

Recommendation 70.1

Tanya Koshy [REDACTED]

Tue 10/22/2019 2:09 PM

[REDACTED]

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Dear Acting Captain Dorantes:

Our office has completed its review of the Recommendation 70.1 package that SFPD submitted as part of the collaborative reform process. Recommendation 70.1 is that SFPD should work with the Police Commission to develop a nimble process for reviewing and approving existing and new Department General Orders (DGOs) that supports policing operations with codified, transparent policies.

After reviewing the package and information provided by SFPD, the California Department of Justice finds as follows:

Response to 70.1 package: SFPD is in substantial compliance with this Recommendation. Newly-amended DGO 3.01 provides SFPD with a nimble process for reviewing and approving existing and new DGOs. DGO 3.01 outlines the task flow for initiating and amending DGOs and specifies that the process will be facilitated by a member of the particular division, bureau, or unit most affected by the DGO. DGO 3.01 also outlines the timelines for review of draft DGOs by relevant stakeholders and command staff. Further, DGO 3.01 now also permits modification of an existing DGO without requiring the Police Commission to review the entire DGO. The Police Commission need only review the portion of the DGO that SFPD seeks to modify. Under this new process, SFPD's Written Directives Unit will identify the particular section to be modified and, through a General Order Change form (SFPD 581), SFPD will submit the proposed modification to that section to the Commission for review and approval.

Finally, under DGO 3.01, existing DGOs will be submitted for review and amendment every five years. To facilitate ongoing review, SFPD's Strategic Management Bureau and the Commission put together a matrix that outlines a schedule to revise existing DGOs (DGO Matrix Schedule). The DGO Matrix Schedule prioritizes amendment of DGOs that will more directly impact the community, such as the DGOs on use of force, bias, and community policing.

In order to remain in substantial compliance, Cal DOJ recommends that SFPD find a mechanism to keep better track of the dates, tasks, and appropriate personnel for revising or amending existing DGOs. The DGO Matrix Schedule submitted by SFPD does not include the personnel assigned to lead the revision/amendment of several DGOs that are described as "in progress." Nor are there status updates every 60 days for several "in-progress" DGOs. A more robust, or regularly used Matrix Schedule, will enable SFPD to keep better track of assignments and deliverables.

[REDACTED]

Please let us know if you have any questions or would like to discuss this further. Thank you.

Tanya

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Hillard Heintze File Review Recommendation # 70.1

Finding # 70	The process to update Department General Orders is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues.
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Recommendation # 70.1 The SFPD should work with the Police Commission to develop a nimble process for reviewing and approving existing and new Department General Orders that supports policing operations with codified, transparent policies.

Recommendation Status	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Partially Complete <input type="checkbox"/> In Progress <input type="checkbox"/> Not Started <input type="checkbox"/> No Assessment
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Summary

Passage of DGO 3.01 provides the support for Compliance Measures 1, 2, and 3. The matrix and plan provide for the continuous improvement loop under Compliance Measure 4. This finding is to the structure that was established for the process. The Hillard Heintze team has concern about its long-term application and sustainability given the evidence supplied for Compliance Measure 4.

Compliance Measures	Status/Measure Met
1 Establish a plan that allows for triage regarding DGO modification - critical need; operational need; and update.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2 Establish a plan that allows modifications to existing DGOs that does not require review of the entire order based upon critical and operational need.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3 Develop a task flow that establishes timelines for submission, review and approval of DGOs that is more nimble than previous processes.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4 Continuous review and improvement loop.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues:

It is not clear who is responsible for this process and how it is specifically managed. The Hillard Heintze team will request a meeting at our next site visit to review the process and how it is managed externally to PSPP.

Compliance Issues:

The SFPD has a process in place and has identified the matrix, the refresh plan and a record of focus on DGO development which contributed to the substantial compliance finding. However, the review team is concerned that stronger definition and focus on roles and responsibilities, as well as timing of review and deliveries for DGOs, is needed for the subsequent recommendations under this section to advance to substantial compliance.



