

Recommendation 65.2

GM

Gabriel Martinez [REDACTED]
Wed 5/19/2021 7:46 AM



To:

- Tanya Koshy [REDACTED]
- McGuire, Catherine (POL);
- Scott, William (POL)

+8 others

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 65.2 that were submitted to us as part of the collaborative reform process. This package focused on SFPD's Internal Affairs Division (IAD) presenting complaint trends to captains to identify emerging issues for remedial action. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 65.2: The SFPD should raise district captains' awareness of this information by requiring IAD to present a trends analysis report of Department of Police Accountability (DPA) case activity, emerging issues, and concerns at CompStat meetings every quarter.

Response to 65.2: In February 2019, DPA began a weekly process of emailing complaints and information to SFPD known as the Henderson Report. Captains receive the complaints for officers under their command, and command staff receives the full report of all officers. Beginning on April 28, 2020, DPA also began providing SFPD with a quarterly report of complaints as well as complaint data. SFPD's Business Analysis Unit uses the data to create a quarterly trend analysis report. The report includes complaint breakdowns by watch, district, and allegation type. The processing of the trends report is codified in Unit Order 20-06, "Quarterly Department of Police Accountability Henderson and Complaint Trends Report" (December 17, 2020).

On December 8, 2020, SFPD issued Unit Order 20-05, "District Station Captains Quarterly Meeting Identifying DPA Complaint Allegation Trends and Remedying Steps." The Order requires captains to review the quarterly trend analysis from the Henderson Report and compare the statistics with the previous quarter's report. The report is presented quarterly during the monthly captains' meeting to discuss any problematic issues identified. SFPD proposed using the captains' meeting as the appropriate venue to address complaint trends under the recommendation in lieu of a CompStat meeting. Cal DOJ and Hillard Heintze accepted this alternative meeting as substantially compliant with the recommendation because it achieves the same objective. Captains are required to document their actions in quarterly captains' memoranda, including exploring underlying causes of complaint trends, identifying possible solutions, documenting the implementation of solutions, and evaluating the success of measures taken. The Field Operations Bureau Lieutenant will audit the quarterly memoranda each year to ensure captains' compliance and will take corrective action if necessary. As a result of the captains' reviews of the Fourth Quarter 2020 trends report, captains identified complaint trends and proposed remedies, including roll-call trainings regarding discourtesy and debriefs, body-worn camera inspections, and having training supervisors review certain Department General Orders.

On May 15, 2019, SFPD published Department General Order (DGO) 2.04, Complaints Against Officers, outlining SFPD's procedures for investigating and processing complaints against officers and describing the DPA procedures. The Order establishes a Disciplinary Review Board that meets quarterly to examine inefficiencies, policy gaps, and protocols for the complaint system and discipline process. The board consists of senior staff from SFPD, DPA and the Police Commission, including the Assistant Chief of Staff or designee from the Risk Management Office, the Deputy Chief of the Administration Bureau, and the Deputy Chief of the Field Operations Bureau.

The first disciplinary review board meetings were intended to set up the parameters and processes of the board. After an initial meeting on February 11, 2020, meetings were paused because of the Covid pandemic until September 30, 2020. A third meeting to finalize the setup of the board was held on November 12, 2020, and the first official board meeting occurred on December 18, 2020. Several issues from individual officer actions were raised by both IAD and DPA, including how firearms are handled at the range, how SFPD conducts searches at residences when only a juvenile is present, and how officers communicate with bystanders that are recording officers. DPA recommended policy changes to address these issues. IAD and DPA also identified complaint trends, including recurring issues with officers turning on body-worn cameras, search warrant issues, discourtesy, and interactions with limited English proficient individuals. SFPD and DPA agreed to nine recommendations stemming from these trends, including SFPD exploring modifying the body-worn-camera policy to allow Sergeants to regularly audit body-worn-camera footage in incidents that do not involve the use of force, SFPD requiring officers who receive sustained discourtesy complaints to go to specific training to address discourtesy, and ensuring SFPD training teaches that

officers should not question claims from individuals that they are limited English proficient.

