

## Recommendation 70.2

Tanya Koshy [REDACTED]

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To: McGuire, Catherine (POL) [REDACTED] Scott, William (POL) [REDACTED];  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Altorfer, Eric (POL)  
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Dear Acting Captain Altorfer:

Our office has completed its review of the Recommendation 70.2 package that SFPD submitted as part of the collaborative reform process. Recommendation 70.2 is that SFPD should commit to updating all Department General Orders (DGOs) in alignment with current laws and statutes, community expectations, and national best practices.

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

Response to 70.2 package: SFPD is in substantial compliance with this Recommendation. SFPD's plan to update DGOs is outlined in DGO 3.01, which was approved by the Police Commission (the Commission) last year and describes the task flow for initiating and amending DGOs. DGO 3.01 specifies that the DGO initiation/amendment 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 permits modification of an existing DGO without requiring the Commission to review the entire DGO. The Commission need only review the portion of the DGO that SFPD seeks to modify. Under this relatively new process, SFPD's Written Directives Unit (WDU) 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.

Though the USDOD directed SFPD to develop a plan to update DGOs every three years, SFPD has determined that a three-year policy revision cycle does not give it sufficient time to review and revise DGOs. Given this, SFPD has developed a policy to review and revise DGOs every five years. Cal DOJ and Hillard Heintze have considered SFPD's explanation for a longer cycle for policy revision and are in agreement with a modification to the USDOD recommendation.

To facilitate ongoing review, SFPD's Strategic Management Bureau and the Commission put together a matrix that outlines the schedule to revise existing DGOs (DGO review matrix). The WDU maintains the DGO review matrix and updates the schedule based on any litigation, legislation, and contemporary issues. The WDU will provide an updated DGO review matrix to the Commission President no less than once a year. Importantly, in response to Cal DOJ's suggestion in its October 22, 2019 email on SFPD's substantial compliance with Recommendation 70.1, SFPD's latest DGO review matrix—provided with this package—does a better job of keeping track of dates, tasks, and

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appropriate personnel for revising or amending existing DGOs than the version submitted with the Recommendation 70.1 package.

The WDU also issued Unit Order 19-01, which provides further direction on the process to update DGOs. As part of the process, the Deputy Chief in charge of the particular division, bureau, or unit most affected by the DGO will assign a member to serve as the subject matter expert (SME) on the DGO. The SME is in charge of revising the DGO to ensure it address any key issues, community expectations, and best practices. To that end, the WDU provides guidance to the SME on any relevant deadlines, how to update a DGO, and where to find information on best practices for that DGO. Finally, to ensure accountability for revising DGOs, the Strategic Management Executive Director will update the Chief on a quarterly basis on the progress of DGOS up for review.

SFPD reviewed the policy review processes in place of several other law enforcement agencies to ensure that SFPD has a continuous improvement loop that is informed by best practices. SFPD found that its review plan, as described above, is different than that of other agencies for many reasons, including that some agencies do not have as many outdated policies in place and thus do not require the complex review process described above, and other agencies contract with external companies, such as Lexipol, to provide updates to policies.

While Cal DOJ finds that SFPD is in substantial compliance, it shares Hillard Heintze's concerns that SMEs have a significant number of DGOS to update and that there may not be sufficient support for SMEs as they work to update those DGOs. Cal DOJ will continue to monitor SFPD's processes on updating DGOs.

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 # 70.2

<b>Finding # 70</b>	<b>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.</b>
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<b>Recommendation # 70.2</b>	The SFPD should commit to updating all Department General Orders in alignment with current laws and statutes, community expectations, and national best practices every three years.
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<b>Recommendation Status</b>	<b>Complete</b> Partially Complete    In Progress Not Started    No Assessment
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**Summary**

The SFPD enacted DGO 3.01 to help address the significant challenges the SFPD faced in drafting timely policies. While the recommendation sought 3 years, the SFPD identified a 5-year period for review, based upon resourcing and other issues, including policy requirements for working groups. While we remain concerned about the expediency of the overall process, the department has demonstrated a commitment to update and refresh DGOs and the plan is codified and supported by a matrix for review, based upon prioritization. SFPD submitted evidence of the audit and review loop for improvement. Specific tasking occurs with internal SMEs to identify and deliver upon updates including best practices. SFPD is a member of several professional policing groups and assesses for evolving practice. Further the Written Directives Unit provides links and support for identifying best practice for the SMEs updating the DGOs. The SFPD provided evidence of the matrix for review and a recent status update. Of note were the number of DGOs given to some of the SMEs, several with three to four DGOs assigned. As this work is in addition to their daily responsibilities, the SFPD should monitor to ensure that the timing and information required for update is achievable under this workload. It is still early in the process, but the DGO and then attachment 6 - which outlines the formal guidance given to SMEs regarding the process- provides the framework for compliance measure 4. The documentation provided allows for support of compliance measure 4 from a process perspective. We advise utilizing the WDU to provide direct support and to ensure a scan of emerging practices to allow for a robust improvement loop.

