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**To:** [REDACTED]; [McGuire, Catherine \(POL\)](#); [Scott, William \(POL\)](#); [REDACTED]; [Altorfer, Eric \(POL\)](#); [REDACTED]  
**Subject:** Recommendation 69.1  
**Date:** Friday, September 3, 2021 1:56:12 PM

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 69.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD incorporating procedural justice, including gathering stakeholder viewpoints, into the disciplinary process. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 69.1: SFPD leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. The Police Commission, DPA, IAD, and POA leadership should be partners in this process.

Response to 69.1: On April 27, 2021, SFPD issued Unit Order 20-01, “Procedural Justice in the Discipline Process Working Group.” The Unit Order formally established the Discipline Equity Group (DEG), which began convening on February 25, 2021, met bi-weekly through April 15, 2021, and will continue meeting bi-annually. The DEG is composed of representatives from the Police Commission, Department of Police Accountability (DPA), Internal Affairs Division (IAD), and the San Francisco Police Officers’ Association (SFPOA). After the first meeting, the DEG expanded and invited Police Employee Groups to participate, such as the Women’s Action Committee, Officers for Justice, and Asian Police Officers’ Association. The Unit Order designates the commander of the Risk Management Office to act on the DEG meeting proposals and report back to the DEG on outcomes. At the February 25, 2021 DEG meeting, participants discussed topics such as the new disciplinary matrix, data concerning disparate outcomes in disciplinary action, and how to engage officers in the development of the disciplinary process.

Additionally, SFPD has revised Department General Order 2.04, “Complaints Against Officers,” as well as updated the IAD Standard Operating Procedures, to make the disciplinary process more transparent to officers. The IAD Standard Operating Procedures include the Case Investigation Procedures step-by-step guide that provides officers with transparency about the investigation process. Similarly, on February 16, 2021, SFPD issued Department Notice 21-026, “Disciplinary Penalty and Referral Guide,” which includes a disciplinary matrix. The matrix provides all stakeholders transparency and consistency for discipline after sustained officer violations of policy. The DEG is also considering methods of informing officers of the disciplinary process, such as using pamphlets, flow charts, and line-up training.

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.

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<b>Finding # 69</b>	<b>The SFPD does not consistently apply the principles of procedural justice.</b>
<b>Recommendation # 69.1</b>	SFPD leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. The Police Commission, DPA, IAD, and POA leadership should be partners in this process.

<b>Recommendation Status</b>	<b>Complete</b>	<b>Partially Complete</b>	<b>In Progress</b>
	<b>Not Started</b>	<b>No Assessment</b>	

**Summary**

Compliance Measure #1: The department has initiated a working group to address internal procedural justice (PJ). The Discipline Equity Group includes a range of parties as identified in the recommendation. The department provided several agendas and minutes for the meetings that occurred prior to the submission of the file.

Compliance Measure #2: the department provides evidence of work done to examine how to incorporate procedural justice. The department also provides an IAD SOP and work on an IAD matrix. While this is a start, it is by no means completed and the department should recognize that the early meetings that occurred with the institutional stakeholders are the foundation for further review and process assessment to improve procedural justice practices and outcomes in the department.

Compliance Measure #3: the department has improved practices with a goal to procedural justice and improved outcomes. The framework for an effective strategy is evolving. The department has developed the Discipline Equity Group to provide the ongoing oversight and planning. A more diverse employee voice was sought, improvement to the discipline matrix and the rework of IA SOPs to ensure more consistency is evidence of the evolving strategy. Based upon the initial meetings, the department is working internally and is in the planning process to establish a plan for further communication and engagement with the department members overall. The work to date is evidence of a limited strategy view that is now further developing.

Compliance Measure #4: the department has developed the Discipline Equity Group to provide the ongoing oversight, planning and execution role for the department with a focus on PJ. One example cited will be the forthcoming use of surveys to obtain feedback on processes as well as the identified need to improve communications to staff about the disciplinary process.