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.

Finding # 65	The SFPD does not sufficiently analyze Office of Citizen Complaints reports and analyses of its complaints, investigations, and case dispositions.
Recommendation # 65.2	The SFPD should raise district captains' awareness of this information by requiring IAD to present a trends analysis report of DPA case activity, emerging issues, and concerns at CompStat meetings every quarter.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

For compliance measure one, the SFPD has relied upon DPA provided statistics, known as the Henderson Report, since February 2019. This is shared on a weekly basis with Captains and command staff. A quarterly version of the report is formatted by the Business Intelligence Unit (BIU) into a graphical representation of trends. This went live in September 2020 and is divided by watch, district and citywide categories and analysis of trends. It is to be distributed quarterly with Captains and Command Staff. The first release of this report occurred in November 2020, data supplied demonstrates continued sharing through March 2021.

For compliance measure two, under Field Operations Bureau Order 20-05, the Captains of the districts are tasked with reviewing the data and providing a written report that addresses changes in trends and plans for mitigation for any identified problems.

For compliance measure three, the department has made the decision to use the data at the quarterly Captain's meeting as opposed to the CompStat meetings that were in operation at the time of this assessment. The department identifies that this forum is the equivalent of those prior meetings in that the command staff is present and the engagement and focus on the complaint trends will be the equivalent. The reviewers accept this modification. While this file was submitted ahead of the initial review meeting scheduled for the March 2021, the order identifies that the tasking under the bureau order has already initiated the review ahead of the March meeting. The review framework focuses on specific items and are delineated in the report. Given the work to date and the planned approach under the Bureau order, the department is compliant with the compliance measure. The additional support provided identifies that the meetings and process is working as intended.

For compliance measure four, the tasking evident within the unit order which is specific as to the actions required. The response is required as part of the review at the quarterly captain's meeting. The additional support provided identifies that the meetings and process is working as intended, and while early demonstrates a consistent focus and tasking.

For compliance measure five, the unit order will suffice as evidence of a goal for ongoing improvement. The supplemental documentation provides a sense of the analysis to come. The minutes from the March meeting will provide the context for the department's commitment to addressing the trends analysis of the complaints against SFPD officers. While this process is moving forward, it is early to identify ongoing improvement specifically. The policy and process considers this need and the approach – and given the initial start and analysis the department is compliant.

Compliance Measures		Status/Measure Met
1	Concurrent with Rec 65.1, share the analysis and trend information with District Captains.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Task captains with addressing the trends and issues.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Evaluate success of the measures to address complaint trends at CompStat meetings every quarter.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4	Evidence of tasking and response at the district level to the trends and issues.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
5	Continuous improvement loop.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues



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Finding # 65:

The SFPD does not sufficiently analyze Office of Citizen Complaints reports and analyses of its complaints, investigations, and case dispositions. This information is shared with the SFPD and largely available publicly on the OCC website. However, the SFPD rarely uses complaint information or aggregated data to inform change management priorities in areas such as professional conduct, community and police relations, training, and policy.

Recommendation # 65.2

The SFPD should raise district captains' awareness of this information by requiring IAD to present a trends analysis report of DPA case activity, emerging issues, and concerns at CompStat meetings every quarter.

Response Date: 03/19/2021

Executive Summary:

On Thursday March 4, 2021, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Hillard Heintze discussed the recommendations jointly and had three main questions for SFPD about these recommendations:

- (1) how the department came to its plan regarding Henderson data;*
- (2) how SFPD acted upon the data since 2017*
- (3) answered in CM #5 improvement loop*

Prior to February 2019, the DPA had been providing the department with scanned copies of recent complaints on CD-ROMs (The Morning Report). The information on the CD-ROMs was not searchable and there was no data to extract for analysis.