Compliance Measures	Status/Measure Met
1      Develop a plan and process to update the DGOs based upon priorities every three years.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2      Task specific units and individuals with assisting in the identification of and review of key issues, national best practices, and community expectations attached to DGOs to ensure an appropriate update of every three years.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3      Monitor and track progress regarding DGO updates.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4      Continuous improvement loop that is informed by contemporary policing best practices.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

This file was well organized and cohesive in its approach.

#### Compliance Issues

SFPD has demonstrated adherence with this recommendation. However, the department should monitor not only the progress in meeting the review matrix, but also the support provided to SMEs regarding best practice research and support. The WDU staffing should be reviewed as the new program matures to ensure appropriate staffing balance and SME support.



## 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 # 70.2:** The SFPD should commit to updating all Department General Orders in alignment with current laws and statutes, community expectations, and national best practices every three years.

**Response Date: 4/16/20**

### **Executive Summary:**

The mechanism by which this recommendation meets compliance is through the implementation of Department General Order 3.01- Written Communications (**Attachment #1**). The process for updating is time consuming and inefficient. It was proposed through recommendation 70.1 that we change the manner by which we update DGO's. This was accomplished through a General Order Change form that is completed by Written Directives Unit whenever a Bulletin modifies a General Order. Once the form is completed and DPA is provided a copy it is then calendared with the Police Commission as an action item. This process as outlined on (**Attachment #1**, pg. 7 of DGO 3.01) has substantially improved our workflow and the ability of the Police Commission to quickly and efficiently make decisions on these issues.

### **Compliance Measures:**

- 1) Develop a plan and process to update the DGOs based upon priorities every three years.**

DGO 3.01 outlines a plan and a process to update all DGOS. This DGO allows for the amendment of DGOs by a bulletin with the approval of the Police Commission as some DGOs require discussion with external stakeholders it was determined a three-year refresh plan on DGOs would not allow the department sufficient review time. Hence the department determined a 5 year DGO refresh plan more appropriate as this time frame would allow for sufficient review time. (**Attachment #1**).

Department General Order 3.01 outlines the process for which the department communicates through its written directives, DGOs, bulletins, etc. It also outlines the process required to update the various written communications, provides instruction for the internal concurrence process and allows for the final Police Commission approval. The implementation of the 5-year refresh plan provides a mechanism that will keep our DGOs current and up to date. This plan will not allow DGOs to age for several years only to be supplemented by Department Bulletins as was the case. It



## Collaborative Reform Completion Memorandum

is now the position of the San Francisco Police Department that our DGOs should be completely reviewed every five years. This will allow for the following:

- The public will have the opportunity to provide feedback on any portion of the DGO being reviewed every five years.
- The department will have the opportunity to align our current policy with current law, best practice, etc. every five years.

The Written Directives Unit maintains a General Order review matrix which may be updated or amended based on litigation, legislation or contemporary issues. The Written Directives Unit will provide an updated General Order review matrix to the President of the Police Commission, or designee, for approval as needed, but no less than once a year. A General Order assigned for review/amendment shall be submitted to the Police Commission for adoption no later than five years from the date listed on the General Order and every five years thereafter (**Attachment #2**). In addition, for internal tracking purposes WDU also tracks the progress of each DGO being refreshed via a grid. The Strategic Management Executive Director provides a summary of the progress to the Chief of Police each quarter. In this memo the Executive Director offers recommendations and insight regarding DGO refresh progress and identifies accountability in areas where the principal goal of the plan is not being met. This process is outlined in Unit Order 19-01 (**Attachment #3**) final paragraph pg2.) Please also see attachment #4 which is an example of the first progress memo and DGO progress grids submitted to the chief advising him that all Bureaus were in compliance with the principle goal of the plan.

### **2) Task specific units and individuals with assisting in the identification of and review of key issues, national best practices, and community expectations attached to DGOs to ensure an appropriate update of every three years.**

- 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 and approved by the Police Commission President. This matrix also identifies the bureau most affected by the directive. Section 3.01.02 (F) pg3 outlines how Written Directives Unit shall obtain the materials expert to update a DGO. The section states that the 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 Deputy Chief of that bureau then identifies "SME", within that bureau to refresh the general order of key issues, national best practices, and community expectations. Written Directives notifies the Deputy Chief with a memo. The memo outlines the General Order Refresh Plan, timelines, and the assigning of "SME".

