



Recommendation 75.3

Gabriel Martinez [redacted]

Wed 9/9/2020 11:23 AM

To: McGuire, Catherine (POL) [redacted] Scott, William (POL) [redacted]
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[redacted] >; Altorfer, Eric (POL)
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Dear Lt. Altorfer,

Our office has completed its review of the materials related to Recommendation 75.3 that have been submitted to us as part of the collaborative reform process. This package focused on SFPD staffing the Written Directives Unit to ensure timely updates to Department General Orders. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 75.3:

The Written Directives Unit should be sufficiently staffed with personnel and resources to enable the unit to function as the project managers for Department General Orders at the direction of the Police Commission.

Response to 75.3:

To meet this recommendation, SFPD tasked subject matter experts with developing the substantive provisions of new and revised Department General Orders. This leverages personnel throughout the department for work on policy and reduces the Written Directive Unit's responsibilities to WDU managing the administrative processes.

On August 7, 2019, SFPD published Department General Order 3.01, Written Communication System. Among other directives, the Order describes the process for creating and revising Department General Orders (DGOs). Under the Order, the Written Directives Unit will review each DGO at least every five years, and will provide an updated DGO review matrix to the President of the Police Commission at least once a year. The Written Directives Unit is tasked with submitting DGOs to concurrence, and then publishing and distributing the DGOs.

On December 15, 2019, SFPD published Written Directives Unit Order 19-01, Guidelines for Updating DGO's. The Order established a DGO matrix so ensure that DGOs meet the five-year update requirement. The process begins by requiring the Written Directives Unit to distribute a list of DGOs to the Deputy Chiefs that will be updated that year by January 15th. The Order provides timelines for working with subject matter experts, requires status reports, and outlines the process for submission to the Police Commission. Under the Order, the Written Directives Unit issues quarterly status reports to the Deputy Chiefs, Assistant Chiefs, and to the Chief of Police. This supports the Chief's duty to report quarterly to the Police Commission regarding policy proposals under Police Commission Resolution 27-06 (published April 6, 2006).



After being assigned DGOs, subject matter experts are generally required to submit draft DGOs within 120 days, with exceptions for good cause for additional delay such as community outreach and involvement in the DGO drafting. Subject matter experts are provided with templates, a "how to" document on writing general orders, and resources for conducting research. Under Unit Order 19-01, the Executive Director of the Strategic Management Bureau provides regular status reports to the Chief of Police. The last status submitted for this recommendation, dated May 1, 2020, verified that all DGOs were in compliance with the process and timelines set forth in Unit Order 19-01.

Based upon all of the above, the California Department of Justice finds that SFPD is in substantial compliance with this recommendation; however to remain in substantial compliance SFPD will need to ensure that it will continue to follow the timelines set forth in the recently published Unit Order. Please let us know if you have any questions or would like to discuss these further. Thank you.

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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 # 75.3 | The Written Directives Unit should be sufficiently staffed with personnel and resources to enable the unit to function as the project managers for Department General Orders at the direction of the Police Commission. |

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

Summary

SFPD continues to engage in the work necessary to support an effective general order process. There are still challenges with the overall timeliness of the system – but the work here and to date provides this reviewer confidence that SFPD is substantially compliant with the recommendation.

Compliance Measure #1 - The submitted evidence does not speak to the strategy of staffing the WDU. However, in conversations with the SFPD and others, it is the strategy of the SFPD to task operational subject matter experts with developing the key components of policies and the WDU to help manage the process from an administrative perspective. The SFPD believes this provides sufficient credence to the staffing within the WDU.

Compliance Measure #2 – SFPD has implemented DGO 3.01 which identifies how the process for order update and review is to occur, and this is bolstered by internal review matrices, in accordance with unit level policy, Unit Order 19-01.

Compliance Measure #3 – SFPD identifies that the Executive Director of Strategic Management is tasked with quarterly review of the progress of orders that are under review. The ED is tasked with a summary review and updating the Chief. SFPD identifies that this has not yet occurred. The last review, dated 5/1/20 was included in the package at which time the SFPD identified that all were in compliance.

