

Fw: Recommendation 71.1

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From: Tanya Koshy [Redacted]
Sent: Friday, February 28, 2020 10:40:01 AM
To: Bailey, Una (POL) [Redacted]
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Subject: Recommendation 71.1

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Dear Captain Bailey:

Our office has completed its review of the Recommendation 71.1 package that SFPD submitted as part of the collaborative reform process. Recommendation 71.1 requires that SFPD work with the Police Commission to create a process to make timely and necessary updates to key policies.

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

Response to 71.1 package: SFPD is in substantial compliance with this Recommendation. In August of 2019, the Police Commission approved substantial updates to DGO 3.01. Under DGO 3.01, existing DGOs will be submitted for review and updated every five years. To facilitate ongoing review, SFPD's Strategic Management Bureau and the Police Commission put together a matrix that outlines a schedule to revise existing DGOs. The Written Directives Unit will provide an updated matrix to the President of the Police Commission no less than once a year. See DGO 3.01.01(G). SFPD also issued Department Bulletin 19-01 which tasks the Executive Director, on a quarterly basis, to (1) review the speed with which policies are updated and the integration of best policing practices into policies and (2) identify any shortcomings in implementing the provisions of DGO 3.01.01. The Executive Director will summarize these findings in a memorandum to the Chief of Police, and include recommendations to improve the process and accountability.

DGO 3.01 also outlines the task flow for amending DGOs and specifies that a member of the particular division, bureau, or unit most affected by the DGO is tasked with facilitating that process. Importantly, DGO 3.01 now 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 any sections to be modified and, through a General Order Change Form (SFPD 581), SFPD will submit any proposed modification to that section to the Commission for review and approval. We agree with Hillard Heintze that SFPD should consider modifying the General Order Change Form to require the person filling it to provide the reason(s) for the change to a DGO. Doing so will help the Police Commission make an informed decision about whether or not to approve the amendment to the DGO. The General Order Change Form should also include a space where the Police Commission can provide the basis for any decision not to approve a requested modification.

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

Thank you,

Tanya

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Finding # 71	The SFPD does not have an effective process for the development and distribution of Department General Orders and Bulletins.
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Recommendation # 71.1	The SFPD needs to work with the Police Commission to create a process to make timely and necessary updates to key policies.
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Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

As the department has had challenges updating key policies in a timely manner, DGO 3.01 was crafted in collaboration with the Police Commission with an understanding that in order to meet deadlines, there must accountability at the highest ranks. Since the Department has five Deputy Chiefs that oversee distinct Bureaus with distinct policies, accountability for achieving timelines will fall to the Deputy Chief wherein a policy lies.

Under Compliance Measure #1, the SFPD identifies the collaborative process used in drafting and promulgating DGO 3.01 with a mandated five year cycle of revision. While this time frame is greater than originally anticipated, there are also provisions in place to ensure update as needed based upon legal changes. Compliance Measure #2 is supported through the development of the DGO “General Order Change” form which identifies the tasks and responsibilities for updating the DGOs. Under policy, the SFPD will be responsible for notifying the Police Commission of the update and the basis for its need, and the Commission will receive, calendar and vote solely on the proposed change. The SFPD DGO refresh plan supports this as well.

Compliance Measure #3 remains nascent and as of this review not validated. However, the improvement loop is demonstrated in the policy with layered review and responsibility. There are requirements in place under 3.01 as well as the DGO update plan for review. Under 3.01 (I) - the supervisor of the WDU shall maintain an updated General Order Review Matrix (GORM) and provide it to the President of the Police Commission, or designee, for approval once a year or if a change is necessary due to unforeseen circumstances. Additionally, under DGO 3.01 II, 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 principal goal of the plan (expediting the refresh of policy) is not being met.

We note that the 5 year review is tagged to the year *initiated* - which based upon past evidence and practice, could reasonably expand beyond 5 years. This is something that the department should be focused on as it works to update other DBs and DGO changes, as a matter of improving the overall timeliness of policy changes.