In February 2019, the DPA revised their format, which became the "Henderson Report". The Henderson Report was emailed weekly to SFPD Command Staff and Captains of the named members. The information within the Henderson Report was not formally acted upon by the department and there did not seem to be a clear explanation of what the Henderson Report was regarding and how it could be utilized. Also, at the time, DPA appeared to have used an outdated email distribution list that did not have current members of the Command Staff nor the appropriate Station/Unit Captains, this has been corrected.

In March 2020, SFPD reached out to DPA and asked if they would be able to provide a Quarterly version of the Henderson Report as well as the underlying data (contained in an Excel spreadsheet). Although the data was limited in scope, SFPD believed it would be of use



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for rudimentary examination/analysis of complaint trends. DPA's categories of misconduct allegations were too broad and non-specific: e.g., Neglect of Duty could be used for numerous types of allegations.

On April 28, 2020, DPA was able to provide the SFPD with the underlying data from the new quarterly version. That data was then provided to SFPD's Business Intelligence Unit (BI) to evaluate for possible trends and graphical presentation ("Trend Analysis-Henderson Report")

The first presentation of the Q3 2020, Quarterly Trend Analysis Henderson Report occurred on November 5th, 2020 at the Field Operations Bureau (FOB) Quarterly Captains Meeting. Going forward, the Quarterly Trend Analysis Henderson Report shall be presented and discussed at all Quarterly Captains Meetings, facilitated by the Deputy Chief of FOB.

Per FOB Bureau Order 20-05, after the presentation of the Quarterly Trend Analysis Henderson Report Captains will be tasked with using the new report to compare statistics from the previous quarter. After completing their comparison, Captains must author a Quarterly Memorandum explaining their analysis, accounting for any changes in complaint trends, and detailing their plans to mitigate any problematic trends. This Memorandum is then submitted to the Deputy Chief of the Field Operations Bureau. The Lieutenant of FOB is responsible for maintaining a log of the Memorandums to ensure their timely completion, and in December of each year, the Lieutenant of FOB will perform an audit to ensure that the Memorandums include the necessary information detailed in FOB Bureau Order 20-05. Should the Lieutenant of FOB discover any deficiencies in the Memorandums, they will alert the Deputy Chief of the Field Operations Bureau, who will take corrective action, as necessary.

Compliance Measures:

1) Concurrent with Rec 65.1, share the analysis and trend information with District Captains.

On December 21, 2020 SFPD Professional Standards Members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Cal DOJ gave comments that applied to recommendations 65.1, 65.2, and 67.1. Cal DOJ asked about its analysis of complaints, and SFPD explained that the Henderson Reports are the only information DPA gives to SFPD regarding in progress complaint investigations and that SFPD does not have access to any additional information. Cal DOJ requested that SFPD include that limitation, so the public is aware.



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The DPA compiles a list of the complaints it receives and creates a document called the Henderson Report in order to have a complete list of complaints and enable the identification of trends. The Henderson Report information is the only data the DPA provides to the Department regarding complaint trends.

Since February 2019, the Henderson Report has been emailed by DPA on weekly basis and quarterly basis to Command Staff and Captains of subject members. The Captains only receive the portion of the report that is specific to accused members under their command while the Command Staff receive the full version report of all accused members. (Attachment #1) *Example of Weekly DPA Henderson Report (redacted)*

A quarterly version of the report called the "Trend Analysis Henderson Report" is now compiled by the Business Intelligence Unit (BI) and presented to Command Staff and District Station Captains at the quarterly FOB Captains meeting. This trend analysis report is unique from previous methods of reporting because it breaks down and analyzes trends in complaints from quarter to quarter, thereby allowing captains and command staff to identify and proactively address issues on a Department and District-wide level. The ability of the Department to generate the Trend Analysis report is new, as prior to upgrading the Department's data analysis system in September of 2020, the data provided by DPA could not be integrated into or analyzed by the Department's system. (Attachment #2) *IAD Unit Order 20-06 "Quarterly Department of Police Accountability Henderson and Complaint Trends Reports"* (Attachment #3) *Trend Analysis Henderson Report*

