

Fw: Recommendation 75.1

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From: Tanya Koshy [REDACTED]
Sent: Friday, February 28, 2020 12:23 PM
To: Bailey, Una (POL); McGuire, Catherine (POL); Scott, William (POL); Altorfer, Eric (POL); Tack, John (POL)
[REDACTED]
Subject: Recommendation 75.1

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Dear Captain Bailey:

Our office has completed its review of the Recommendation 75.1 package that SFPD submitted as part of the collaborative reform process. Recommendation 75.1 states that SFPD should task the Principled Policing and Professional Standards Bureau (PPPSB) with overall

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responsibility for development, maintenance, training, and implementation planning for Department General Orders (DGOs).

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

Response to 75.1 package: SFPD is in **substantial compliance** with this Recommendation. In August of 2019, the Police Commission approved DGO 3.01, which provides SFPD with a more nimble process for reviewing and approving existing and new DGOs. Under the new process outlined in DGO 3.01, SFPD's Written Directives Unit, a unit overseen by PPPSB, is responsible for the ongoing review of all DGOs and must maintain a DGO review matrix that may be updated with changes brought on by litigation, legislation, or other issues. See DGO 3.01.01 (G). As part of its duties, the Written Directives Unit, shepherds the initiation or amendment of any DGO, by, among other things, (1) tasking the Deputy Chief of Director of the bureau, division, or unit most affected by the underlying DGO with drafting the DGO and (2) submitting the DGO through the concurrence process. See 3.01.01(F); see also DB 19-01.

In Cal DOJ's correspondence finding SFPD's substantial compliance with Recommendation 70.1, Cal DOJ advised SFPD to more regularly maintain its DGO review matrix so SFPD can keep better track of assignments and deliverables. To that end, SFPD 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.

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

Tanya

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|------------------------------|---|
| Finding # 75 | The SFPD does not devote sufficient administrative or command-level resources to the process of creating, implementing, maintaining, and updating Department General Orders and Bulletins. |
| Recommendation # 75.1 | The SFPD should task the Principled Policing and Professional Standards Bureau with overall responsibility for development, maintenance, training, and implementation planning for Department General Orders. |

| | | | |
|------------------------------|-----------------|--------------------|-------------|
| Recommendation Status | Complete | Partially Complete | In Progress |
| | Not Started | No Assessment | |

Summary

The responsibility for managing the DGO system within the SFPD rests with the Written Directives Unit currently under the command of the PPPSU. That this is now a unit rather than a bureau does not affect the compliance with the key provisions of the recommendation. DGO 3.01 places the responsibility with the WDU and establishes the policies and procedures to be followed by the SFPD in managing and progressing its DGOs.

| Compliance Measures | | Status/Measure Met |
|---------------------|--|--|
| 1 | Task the PPPSB with overall responsibility for DGOs. | ✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 2 | Establish policy and procedures for advancing DGOs. | ✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

Administrative Issues

As identified in other reviews, the DGO Refresh Plan is challenging as it is ambitious and the department has yet to demonstrate it can achieve the timelines identified with the resources assigned to the WDU. However, in that the DGO was not passed until August, so whether the matrix is achievable remains untested as of this review. We note that a significant number of DBs are subject to mandatory review in the near future. We recommend that the SFPD assess its current progress regarding the matrix and make adjustments as necessary to maintain compliance with the mandates of 3.01.

We note the submission in support of this recommendation regarding the SME emails. This assignment started May 23, 2019; June 12, 2019 – the WDU is looking for a POC and engagement; a few other emails and on July 12, 2019 – the WDU submits a draft for the SME. No further information is in this file – submitted on 1/23/20 – regarding finalization of 5.03 or the process to follow. It is not needed for this specific recommendation – but it does support the concerns raised as to the matrix and resourcing.

Compliance Issues



Collaborative Reform Completion Memorandum

Finding # 75: The SFPD does not devote sufficient administrative or command-level resources to the process of creating, implementing, maintaining, and updating Department General Orders and Bulletins.

Recommendation # 75.1: The SFPD should task the Principled Policing and Professional Standards Bureau with overall responsibility for development, maintenance, training, and implementation planning for Department General Orders.

Response Date: 8/09/2019

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) Task the PPPSB with overall responsibility for DGOs.

- DGO section 3.01.01(G) states: The Written Directives Unit shall be responsible for the ongoing review of all General Orders and maintain a General Order review matrix which may be updated or amended based on litigation, legislation or contemporary issues.



Collaborative Reform Completion Memorandum

2) Establish policy and procedures for advancing DGOs.

-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.
 - The Written Directives Unit provides instructions via email to the assigned SME. An example of those communications and instructions are attached.

3) Continuous review and 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



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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 goals are not being met.