfer,

Our office has completed its review of the materials related to Recommendation 64.5 that were submitted to us as part of the collaborative reform process. This package focused on SFPD working with DPA to ensure that they classify complaints and report their findings consistently. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 64.5: The SFPD should engage with DPA to ensure that the classification for complaints and their findings are reported consistently between the two agencies to ensure better transparency.

Response to 64.5: On May 15, 2019, SFPD published Department General Order 2.04, "Complaints Against Officers." In revising the Order, SFPD and the Department of Police Accountability (DPA) worked collaboratively on creating shared classifications of complaints and findings. This resulted in ten shared findings that are codified in the Order (e.g., "improper conduct, insufficient evidence, proper conduct") with definitions of each finding. Additionally, SFPD and DPA agreed on twenty-one classifications of disciplinary categories. On May 28, 2019, SFPD and DPA entered into a Memorandum of Understanding on General Order 2.04 to establish joint procedures for complaints. The Memorandum includes the joint SFPD and DPA disciplinary categories. On June 3, 2019, SFPD issued Department Bulletin 19-122, "Department General Order 2.04 Update Packet 60," requiring officers to review DGO 2.04 and maintain working knowledge of the complaint policy and procedures, with an internal audit showing 98% compliance. The Officer in Charge of IAD reviews submitted cases (SFPD Form 83) and ensures correct classifications are used.

Additionally, SFPD's Internal Affairs Division and Investigative Service Detail present trainings to all newly promoted Captains, Lieutenants, and Sergeants that includes a discussion on complaint classifications for criminal and administrative cases. DPA also conducts trainings that are presented to all Academy Classes that include complaint findings and classifications. Finally, on November 18, 2020, IAD and DPA conducted joint training on complaint classifications and findings. The training covered General Order 2.04 and the SFPD/DPA Memorandum of Understanding. SFPD and DPA discussed DPA's disciplinary categories, examples of certain findings, and processes for complaints (SFPD supplemented their package submission with the additional joint training information). On August 19, 2020, SFPD issued Unit Order 20-04, "Internal Affairs Division and Department of Police Accountability Trainings and Seminars." Under the Order, IAD and DPA will have joint bi-annual trainings to ensure consistent and efficient processes.





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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**Finding # 64** The SFPD does not routinely collaborate with the Department of Police Accountability.

**Recommendation # 64.5** The SFPD should engage with DPA to ensure that the classification for complaints and their findings are reported consistently between the two agencies to ensure better transparency.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

**Summary**

The SFPD has provided sufficient documentation of the shared protocol and procedures for substantial compliance with CM #1 through DGO 2.04, DB 19-122 and the MOU between the two agencies. The SFPD trained all personnel, including IA, on classification as identified through the HRMS data run and the attestation of the Lt of IAD. SFPD has invited DPA to a joint training and while not yet completed, the training of SFPD, along with the work to date on the joint training and agenda for same, comports with substantial compliance for CM #2 and CM #3. The SFPD demonstrates policy and practice sufficient with compliance measure 4 – namely a specifically tasked individual for auditing and ensuring proper classification of complaints. The SFPD has indicated it reviews the DPA returns for appropriate classification and has a process by which to notify the Police Commission. However, this is not the job of the SFPD, and it falls to the Police Commission to monitor. Therefore, this is a N/A.

Compliance Measures	Status/Measure Met
1 Collaborate with DPA on a shared, standard joint protocol for the classification of complaints.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2 Train SFPD personnel on classification.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3 Offer a shared training session with DPA to better facilitate proper classification.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4 Ensure that SFPD follows the classification through audit and/or review process.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
5 Audit and/or review to inform the Police Commission and DPA when DPA does not adhere to the classification standards.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

**Administrative Issues**

The ongoing engagement with DPA to ensure framework and actions for review of police complaints is essential to provide service to the residents of San Francisco.

**Compliance Issues**

Both agencies have agreed to classification standards through their MOU but have trained separately. The department has made some outreach to DPA. While the work here is substantially compliant with the recommendation, the vision of a consistent framework for complaint intake investigations, findings and determinations – given one employee base – has not fully materialized.



## Collaborative Reform Completion Memorandum

### **Finding #64:**

The SFPD does not routinely collaborate with the Department of Police Accountability. The transparency of the complaint and disciplinary process is negatively affected by the working relationship between SFPD Internal Affairs Division and DPA. The lack of engagement undermines the effectiveness of both in fulfilling their respective roles and responsibilities. Issues with respect to information sharing between the two entities, timeliness of complaint investigations, and bases for recommending progressive discipline potentially impede the investigative and adjudication processes, potentially eroding the overall integrity of the public complaint resource.

**Recommendation #64.5:** The SFPD should engage with DPA to ensure that the classification for complaints and their findings are reported consistently between the two agencies to ensure better transparency.

**Response Date: 09/11/2020**

### **Executive Summary:**

This recommendation involved collaboration between the SFPD and DPA on DGO 2.04. DGO 2.04 was modified to synchronize the classifications of cases between agencies. The DGO was approved and published on 5/15/19.

SFPD personnel were trained on this new policy with DB 19-122, which required members to review "Complaints Against Officers". Members were required to read and electronically acknowledge that they have read and understand this report.