With the institution of FOB Unit Order 20-05, the trends identified in the quarterly "Trend Analysis Henderson Report" compiled by the Business Intelligence Unit (BI) will be presented at every quarterly FOB Captains meeting for discussion and action. The first presentation of the "Trend Analysis Henderson Report" was made at the quarterly Captains meeting held on 11/05/2020. Going forward, the report will be presented and discussed at all quarterly Captains meetings. Each Captain will be responsible for using that information to address any problematic trends at a district level and required to memorialize their actions via Quarterly Captain's Memorandums.

(Attachment #4) *FOB Unit Order 20-05 "District Station Captains Quarterly Meeting Identifying DPA Complaint Allegation Trends and Remediating Steps, and* (Attachment #5) *Third Quarter Captains Meeting Agenda*

2) **Task captains with addressing the trends and issues.**

On December 21, 2020 SFPD Professional Standards Members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Hillard Heintze and Cal DOJ requested more information regarding what SFPD does with the information it receives in terms of concrete actions it has taken. SFPD explained that



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the process is new and that responsibilities are identified in the Bureau Order. SFPD will circle back with whether any actions were taken as a result of the last quarterly review.

Following the call, Cal DOJ realized that it had additional feedback to provide related to Bureau Order 20-05. Specifically, Cal DOJ notes that the Order states the Lieutenant "shall be responsible for accounting for and maintaining a log of Captains Quarterly Report." SFPD should spell out in this Bureau Order – or in whatever supplementary documentation makes sense to the Department – that the Captains are required to prepare a quarterly report that specifically addresses the quarterly discussions referenced in that Bureau Order. Further, the Bureau Order states that the Lieutenant "Shall conduct an audit and review of the Captain's quarterly report in December of each year and furnish a report to the Deputy Chief of Field Operations Bureau on the outcome of the audit." SFPD should also make the scope of the audit clear (that is, what sort of deficiencies/issues is the Lieutenant looking for in their audit?).

Per FOB Bureau Order 20-05, the presentation of the quarterly Henderson Report shall be done at the Field Operations Bureau's (FOB) quarterly Captains meeting. On November 5, 2020, the DPA Complaint "Trend Analysis Henderson Report" was presented to the 3rd Quarter FOB Captains meeting for the first time. In the report, Central Station was shown to have higher volume of complaints compared to other stations, however complaints had decreased for the Department as a whole. In subsequent meetings, these figures and others will be compared to the next report by quarter and the success of steps taken to address them can be evaluated. (See **Attachment #4**) *FOB Unit Order 20-05 "District Station Captains Quarterly Meeting Identifying DPA Complaint Allegation Trends and Remediating Steps* and **(Attachment #5)**: *Third Quarter Captains Meeting Agenda*

The goal of identifying DPA complaint trends and presenting them at the FOB quarterly Captains meeting is to proactively remedy problem behavior and seek methods to eliminate such behavior in the future on an organizational level as well as by district.

FOB Unit Order 20-05 tasks Captains with addressing issues affecting their commands and documenting their actions in their Quarterly Captain's Memorandums. FOB Unit Order 20-05 was updated to conform to suggestions from the Cal DOJ and Hillard Heintze made during prescreen on 12/20/2020. **(Attachment #4)**

Moving forward, per FOB Unit Order 20-05, after they are furnished with the Trend Analysis Henderson Report at the Quarterly Captains meeting, Captains are to:

- a) Identify DPA complaint and allegation trends.
- b) Compare trends on a quarterly basis for a global perspective and any re-occurring themes.
- c) Explore the potential underlying causes behind the undesired behavior (ex: training issues and opportunities, supervisory or leadership deficiencies, etc.).