In addition, to DGO 3.01 that outlines the refresh process, WDU completed a unit order 19-01 which provides guidelines regarding the updating of Department's General Orders in a timely manner.



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The purpose of this Unit Order is to provide guidelines to the Written Directives Unit (WDU) to achieve this goal, stipulating timelines, identifying accountability and codifying strategies for updating the Department's General Orders in an effective way (Attachment # 3).

The process starts with a memo being sent to each Deputy Chief outlining the DGOs to be refreshed and giving the Deputy Chief an outline of the process (Attachment #5 sample memo) and directing the DC to identify a Subject Matter Expert.

Once the Subject Matter Expert is identified the Written Directives Unit provides instruction to the "SME" via email. The email provides the Subject Matter Expert with a DGO template, instructions of the 60-day timeline for updates, and all archived versions of the DGO and where to find other policies to review for best practice (Attachment #6) a sample of emails to SMEs with attachments outlining "How to write a DGO" and links to outside agencies Department policies as a resource for best practice). In addition, if a DGO refresh involves a working group that SME is provided working with SFPD Working Group Guidelines (Attachment# 7). This outlines the process by which recommendations are received and responded to.

### **3) Monitor and track progress regarding DGO updates.**

The Department developed a General Order Matrix, which will be the responsibility of the Written Directives Unit for the ongoing review of all General Orders as stated in DGO 3.01. In addition, the Unit order 19-01 outlines the entire process to achieve the timely update of all DGOS. The Unit order sets timelines for the completion of the DGOS and identifies accountability. These timelines are monitored and tracked and a progress report is provided to the Chief of Police each quarter (Attachments # 4).

### **4) Continuous improvement loop that is informed by contemporary policing best practices.**

- 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 and approved by the Police Commission President. As issues arise e.g. a change of law that needs to be incorporated into a DGO the matrix can be changed to reflect the new priority.

In WDU order 19-01 which was completed in 12/2019 The Strategic Management Bureau recognized "that for the DGO refresh plan to be conducted in an efficient manner, accountability for timeliness shall reside with the Deputy Chief of the Bureau most affected by the DGO. The Executive Director of Strategic Management shall review quarterly the speed at which policies are being updated, the integration of policing best practice, and assess any short comings regarding the



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implementation of DGO 3.01. The Executive Director shall summarize these findings in a Memorandum to the Chief of Police, offering recommendations and insight regarding progress and identifying accountability in areas where the principal goal of the plan (expediting the refresh of policy) is not being met”.

The WDU has also conducted a best practice review of the processes put in place by other departments to maintain their DGOs.

A review of Best Practices for developing DGOs with several other agencies, including agencies that have been under consent decrees such as Baltimore, New Orleans, Oakland and Albuquerque ([Attachment #8](#)).

When reviewing timeline requirements for submitting draft DGOs, we could not find a similar policy to the WDU order. Regarding policies that establish timelines for submitting draft DGO, such as we have established in the attached Unit Order, we could not find a similar type of policy. The reasons for that are the following:

- Departments often have in house teams and/or contract (Lexipol company) their policies to be updated.
- Departments have more recently refreshed their DGOs and, as such, are more likely to be on “refresh” cycles as opposed to complete “rework” project.
- There are written rules/policies for having policies regularly reviewed, and by ensuring DGOs are regularly reviewed – it sets in motion the front end review process.

We have not found another Department that has the combination of so many outdated DGOs, coupled with using independent SME’s to overhaul them. Our DGO overhaul project is larger than most any other department.

We did see, and have implemented, the policy that the meeting of deadlines is purely a function of command.

In an attempt to “kick start” this project at SFPD, DGO 3.01 and the associated Unit Order were established to create clear lines of accountability for the updating of DGOs. The DGO and Unit order identifies the Deputy Chief, where the policy to be refreshed resides, as responsible for ensuring the timely submission of drafts/updated DGOs for concurrence. The Executive Director of Strategic Management shall review quarterly the speed at which policies are being updated, the integration of policing best practice, and assess any shortcomings regarding the implementation of DGO 3.01. The Executive Director shall summarize these findings in a memorandum to the Chief of Police, offering recommendations and insight regarding progress and identifying accountability in areas where the principle goal of the plan is not being met. This process was put into play this year and we have had 100% compliance success thus far as outlined in ([Attachment #4](#)). If deficiencies are found, we will correct them using this process and in addition, continue to monitor other departments for best practice.