The department submitted attachment #9 as evidence of further strategy for implementing a PJ strategy. However, PJ is more than adherence to the CBA. "Member rights" are bargained and not always a matter of procedural justice. For example, under 1) "member lacks rights" is an example of how the department can build a more PJ outcome. The CBA rights are clear - there is no further action by the officer absent a detrimental comment. However, the opportunity remains for PJ - to have the conversation with an officer, to identify the issue and to engage in resolution that is equitable. If there is a perception that these sessions are not fair, accurate and focused on improved outcomes - then there is work to do to improve PJ, but not to the CBA.

<b>Compliance Measures</b>		<b>Status/Measure Met</b>
<b>1</b>	Convene an internal discipline stakeholder group to address the specific administrative practices that attach to internal investigations.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Hillard Heintze File Review Recommendation # 69.1

2	Examination of how to incorporate procedural justice – being fair in processes, being transparent in actions, providing voice, and impartial decision making – across the internal investigation and discipline process.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Strategy to incorporate procedural justice into the internal investigation process.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	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 # 69:** The SFPD does not consistently apply the principles of procedural justice.

**Recommendation # 69.1** SFPD leadership should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. The Police Commission, DPA, IAD, and POA leadership should be partners in this process.

**Response Date: 04/28/2021**

### Executive Summary:

Representatives from the Police Commission, DPA, IAD, POA, as well as leadership from various Police Employee Groups have partnered by forming a Discipline Equity Group (DEG) to examine and address procedural justice issues in the internal discipline process with a specific focus on impartiality, transparency, due process, and providing a voice for members. The weekly and bi-weekly meetings have been a collaborative forum for stakeholders to:

- identify the shortcomings and challenges of the current internal discipline process,
- to determine immediately addressable concerns and how to best resolve the issues raised with a focus on values adherence,
- to develop best practices for incorporating procedural justice, including how to best communicate and disseminate the information to members in a transparent and accessible manner,
- to create strategies and processes for a continuous feedback loop.

### **Compliance Measures:**

#### **1) Convene an internal discipline stakeholder group to address the specific administrative practices that attach to internal investigations.**

To be responsive to the Collaborative Reform Initiative, the Discipline Equity Group (DEG) was convened beginning in early 2021 consisting of representatives from the Police Commission, the Department of Police Accountability, Internal Affairs Division, and the San Francisco Police Officers Association. Prior to the first meeting, a master agenda was established to identify the future goals of the DEG. (Attachment #1)  
*Disciplinary Equity Group Master Agenda*

Soon after the first meetings, where providing a voice for members as part of procedural justice was often a topic of discussion, it was agreed upon to broaden the DEG and invite representatives of Police Employee Groups (PEG) to provide the perspectives of



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the members and allow them a voice in the process of incorporating procedural justice in the discipline process. As a result, PEG representatives were invited to participate and raise concerns and suggest solutions.

On Monday April 26, 2021 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 and Hillard Heintze thought SFPD could include background on which PEG representatives were invited and provide dates and notice for proposed meetings for June and December.*

The following PEG groups and their representatives were invited to participate at the April 15, 2021 meeting.

- ██████████ – Women's Action Committee (*Unable to Attend*)
  - ██████████ – Asian Police Officers Association (*In Attendance*)
  - ██████████ – Officers for Justice (*In Attendance*)
  - ██████████ – Filipino American Law Enforcement Officers Association (*Unable to Attend*)
  - ██████████ – Latin Police Officers Association (*Unable to Attend*)
- (Attachment #2)** *Disciplinary Equity Group Meeting Teams PEG Invite*

Going forward, PEG representatives will continue to be invited to join the ongoing DEG meetings to provide their perspective and collaborate with SFPD leadership, as stated in the Unit Order. **(Attachment #3)** *DEG Meeting Minutes* for the initial DEG meetings were scheduled bi-weekly in order to establish a robust and solid foundation.