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- d) Identify remedies and solutions to behavior.
- e) Implement solutions and document their effectiveness, or lack thereof, with new, goal-oriented outcomes in mind.
- f) Evaluate the success of measures taken at Quarterly Captains Meetings, and compare Trend-Analysis Henderson Reports on a quarterly basis.
- g) Ensure tracking mechanisms are enacted at the station level for follow-up audits and quarterly comparison review.
- h) Prepare a quarterly Memorandum to the Deputy Chief of Field Operations regarding the action plans that were put into place and account for any decreases or increases in DPA complaints for the prior quarter. The memorandum shall include the above listed topics (a-g).

Per FOB Unit Order 20-05, the Lieutenant of FOB shall be responsible for maintaining a log of the Captains' Quarterly Memorandums on the above issues and conducting an audit of the memorandums once a year in December. The audit will ensure:

- a) Quarterly memorandums depict specific strategies used and measure the effectiveness of those strategies
- b) Quarterly increases and decreases in complaints within the Captain's district are documented in the memorandum
- c) The items in Section II of the unit order (see above listed tasks) are considered and discussed in the memorandum

If any issues are identified in the audit of the memorandums, the Deputy Chief of FOB will take appropriate corrective actions to rectify them.

Due to the fact that the first presentation of the Trends Analysis Henderson Report occurred on 11/05/2020, there has not yet been an opportunity for quarterly comparisons to be made. After the next FOB Quarterly Captains Meeting in March, District Station Captains will begin quarterly comparisons based on trend analysis and author Memorandums documenting their corrective actions and findings. The next Quarterly Captains Meeting is scheduled for March 4th, 2021 (**Attachment #6**) *Calendar Screenshot of Scheduled March 2021 FOB Captain's Meeting*

3) Evaluate success of the measures to address complaint trends at CompStat meetings every quarter.

On December 21, 2020 SFPD Professional Standards Members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.



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Cal DOJ and Hillard Heintze thought that using the quarterly meetings would work as a substitute for the CompStat meetings.

At the next the FOB Quarterly Captains' meeting, comparisons of the types and volume of complaints are made based on the prior quarter's Henderson Report. The Captains' actions will be considered a success if they are able to show a reduction in complaints in the new quarter. Since the first presentation of the "Trend Analysis Henderson Report" occurred on 11/05/2020, there are not yet comparisons to be made to prior quarters, but those comparisons and the reports by the Captains mandated by FOB Bureau Order 20-05 will be reviewed at the next quarterly Captains meeting on March 4th, 2021. (Attachment #4) FOB Bureau Order 20-05.

4) Evidence of tasking and response at the district level to the trends and issues.

On December 21, 2020 SFPD Professional Standards Members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Hillard Heintze asked for clarification regarding the discussions and follow-up from those meetings, and was concerned that the data was being presented without being analyzed or acted upon. SFPD will circle back about documenting discussions and any actions taken.

FOB Unit Order 20-05 tasks Captains with addressing issues affecting their commands and documenting their actions in their Quarterly Captain's Memorandums. FOB Unit Order 20-05 was updated to conform to suggestions from the Cal DOJ and Hillard Heintze made during prescreen on 12/20/2020. (Attachment #4)

Moving forward, per FOB Unit Order 20-05, after they are furnished with the Trend Analysis Henderson Report at the Quarterly Captains meeting, Captains are to:

- i) Identify DPA complaint and allegation trends.
- j) Compare trends on a quarterly basis for a global perspective and any re-occurring themes.
- k) Explore the potential underlying causes behind the undesired behavior (ex: training issues and opportunities, supervisory or leadership deficiencies, etc.).
- l) Identify remedies and solutions to behavior.
- m) Implement solutions and document their effectiveness, or lack thereof, with new, goal-oriented outcomes in mind.
- n) Evaluate the success of measures taken at Quarterly Captains Meetings, and compare Trend-Analysis Henderson Reports on a quarterly basis.
- o) Ensure tracking mechanisms are enacted at the station level for follow-up audits and quarterly comparison review.



