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From: Gabriel Martinez [Redacted]
Sent: Friday, October 23, 2020 2:37:14 PM
To: [Redacted]
[Redacted] McGuire, Catherine (POL) [Redacted] Scott, William
(POL) [Redacted] Altorfer, Eric (POL) [Redacted]
[Redacted]
Subject: Recommendation 66.1

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Dear Lt. Altorfer,

[Redacted]

Our office has completed its review of the materials related to Recommendation 66.1 that have been submitted to us as part of the collaborative reform process. This package focused on SFPD meeting quarterly with the Department of Police Accountability to discuss policy improvements. After reviewing the package and information provided by the SFPD, the California Department of Justice finds as follows:

Recommendation 66.1: The SFPD should meet with OCC on a quarterly basis following the release of the Sparks Report to discuss the recommendations.

Response to 66.1: San Francisco's city charter requires the Department of Police Accountability (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 Directive's 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. 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 escalated to the Chief of Police, and ultimately the Police Commission at public meetings.

Based upon all of 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 these further. Thank you.

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Finding # 66:

The SFPD is not required to take action on the recommendations put forth in the Office of Citizen Complaints Sparks Report. OCC provides the Sparks Report quarterly to the Police Commission. The Sparks Report provides recommendations on policy and revisions.

Recommendation # 66.1:

The SFPD should meet with OCC on a quarterly basis following the release of the Sparks Report to discuss the recommendations.

Response Date: 7/15/2019 (Updated 09/12/20)

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 DPA 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 where meetings minutes and agendas were 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.

Compliance Measures:

1) Establish quarterly meetings with DPA

Police Commission Resolution #27-06 (**Attachment # 1**) requires SFPD and DPA to meet quarterly regarding policy proposals. SFPD and DPA have been conducting monthly meetings beginning in November 2018. Unit Order 20-03 "*Collaboration with DPA During Policy Development*" (**Attachment # 2**) establishes policy and procedure to ensure compliance with Police Commission Resolution 27-06.

Unit Order 20-03 "*Collaboration with DPA During Policy Development*" established the following policies:

Meeting Dates states:

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.



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Procedures- Sparks Meetings- Agenda states:

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.

Procedures- Sparks Meetings- Meetings states:

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".

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 (Attachment # 3) 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) Provide record of discussion of the Sparks Report recommendations
- Unit Order 20-01 "Strategic Management Bureau, Written Directives Unit Sparks' Resolution":**

Sparks Meetings- Minutes states:

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 agendas (Attachment # 3) 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.



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3) Audit loop regarding progress of the quarterly meetings:

At the SFPD/DPA monthly meetings, SFPD provides status of DPA's proposed recommendations to SFPD policies and procedures. The status report includes the Department's position to support or not support DPA's recommendation and any discussion. SFPD also provides the DPA with the revision status on department bulletins and DGOs. All supported DPA recommendations are forwarded to the appropriate SFPD SME for discussions and/or inclusion into the policy. This is tracked with the recommendation grid (see attached). The grid is a tracking method for which both the SFPD and DPA can track recommendations and responses to those recommendations (see attached is the grid). When a DPA recommendation is included in a revised bulletin or DGO, DPA is provided with a copy after the document completes the concurrence process. The DPA recommendation is also memorialized within PowerDMS with the related policy.

The monthly meeting minutes and agenda are electronically stored with the Professional Standards Unit. This is the current audit loop in place.

An example of an audit loop is the recommendation grid created in response to DPA recommendations on Department Bulletin 19-125 *New Requirements When Members Interrogate or Question Youth 17-Years Old or Younger* (Attachment # 5 & 6). The grid allows for changes and also acts as a continuous audit loop. The SFPD and DPA realized a need for a better tracking and response method for the policy development process. The grid allows for DPA recommendations to be tracked with a SFPD response and if the discussion is open or closed. (See attached grid from Chief's meeting with DPA)

Unit Order 20-03 "Collaboration with DPA During Policy Development" established the following policies:

Sparks Meetings- Proceedings states:

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

Sparks Meetings- Attendees states:

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.

HH RFI: Additional documentation/proof is needed that the meetings with DPA occurred, and minutes, etc. identifying what was discussed should be included. For example, there are four 2017 meeting dates noted in the file – the meeting minutes and agendas for these sessions



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should be provided. The same documentation is needed for any meetings occurring in 2018. If no documentation is available, that should be noted in the file.

To address the feedback from Hillard Heintez attached are monthly meeting agendas (Attachment # 3) 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.

In addition, to provide additional documentaiotn and ^{Proof}~~proof~~ that regular meetings have occurred with DPA, the SFPD has provided the most recent (Quarter 2) Spark's PowerPoint (Attachment # 4) report that was presented to the Police Commission on September 2, 2020 and the Quarter 2 – Summary Report that was presented to DPA (Attachment # 5).