- February 25, 2021*
- March 11, 2021*
- March 25, 2021*
- April 1, 2021*
- April 15, 2021*

As listed in the Unit Order, future DEG meetings are to be held on the first Wednesday of the proposed meeting months. The Commander, or designee, of The Risk Management Office will provide the key stakeholders involved with the DEG an invitation and an agenda 30 days prior to the proposed meeting dates. The working group shall include but not be limited to: the Police Commission, DPA, IAD, POA, as well as leadership from various Police Employee Groups. **(Attachment #11)** *Unit Order 20-01 Procedural Justice in the Discipline Process Working Group*

- 2) Examination of how to incorporate procedural justice-being fair in processes, being transparent in actions, providing voice, and impartial decision making-across the internal investigation and discipline process.**



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The DEG examined and addressed procedural justice across the internal investigation and discipline process on multiple levels in conjunction with several other Collaborative Reform Initiatives. The examination included the elicitation of perspectives from a wide range of SFPD perspectives including valuable feedback from PEG representatives.

As discussed in Recommendation 64.4, newly revised "IAD Standard Operating Procedures", DGO 2.04 ("Complaints Against Officers"), and the "Disciplinary Penalty and Referral Guidelines for Sworn Members of the San Francisco Police Department" all serve to document and codify efforts towards making the discipline process more transparent for members and to explain how impartiality and consistency are put into practice during the discipline process. (Attachment #4) *DGO 2.04 Complaint Against Officers*

More specifically, the purpose of the newly revised IAD Standard Operating Procedures (SOP), is to provide concrete and understandable long-range goals and objectives that adhere to the SFPD Mission Statement with a particular aim toward the expeditious resolution of complaints in a fair and impartial manner. The revised SOP further explains the responsibilities and expectations of the roles within the Internal Affairs Division and provides a step-by-step guide of Case Investigation Procedures in order to demystify the process in a transparent and accessible manner.

(Attachment #5) *IAD SOP*

Regarding fairness, transparency, and providing a voice to members, the revised IAD Standard Operating Procedures pg. 20-22, provides explicit investigative steps for IAD investigators that encourage impartiality, transparency, and provides detailed script prompts for interviews to elicit as much information from the involved member as possible. Specifically, the scripts provided to IAD interviewers always end with an invitation to the interviewee/member to provide any additional information that they wish to have considered prior to the imposition of discipline, if any. Each of the scripts have some form of the closing question that can be adapted for officers, PSAs, civilians, etc. The goal of which is to give the member an opportunity to have their voice heard in a way they see fit, whether it is the presentation of a written statement, additional material evidence supporting their contentions to be added to the case file or clarifying questions/answers guided by a member's representative. (Attachment #6) *Sample Interview Script*

Additionally, the new IAD Standard Operating Procedures pg.15 codify the process and information required on the 83 Form, describing any allegations against an accused member with specificity and in plain language which allows for a clearer and more transparent process.



