

From: Gabriel Martinez [REDACTED]
Sent: Friday, October 23, 2020 2:42:07 PM
To: [REDACTED]
[REDACTED]
[REDACTED] McGuire, Catherine (POL) [REDACTED]; Scott, William
(POL) [REDACTED] Altorfer, Eric (POL) [REDACTED]
[REDACTED]
Subject: Recommendation 66.3

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Dear Lt. Altorfer,

Our office has completed its review of the materials related to Recommendation 66.3 that have been submitted to us as part of the collaborative reform process. This package focused on SFPD reporting to the Police Commission regarding progress and timelines of policy changes from the Sparks Report. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 66.3: The SFPD should provide twice-yearly reports to the Police Commission regarding actions resulting from the Sparks Report, including whether the OCC recommendation is supported and a timeline for implementation or correction to existing practice and policy.

Response to 66.3: 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. The Resolution mandates the Chief of Police to present quarterly reports on policy proposals, including the status of recommendations made by DPA and due dates for next steps.

SFPD has met monthly with DPA 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 Spark report presented to the Police Commission occurred on September 2, 2020. SFPD presents quarterly to the Police Commission.

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. The recommendation grid that tracks and memorializes SFPD's responses and actions taken is

also sent to the Police Commission when the Commission reviews policy changes to promote accountability.

On September 11, 2020, SFPD published Unit Order 19-01, "Guidelines for Updating DGO's." The Unit Order provides the parameters for SFPD updating, revising, and creating new policies, including policy changes recommended by DPA. Under the Unit Order, each year on January 15th the Written Directive's Unit will send Deputy Chiefs a list of General Orders to update that year. The Unit Order establishes deadlines for subject matter expert review and drafting as well as status reports at regular intervals. Unit Order 20-03 also sets deadlines for SFPD's collaboration with DPA, including that DPA has thirty days to either approve an SFPD draft General Order or to request a Sparks meeting to discuss the draft. DPA also has thirty days to review Department Bulletins amending a General Order.

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 # 66.3 The SFPD should provide twice-yearly reports to the Police Commission regarding actions resulting from the Sparks Report, including whether the OCC recommendation is supported and a timeline for implementation or correction to existing practice and policy.

Response Date: 5/20/2020

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

The SFPD will continue to comply with the semi-annual report to the Police Commission regarding Sparks report activity. Currently, the Department provides updates on a quarterly schedule. Written Directives is responsible for providing the Commission with these reports.

Compliance Measures:

1) Establish policy and procedure for reporting of Sparks Report actions by SFPD.

- On 4/6/06, Police Commission approved resolution #27-06 which mandates Sparks report discussions between the SFPD and DPA, attachment #1. On 3/22/17 Professional Standards issued Unit Order 17-01 which puts meetings with DPA into policy, attachment #2.

On 4/2/20, the Professional Standards and Principled Policing Unit issued Unit Order 20-001 which superseded Unit Order 17-01, attachment #3. 20-01 established regular meetings with DPA to review the Sparks Report.

Unit Order 20-001, and Police Commission Resolution #27-06 are attached. Furthermore, Chief Scott issued a directive on 2/22/17 requiring mandatory meetings with the DPA to review and discuss the Sparks Report and take action where appropriate. The directive also guides the PSPPB to prepare a twice-yearly report to the Police Commission regarding actions resulting from the Sparks Report.

2) Evidence of actions regarding Sparks Report recommendations to include timeline for implementation or action that occurred, where appropriate.

-Minutes to the monthly meetings are taken and shared at the beginning of each months meeting, attachment #4. Previous meeting minutes are shared and reviewed for accuracy by both the SFPD and DPA. The timelines for the implementation of recommendations is dependent on the initial discussion, complexity of the recommendation, the concurrence process, as well as Chief



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of Police. The Police Commission also has a review and approval process. These recommendations are tracked using the recommendation grid that was agreed upon by the DPA and SFPD, attachment #5.

Prior to the implementation of the recommendation grid DPA would provide SFPD with a recommendation letter. This letter would contain policy recommendations that would be discussed at Sparks meetings between SFPD and DPA. An example of action resulting from a Sparks Report meeting is Department Notice 19-175 "*Sexual Assault Survivors at District Stations*". *DPA recommended that the department establish guidelines for sexual assault survivors when they enter a district station based on DPA's findings. The department in response drafted the department notice using DPA's recommendations as a reference to draft the notice*, attachment #6.

SFPD and DPA have developed a more thorough process for submitting and responding to recommendations. The recommendation grid was created in response to DPA recommendations on Department Bulletin 19-125 *New Requirements When Members Interrogate or Question Youth 17-Years Old or Younger*. 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.

Timelines for implementation can fluctuate depending on the type of Department Notice or Bulletin. This happens due to the drafting of the policy, best practice research, and review by the city attorney. Updating General Orders have a timeline that was codified within Unit Order 19-01 "*Guidelines for Updating DGO's*". The order states:

II. Accountability

- a. No later than Jan 15th of each year the WDU shall provide each Deputy Chief (DC) a list of their Bureau GO's that require updating for that year. The DC shall assign a department subject matter expert (SME) to review and amend each General Order by February 1st of that year. Deputy Chiefs shall notify the WDU who the assigned SME is. The WDU will provide the SME general assistance, such as templates and related policy bulletins. The WDU will also provide the DC and the SME with a copy of this Unit order and DGO 3.01, which detail the guidelines and timelines for updating GO's.
- b. The SME shall provide a written GO progress report by April 1st (60 days) to the assigned Deputy Chief and WDU.
- c. The expectation is that the SME will submit a draft GO within 120 days of assignment i.e. by June 1st of that year. This draft will be submitted to both the Deputy Chief and to the WDU for concurrence as outlined in DGO 3.01.10.
- d. When an SME experiences delays in the completion of a draft GO the SME shall notify the assigned DC and WDU of the delay factors and the anticipated time of completion prior to deadlines.
- e. WDU will provide a Bureau DGO Status Report to the Deputy Chief, the Assistant Chiefs and the Executive Director of SMB for review with the Chief of Police on a quarterly basis; May 1st,