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- p) Prepare a quarterly Memorandum to the Deputy Chief of Field Operations regarding the action plans that were put into place and account for any decreases or increases in DPA complaints for the prior quarter. The memorandum shall include the above listed topics (a-g).

On November 5, 2020, the DPA Complaint "Trend Analysis-Henderson Report" was presented to the 3rd Quarter FOB Captains meeting for the first time. Central Station was shown to have higher volume of complaints compared to other stations, while complaints had decreased for the Department as a whole. In subsequent meetings, these figures and others will be compared to the next report by quarter and the success of steps taken to address them can be evaluated. (Attachment #4) FOB Unit Order 20-05)

The response of the Captains at a district level will be documented in the Quarterly Captains' Memorandums and audited by the Lieutenant of FOB. This type of consistent review and analysis will allow the Department to respond quickly and proactively to any undesirable trends as well as allowing it to track its progress in adopting successful measures in a continuous improvement loop.

5) Continuous improvement loop.

On November 5, 2020, the DPA Complaint "Trend Analysis-Henderson Report" was presented to the 3rd Quarter FOB Captains meeting for the first time. Central Station was shown to have higher volume of complaints compared to other stations, while complaints had decreased for the Department as a whole. In subsequent meetings, these figures and others can be compared to the next report by quarter and the success of steps taken to address them can be evaluated. The response of the Captains at a district level will be documented in the Quarterly Captain's Memorandums and audited by the Lieutenant of FOB. This type of consistent review and analysis will allow the Department to respond quickly and proactively to any undesirable trends as well as allowing it to track its progress in adopting successful measures in a continuous improvement loop at the district level.

(Attachment #4) FOB Bureau Order 20-05.

On Thursday March 4, 2021, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

(3) whether the captains' quarterly meeting scheduled for today is occurring. SFPD responded by explaining the evolution from the Morning Report to the Henderson Report and how SFPD continually reviewed and improved the process. Hillard Heintze thought the explanation was helpful and also asked that SFPD include in the Form 2001 limitations SFPD has recognized and is working on. SFPD also verified that the captains' quarterly meeting is occurring today. For continuously improving the data that is



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reviewed, SFPD would like to add more context (for example, how protests in a district might effect the data). SFPD plans to gather the supporting documents for inclusion in the packages over the next week.

After the first presentation, the report was reviewed and reassessed for clarity and ease of understanding. On March 4, 2021, the revised report was provided to the Q1 2021 Captains Meeting. **(Attachment #7)** *Captain Quarterly Meeting Minutes*

Per FOB Bureau Order 20-05, after the presentation of the Quarterly Trend Analysis Henderson Report Captains will be tasked with using the new report to compare statistics from the previous quarter. **(Attachment #8)** *Henderson Report Q3 2020*

After completing their comparison, Captains must author a Quarterly Memorandum explaining their analysis, accounting for any changes in complaint trends, and detailing their plans to mitigate any problematic trends. The memorandum is then submitted to the Deputy Chief of the Field Operations Bureau. The Lieutenant of FOB is responsible for maintaining a log of the memorandums to ensure their timely completion, and in December of each year, the Lieutenant of FOB will perform an audit to ensure that the memorandums include the necessary information detailed in FOB Bureau Order 20-05. Should the Lieutenant of FOB discover any deficiencies in the memorandums, they will alert the Deputy Chief of the Field Operations Bureau, who will take corrective action, as necessary.

As a result of the March 4, 2021, Captains Meeting, District Station Captains completed and submitted their memos to the Deputy Chief of FOB, as outlined in FOB Bureau Order 20-05. **(Attachment #9)** *Captains Quarterly Meeting Memorandums*