Compliance Measures		Status/Measure Met
1	Develop a strategy and plan to more rapidly update policies, consistent with the recommendations in Finding 70.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Evidence of a plan.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Continuous improvement loop.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues

The supplied change form does not identify the reasons for the change, ostensibly these would be included in the notes. But it may help inform the Police Commission, thereby limiting the chance for inappropriate decision, for the SFPD to identify why change is being sought, e.g. – court decision, law change, national practice standards update, etc. Additionally, whether the Police Commission has been briefed on the reasons and need for timely processes remains unclear – but our belief is that this occurred as a matter of the drafting of 3.01.

Finally, the DGO refresh plan is not timebound save for the 90 day deadline for a draft being submitted to the Deputy Chief. This is supported by a DGO Matrix Schedule, effective as of 9/26/19. The process is substantially compliant but the protocols as to how this gets done will be the continuing improvement for the SFPD.

We note that the 30 day notice requirement as to progress does not identify parameters for intensive or remedial action.



Collaborative Reform Completion Memorandum

Finding # 71: The SFPD does not have an effective process for the development and distribution of Department General Orders and Bulletins.

Recommendation # 71.1: The SFPD needs to work with the Police Commission to create a process to make timely and necessary updates to key policies.

Response Date: 8/09/2019

Executive Summary:

Because the department has had challenges updating key policies in a timely manner, DGO 3.01 was crafted in collaboration with the Police Commission, with an understanding that in order to meet deadlines, there must accountability at the highest ranks. Since the Department has five Deputy Chiefs that oversee distinct Bureaus with distinct policies, accountability for achieving timelines will fall to the Deputy Chief wherein a policy lies.

Compliance Measures:

1) Develop a strategy and plan to more rapidly update policies, consistent with the recommendations in Finding 70.

The department is doing the following in order to have a system that more rapidly updates policies:

SFPD has used the revision of DGO 3.01 as the mechanism for developing a strategy and plan for updating policies more rapidly. 3.01 provides for this in the following ways:

- 1) Five year cycle of required revisions
- 2) Re-opening of DGOs within two years when bulletins revise a DGO
- 3) 60-day constraint on drafting a DGO.

The department will utilize a "General Order Change" form (attached) which will streamline the steps required to make updates to a DGO. The Written Directives Unit shall identify the specific section of a DGO for modification and possible amendment. The proposed modification shall be communicated as an "action item" with the Police Commission by means of the "General Order Change" form. The Police Commission, having received the calendared action item, will review for adoption only the specific proposed modification.

- The Strategic Management Bureau, in collaboration with the Police Commission, has established a General Order Refresh Plan (attached) which, in conjunction with the adoption of DGO 3.01, establishes a clear task flow for submission, review and approval of DGO's in a timely manner. The task flow assigns specific timelines to each stage of the DGO refresh process. See General Order Refresh plan and Recommendation 70.1, compliance measure 3 for details.



Collaborative Reform Completion Memorandum

2) Evidence of a Plan.

The evidence of a plan to more rapidly update policies is the General Order Refresh Plan 2019 (attached) and DGO 3.01 (attached). These documents clearly articulate the different steps involved and timelines for each step. Additionally, accountability for the different steps and accountability for meeting deadlines is described.

3) Continuous Improvement Loop

The General Order Refresh plan and many of the steps and timelines in DGO 3.01 are new and untested at this time; therefore it will be important to step back periodically and evaluate whether these plans for expediting the revision of policies are working and whether the timelines are being met.

As such, the Executive Director of Strategic Management shall review annually the speed at which policies are being updated 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 principal goal of the plan (expediting the refresh of policy) is not being met.

This process of updating DGO's are codified in a Written Directives unit order which is attached.

Attachments:

DGO 3.01
General Order Refresh Plan 2019
Refresh Matrix 2019
General Order Change form