The last internal SFPD review before submission is dated 5/27/20. The draft for many of these was due on 6/1/20. The reviewers requested a new copy of the matrix to inform this review. The responses indicated that the majority of orders were in compliance with the draft due date. A few were non-compliant, and we assume they will be addressed in the next quarterly report coming from the Executive Director.

| Compliance Measures | | Status/Measure Met |
|---------------------|---|--|
| 1 | Establish a strategy to staff the Written Directives Unit with sufficient staff. | ✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 2 | Develop and implement policy and procedures to support a Project Manager approach to the development of DGOs. | ✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 3 | Ongoing and continuous improvement loop for process. | ✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

Administrative Issues

The matrix identifies orders that are nearing two years into the process without clear identification as to why and what – it is not clear if SFPD has a running file that support this – they should. The matrix identifies some of these as “discussed” back in February 2019 without any further guidance or information. Finally, this is a record of orders in progress, it might be helpful to show those that have made it through. The end goal should be implementation and that is not on this matrix. However, in the final column it seems this is being entered as “adopted” and “published.” A separate column and consistent terms would help clarify this.

The SFPD is nearing a year on many of the orders on this matrix (and one is at 2 years). This process seems to have challenges in getting to completion. The order on tows, assigned on 9/27/19 shows as draft due on 8/1/20 – but almost a year to draft on a regulatory order seems undue. Critical Incident eval (DGO 8.01) has been in concurrence for 10 months and others have lengthy delays as well. One issue may rest with a review by DPA – but who is managing that in the overall process? Does this fall to WDU or to the SME to address?

These are issues that require vigilance as to the bureaucratic responses – and the WDU may have challenges working these issues, thereby resulting in delay.

Compliance Issues

What is the relevance of Attachment #4 in light of the DGO 3.01 and why is that not incorporated into DGO 3.01?

Of the 50 orders on the matrix, some going back to 9/19, only 3 have moved to promulgation.



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 # 75.3: The Written Directives Unit should be sufficiently staffed with personnel and resources to enable the unit to function as the project managers for Department General Orders at the direction of the Police Commission.

Response Date: 05/27/2020

Executive Summary: Written Directives Unit (WDU) in the past has been staffed with one Sergeant, one Officer, and one Civilian. WDU falls under the command of the Strategic Management Bureau which also has additional staff who are cross trained in order to supplement and support WDU. With the implantation of DGO 3.01, this allows the Written Directives Unit to act as Project Mangers.

Compliance Measures:

1) Establish a strategy to staff the Written Directives Unit with sufficient staff.

- The mechanism by which this recommendation meets compliance is through the implementation of Department General Order 3.01- Written Communications. DGO 3.01 allows the WDU to support a Project Manager approach to developing DGO's. By using the established Project Manager model outlined in DGO 3.01 (Attachment#1) and codified in Unit Order 19-01, Guidelines for Updating DGOs ((Attachment#2), this allows the WDU to facilitate and guide identified subject matter experts (SME) in the revision of General Orders. Using this model, the WDU is able to sustain and operate within current staffing levels.

2) Develop and implement policy and procedures to support a Project Manager approach to the development of 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:
- Coordinate and provide the WDU 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. All DGOs and Department Bulletins are assigned a SME by their respective Bureau Chief. All SMEs receive detail guidelines and timelines for the updating of DGOs (Attachment#3).



Collaborative Reform Completion Memorandum

- Solicit review by Commanding Officers, who shall seek input from their respective members, in units most affected by the proposed policy.
- Integrate any relevant Bulletins into the General Order, if applicable.
- 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.
- 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 (Attachment#4).
- 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.

-Written Directives has established Unit Order 19-01 (Attachment#2) that codifies the project manager approach to developing DGO's. The unit order also establishes accountability by using the chain of command and specific progress timeline that are to be archived. A quarterly memo authored by Executive Director goes to the Chief and Command Staff. Outlining the compliance. The Memo shows all Bureaus are in compliance with the timeline (Attachment #5).

3) Ongoing and continuous improvement loop for process.

- 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. As codified in PSPPU Unit Order 19-01, 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. With the Chiefs approval of the memo the WDU will implement all findings summarized in the memo and any additional improvements from Chief. If any deficiencies are found, this is the process we will follow to take corrective action. This process has just been implemented and thus far has presented no issue as evidenced by attachment #5.