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August 1st and November 1st. This report will track the progress of each GO, i.e. the meeting of timelines which is an essential component in achieving the refresh of SFPD GO's every 5 years. Upon submission of the draft DGO the assigned Deputy Chief will designate a member to present to the Police Commission. The Deputy Chief will notify the WDU of the assigned member within 14 days of draft submission.

3) Evidence of reporting to the Police Commission regarding Sparks Report actions by the SFPD.

-The PSPPB continues to comply with the semi-annual report to the Police Commission regarding Sparks Report activity. The reporting is done by a member of the PSPPB at a Police Commission meeting in a public setting. The agenda for those meetings are posted on the Police Commission website, along with the Sparks PowerPoint presentation. The meeting is televised on SFgovtv. SFgovtv post the meeting on its website the following day. Currently, the Department provides updates on a quarterly schedule but due to the Commission calendar presentations can be postponed or quarterly presentations can be done together. Written Directives is responsible for providing the commission with these reports. For example, PowerPoint presentation for the 2019 2nd and 3rd Quarter Sparks Report along with the Police Commission agenda and minutes are attached. Screen shots from SFgovtv showing the meeting and the SFgovtv agenda, **attachment #7**.

4) Audit and review loop as to the process and progress.

-Any evidence of review of the Sparks Report issues are raised in a public forum at the Police Commission. They are televised and recorded on SFgovtv which is a local government television channel. Additional evidence on review is discussed within the SFPD and DPA monthly meetings and captured in the meeting minutes.

At the SFPD/DPA monthly meetings, SFPD provides DPA with the status of their proposed recommendations to SFPD policies and procedures. The status report includes the Department's position to support, suggestions for alteration, or preference to decline, the recommendation. 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. 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 stored with the Professional Standards Unit. This is the current audit loop in place.

An example of an audit and review loop is the recommendation grid created in response to DPA recommendations on Department Bulletin 19-125 *New Requirements When Members Interrogate*



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or Question Youth 17-Years Old or Younger. The SFPD and DPA realizing there was a need for a better tracking and response method the SFPD created the recommendation grid. On the grid the DPA recommendation is tracked with a SFPD response and if the discussion is open or closed.

HH RFI: Provide additional documentation/evidence of the level of SFPD engagement as required under this recommendation. Specially, the bi-annual reports prepared for the Police Commission regarding the progression of the Sparks Report meetings to include, as it relates to policies discussed:

- 1) Whether the DPA recommendation is supported; and,
- 2) The timeline for implementation or correction to existing practice and policy.

Response:

- 1) SFPD reviews the DPA recommendations. The recommendations are discussed and minutes of the discussion are kept by the PSPPB. Minutes to the monthly meetings are taken and shared at the beginning of each months meeting. Previous meetings are shared and reviewed for accuracy by both the SFPD and DPA. Examples from the June 2019 meeting are attached. The bi-annual report prepared for the Police Commission regarding the progression of the Sparks Report meetings will include whether the DPA recommendation was supported. Moving forward DPA's recommendations are tracked using the recommendation grid. The grid shows DPA's recommendation and SFPD's response. This recommendation grid is the agreed tracking method between the department and DPA.
- 2) The timeline for implementation or correction to existing practice and policy have now been incorporated into the DGO Matrix and department issuance process. Any recommendations DPA has made are flagged for consideration by the SME in their policy development process. (WDU Unit Order 19-01 and emails to the SME, attachment #8).

Unit Order 19-01 "*Guidelines for Updating DGO's*" states:

III. Accountability

- f. No later than Jan 15th of each year the WDU shall provide each Deputy Chief (DC) a list of their Bureau GO's that require updating for that year. The DC shall assign a department subject matter expert (SME) to review and amend each General Order by February 1st of that year. Deputy Chiefs shall notify the WDU who the assigned SME is. The WDU will provide the SME general assistance, such as templates and related policy bulletins. The WDU will also provide the DC



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and the SME with a copy of this Unit order and DGO 3.01, which detail the guidelines and timelines for updating GO's.

- g. The SME shall provide a written GO progress report by April 1st (60 days) to the assigned Deputy Chief and WDU.
- h. The expectation is that the SME will submit a draft GO within 120 days of assignment i.e. by June 1st of that year. This draft will be submitted to both the Deputy Chief and to the WDU for concurrence as outlined in DGO 3.01.10.
- i. When an SME experiences delays in the completion of a draft GO the SME shall notify the assigned DC and WDU of the delay factors and the anticipated time of completion prior to deadlines.
- j. WDU will provide a Bureau DGO Status Report to the Deputy Chief, the Assistant Chiefs and the Executive Director of SMB for review with the Chief of Police on a quarterly basis; May 1st, August 1st and November 1st. This report will track the progress of each GO, i.e. the meeting of timelines which is an essential component in achieving the refresh of SFPD GO's every 5 years.
- k. Upon submission of the draft DGO the assigned Deputy Chief will designate a member to present to the Police Commission. The Deputy Chief will notify the WDU of the assigned member within 14 days of draft submission.