Collaborative Reform Completion Memorandum

Finding # 70: The process to update Department General Orders is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues.

Recommendation # 70.1: The SFPD should work with the Police Commission to develop a nimble process for reviewing and approving existing and new Department General Orders that supports policing operations with codified, transparent policies.

Response Date: 8/9/2019

Executive Summary: Past practice for reviewing and approval of DGO's has traditionally time consuming. There are numerous factors that contribute to this including that the San Francisco Police Commission is a volunteer entity of Commissioners who have professional commitments to a primary occupation. Accomplishment of the overwhelming task of maintaining significant and ordinary policy issues can significantly delayed due to the backlog that is created by this current process.

In current practice, reviewing a simple change within a DGO allows for the complete opening of the entire DGO for discussion and review by the Police Commission. Accordingly, simple changes and updates to DGO's do not happen on a timely basis due to the complicated process involved in opening an entire DGO for review each time a simple change is needed combined with the infrequent opportunity for the Police Commission to review these issues.

The mechanism by which this recommendation meets compliance is through the implantation of Department General Order 3.01- Written Communications.

Compliance Measures:

1) Establish a plan that allows for triage regarding DGO modification - critical need; operational need; and update.

-Department General Order 3.01 outlines the process for which the department communicates through its written directives, DGO's, bulletins, etc. It also outlines the process required to update the various written communications, provides instruction for the internal concurrence process and final Police Commission approval. There is an understanding of the importance of following a logical sequence that places a priority on the policies that most directly impact the department's relationship with the community; use of force, bias, accountability, community policing, and recruitment and hiring. As such the command staff within the Strategic Management Bureau has worked in conjunction the with the Police Commission to establish a Refresh Matrix (attached) which sequences the order in which DGO's shall be reviewed in the context of their critical and operational need and their impact on our relationship with the community.



Collaborative Reform Completion Memorandum

2) Establish a plan that allows modifications to existing DGOs that does not require review of the entire order based upon critical and operational need.

-The process for updating, reviewing, changing a DGO will be accomplished through a system of a General Order Change. The GOC will be filed with the Police Commission as an action item and only the specific section will be discussed and open for public comment. This allows the Police Commission to be more efficient in maintaining the DGO's such the over time the DGO will remain up to date.

3) Develop a task flow that establishes timelines for submission, review and approval of DGOs that is more nimble than previous processes.

-DGO 3.01 outlines the timelines for submission, review and approval in section 3.01.01(f). Written Directives Unit shall notify the Deputy Chief or Director of the bureau, division or unit most affected by the directive. The Deputy Chief or Director shall assign a member to review and amend the General Order. The assigned member shall, as appropriate:

- 1) Coordinate and provide the Written Directives Unit with the status update on proposed modifications to the General Order within 60 days of assignment and every 60 days thereafter until the review process is completed.
 - 2) Solicit review by Commanding Officers, who shall seek input from their respective members, in units most affected by the proposed policy.
 - 3) Integrate any relevant Bulletins into the General Order, if applicable.
 - 4) Review stakeholder(s) recommendation(s) (e.g., Community, Police Commission, Firearm Discharge Review Board, Risk Management Office, City Attorney, Department of Police Accountability) on training, law, community expectation or law enforcement best practices.
 - 5) Meet with a representative of the Department of Police Accountability to exchange views on the proposed order and attempt to resolve any differences, as outlined in Police Commission Resolution 27-06.
 - 6) Submit the proposed General Order to the Written Directives Unit.
- Upon receiving the proposed General Order revision, the Written Directives Unit shall submit the amended order through the concurrence process.



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4) Continuous review and improvement loop

-The Written Directives Unit developed a General Order Matrix Schedule. This matrix establishes a schedule for continuous review of General Orders and when they are updated. This matrix was reviewed by the Police Commission President. See Attached Matrix.