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INTERNAL AFFAIRS DIVISION CASE		Case No. [REDACTED]	
(2) Day, Date, Time Received [REDACTED]		(3) How Received <input type="checkbox"/> PERSON <input type="checkbox"/> LETTER <input type="checkbox"/> PHONE <input checked="" type="checkbox"/> SFPD	
(4) Complainant (Primary) Last Name First SFPD- WHEN INTERNAL OR NAME OF COMPLAINANT WHEN EXTERNAL		(5) Complainant's Address City Zip	
(6) Complainant's Home Phone Business Phone (including area code)		(7) CDL #, D.O.B., SS#	
(8) Complainant's (Secondary)		(9) Complainant's Address City Zip	
(10) Complainant's Home Phone Business Phone		(11) California Driver's License Identification Card No.	
(12) Place of Occurrence [REDACTED]	District of Occurrence [REDACTED]	(13) Day, Date, Time of Occurrence [REDACTED]	(14) in Uniform? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK.
(15) Type of Misconduct <input checked="" type="checkbox"/> ADMIN. INVESTIGATION <input type="checkbox"/> UNNECESSARY FORCE <input type="checkbox"/> UNWARRANTED ACTIONS <input checked="" type="checkbox"/> CONDUCT UNBECOMING AN OFFICER <input checked="" type="checkbox"/> NEGLIGENCE OF DUTY		(16) Activity Being Performed <input type="checkbox"/> Failure to Appear <input type="checkbox"/> ARREST <input type="checkbox"/> BOOKING <input type="checkbox"/> CITATION WRITING <input type="checkbox"/> CUSTODY <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> OFF-DUTY <input type="checkbox"/> PATROL <input type="checkbox"/> REPORTS <input type="checkbox"/> TELEPHONE <input type="checkbox"/> TRAFFIC DIRECTION <input type="checkbox"/> SECONDARY EMPLOYMENT	
(17) Day, Date Assigned [REDACTED]	(18) Investigation Assigned To [REDACTED]	(19) Allegation Against <input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> PROCEDURE <input type="checkbox"/> POLICY	
Civil Svc. Class. [REDACTED]	Person (s) and ID or Star Number (s) Involved [REDACTED]	Assignment/Unit Involved [REDACTED]	
Remarks: [REDACTED]			
Referred by: _____			

SFPD 83 (0/05)

*Sample of 83 Form from revised IAD SOP.*

Similarly, the Disciplinary Penalty and Referral Guide that was recently issued in a *Department Notice 21-026 (Attachment #7)* by Chief Scott on February 16, 2021 also serves to incorporate the ideals of procedural justice by presenting a Discipline Matrix with the exact guidelines the Chief of Police uses when considering the classifications of misconduct and the appropriate penalties for sustained violations.

*(Attachment #8) Discipline Matrix*

### 3) Strategy to incorporate procedural justice into the internal investigation process.

As discussed above, the DEG examined procedural justice in the internal investigation process by inviting a wide variety of stakeholders to provide their perspective on issues and strategies to address their concerns. With respect to the concept of providing a voice and transparency in actions, the DEG determined that an officer must first understand the discipline process. From the March 11<sup>th</sup> DEG meeting, the POA leadership provided invaluable insight into members' rights issues relevant to procedural justice that most commonly arise in the discipline process. *(Attachment #9) Members Rights from Investigation to Appeal*. The goal of the DEG is to develop a pamphlet/quick reference guide in order for members to understand the discipline process. IAD leadership also developed a detailed Complaint Process Flowchart to



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clearly illustrate the internal discipline process from complaint arrival to final imposition of discipline. (Attachment #10) IAD Flow Chart

From the meeting held on April 01, 2021 it was voiced by the Police Commission, Commissioner Elias, that all members need to be heard, not just those associated with the POA. In the spirit of collaboration all PEG groups were invited to the April 15<sup>th</sup> meeting. With further insight from the DPA, Police Commission, and PEG representatives, the messaging from the POA and IAD will be combined and disseminated to all SFPD members as part of a continuing strategy to incorporate procedural justice (specifically transparency and voice) in the discipline process. A plan for how to best present the information to members (e.g., station level line up training, Advanced Officer/Continued Professional Training presentations, etc.) is in development and will be addressed at future DEG meetings. This plan will include the opportunity to clarify any questions or concerns that members may have regarding the documents described in Compliance Measure #2 above.

In conjunction, the dissemination of this information to SFPD members, along with the revised policies described in Compliance Measure #2, works towards clearly describing to members the practical application of fair processes, transparent actions, and impartial decision-making in the discipline process.


#### **4) Continuous improvement loop.**

In addition to the strategies discussed above, a key part of the DEG plan going forward will be to develop and codify the continuous improvement loop so that future issues can be quickly and practically be addressed as they arise. One such opportunity will be a partnership between DPA and IAD to develop a scalable and meaningful process by which IAD can solicit feedback from involved members to allow for agile and practical improvements to incorporate procedural justice throughout the discipline process. Leadership from DPA and IAD are currently in collaboration to formulate consistent "customer service" online surveys and/or email solutions to obtain such feedback.





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### 2021 Police Officer Satisfaction Survey

**OVERVIEW**

In this survey, we would like to hear about what officers think about the Department of Police Accountability's complaint process.

DPA uses survey responses to improved communications and working arrangements with DPA's stakeholders about how DPA does its work.

We estimate that it will take less than 10 minutes to complete this survey.

Your participation in this survey is VOLUNTARY. The responses you provide will be completely ANONYMOUS.

Thank you for taking the time to fill out the survey.

**INSTRUCTIONS**

For each question, please check the box that best fits your opinion.

If you were the subject of more than one complaint, please answer the questions based on the LAST complaint.

#### Case Tracking Number (optional)

Providing your case tracking number is optional. Your tracking number allows DPA to further examine the specific factors causing dissatisfaction and make changes to improve upon it.

Click "Next" if you do not wish to provide your tracking number.

1. What is your case tracking number? (optional)

**Next**

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*Sample page of the DPA online survey currently being sent to members.*

As discussed above, part of the continuous improvement loop also included PEG representatives' participation in the DEG. Going forward, more PEG representatives will continue to be encouraged to join the ongoing DEG meetings via formal invitations to representatives to provide their perspective and collaborate with SFPD leadership with an eye toward improving the procedural justice concepts in the internal discipline process.

The Commander of Risk Management, or designee, should include the newly formed SFPD Office of Equity and Inclusion as collaborative partners to provide guidance and insight on the shared goal of creating and sustaining an equitable, supportive, and professional environment as it relates to the internal discipline process. **(Attachment #11)** *Unit Order 20-01 Procedural Justice in the Discipline Process Working Group*



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The DEG will continue to meet bi-annually moderated by the Risk Management Office with key internal and external stakeholders to continue the Discipline Equity Group's examination and improvement of incorporating procedural justice in the internal discipline process. The goal of this working group will be to provide continual actionable improvements to the discipline process as it relates to procedural justice. (Attachment #11) *Unit Order 20-01 Procedural Justice in the Discipline Process Working Group*

The Commander, or designee, of the Risk Management Office shall, on a bi-annual basis, moderate a working group to discuss issues, perspectives, and solutions provided by representatives of key stakeholders involved in the DEG, including but not limited to: the Police Commission, DPA, IAD, POA, as well as leadership from various Police Employee Groups.

On Monday April 26, 2021 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 noted that the draft order states that the findings and recommendations of the disciplinary equity group will be forwarded to the Chief of Staff after each bi-annual meeting and asked that SFPD explain what the Chief of Staff is supposed to do with those findings and recommendations.*

*Hillard Heintze also thought that the package could include a discussion data review and analysis.*

The Commander of Risk Management, as Executive Sponsor of this working group, shall review and provide a briefing of the working group's findings and recommendations to the Chief of Staff after each meeting. The Chief of Staff in consultation with the Chief of Police, shall prioritize action items, incorporate feasible action items into the processes of the Risk Management Office. Any non-agreed action items will be brought to the group for further discussion. (Attachment #11) *Unit Order 20-01 Procedural Justice in the Discipline Process Working Group*

On Monday April 26, 2021 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 noted that SFPD could explain from meeting minutes how action items are tasked.*

The Commander of Risk Management, or designee, will task the appropriate member within the Risk Management Office to complete any actionable items that come out of the DEG. The member within the Risk Management Office will be responsible to report back to the DEG the



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outcome of their actionable items. (Attachment #11) *Unit Order 20-01 Procedural Justice in the Discipline Process Working Group*

Future DEG meetings are to be held on the first Wednesday of the proposed meeting months. The Commander, or designee, of The Risk Management Office will provide the key stakeholders involved with the DEG an invitation and an agenda 30 days prior to the proposed meeting dates. Additional meetings to be added at the discretion of the Commander of Risk Management and/or DEG. (Attachment #11) *Unit Order 20-01 Procedural Justice in the Discipline Process Working Group*