

Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 26.3 that were submitted as part of the collaborative reform process. After reviewing the package and information provided by SFPD, the California Department of Justice finds as follows:

Recommendation 28.6:

The SFPD must address practices within the organization that reflect explicit biases and intervene with firm, timely, disciplinary responses.

Response to 28.6:

SFPD has taken a multi-pronged approach to address practices that reflect explicit bias. As part of that approach, SFPD has revised its department general orders (DGOs) related to bias, including its policy prohibiting biased policing (DGO 5.17) and its policy on complaints against officers (DGO 2.04). The Department also instituted a pledge called “Not On My Watch,” renewed every two years, where SFPD members agree to serving the public without prejudice, not to tolerate hate or bigotry, and to report any intolerance. Additionally, the Internal Affairs Division (IAD) issued a unit order that gives “special consideration and resources” to the investigation of cases “involving gross misconduct and/or bias....” IAD also conducts quarterly audits of SFPD electronic devices for bias-based words; this is in response to SFPD’s text scandal related to the exchange of racist and bigoted texts. As a result of those audits, SFPD has discovered two incidents involving the use of bias-based words. Those cases were referred to the Police Commission and three members were disciplined, one with a 30-day suspension with mandatory re-training, one with an admonishment and retraining, and one with a written warning and retraining.

SFPD also keeps track of stop data through its Administrative Code Sec. 96A reports. SFPD notes that the 96A reports from the first and second quarters in 2020 demonstrate that the hit/yield rates between White and Black subjects has “evened out.” This is certainly promising and lends credence to SFPD’s conclusion in the package that “bias-related trainings have been effective in reducing racial disparities in stops and searches.” However, Cal DOJ notes that force remains disproportionately used against Black and Latinx people, though, promisingly, that disproportionality and the total amount of force used against Black and Latinx people have both steadily decreased. Cal DOJ acknowledges the progress that SFPD has made in this regard but notes that the Department must continuously evaluate how to improve its training and other components of its multi-pronged approach to address bias so that the Department can effectively address disparities that are readily apparent.


Based on the all of the above, the California Department of Justice finds SFPD in substantial compliance with this recommendation.

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

Tanya

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Finding # 28: The SFPD's failure to fully and adequately address incidents of biased misconduct contributed to a perception of institutional bias in the Department.

Recommendation # 28.6 The SFPD must address practices within the organization that reflect explicit biases and intervene with firm, timely, disciplinary responses.

Response Date: 10/15/2020

Executive Summary:

The SFPD reviewed its policies and practices and determined that none are explicitly biased. In fact, many of SFPD's policies explicitly state that all members shall provide service and enforce laws in an equitable manner. While the SFPD does not have explicitly biased policies and practices, it recognizes that biased behaviors within the Department can alienate the public, foster distrust of the police, and undermine legitimate law enforcement efforts. In an effort to eliminate bias, the SFPD has taken steps to ensure its members recognize and report biased behaviors, encourage members of the public to report biased behavior, and prioritize the investigation of misconduct cases involving allegations of gross misconduct or biased behavior.

One of the first steps toward addressing bias in the SFPD is being able to effectively recognize biased behaviors. Since 2016, the Department has made great strides toward training SFPD members to recognize bias, both implicit and explicit. The SFPD is the first police department in California to explicitly caution officers against bias by proxy, as seen in updated DGO 5.17: "Bias Free Policing."

In addition to updating policies and training members to recognize biased behavior, the SFPD has committed to giving bias-based complaints priority in its Internal Affairs Division (IAD) investigations.

The SFPD has worked hand in hand with the Department of Police Accountability (DPA) in order to streamline the process for civilian complaints filed against officers. The SFPD and DPA also meet quarterly in order to discuss and address any specific trends in complaints.

The SFPD's unwavering commitment to honestly and openly address bias is reflected in the disciplinary outcomes for bias-based complaints. Complaints that are found to have merit have consistently resulted in serious discipline, up to and including the termination or resignation of the involved officers.



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Compliance Measures:

1) Policy that identifies prohibited bias-based behaviors and how they will be addressed.

a) Bias Training

The first step in overcoming and eliminating bias-based behaviors in policing was educating SFPD members about bias. Once SFPD members were trained to recognize bias-based behaviors, they could avoid bias or the appearance of bias in their conduct, as well as being able to recognize biased behaviors in others. Since the Collaborative Reform Initiative began in 2016, the SFPD has implemented a robust and ever-expanding curriculum of courses relating to bias. The courses are taught to all recruits in the academy and all officers during their bi-annual continued professional training (AO/CPT) courses. (see **Attachment #1: SFPD Bias Related Training**)

PRE CRI:

POST CRI:

<u>DGOS</u>	<u>DGOS</u>
<ol style="list-style-type: none"> 1. DGO 5.01 (Former version from prior to 2016 update) 2. DGO 5.17 (Former version from 05/04/2011) 3. DGO 11.07: Prohibiting Discrimination, Harassment and Retaliation (Former version from 11/25/02) 	<ol style="list-style-type: none"> 1. DGO 5.01 (Revised 12/21/16) – modified to include portion on “FAIR AND UNBIASED POLICING” 2. DGO 5.17: Bias-Free Policing Policy (Revised 08/12/20) 3. DGO 5.21: The Crisis Intervention Team (CIT) Response to Person in Crisis Calls for Service (New DGO eff. 12/21/16) 4. DGO 5.22: Interacting with Transgender, Gender-Variant, and Nonbinary Individuals (New DGO - eff. 10.03.18) 5. DGO 11.07: Prohibiting Discrimination, Harassment and Retaliation (Revised 05/20/20)
<u>DEPT. BULLETINS/NOTICES:</u>	<u>DEPT. BULLETINS/NOTICES:</u>
<ol style="list-style-type: none"> 1. DB 12-055: DGO 5.17 Update Packet 2. DB 13-021: LGBT Safe Zone Project 3. DB 14-144: LGBT Resource Guide 4. DB 15-249: “Not On My Watch” Pledge (began 12/03/15) 	<ol style="list-style-type: none"> 1. DB 16-079: Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, and Intersex Resource Guide 2. Various DBs/DNs: “Not On My Watch” Pledge (distributed bi-annually since 2015) 3. DB 18-195: DGO 5.22 "Interacting with Transgender, Gender-Variant, and Nonbinary Individuals" Update Packet #58 4. DB 19-016: SFPD Safe Place Program (formerly called Safe Zone Project) 5. DN 20-102: DGO 11.07 Update Packet



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	<ol style="list-style-type: none"> 6. DN 20-125: DGO 5.17 Update Packet 7. DB 19-152: (re-issue of 17-126) Monthly roll-call training focusing on Leadership, Procedural Justice, Fair and Impartial Policing, the President's Task Force on 21st Century Policing. 8. DB 19-013: SFPD Climate Survey 9. DB 18-114: Equal Employment Opportunity (EEO) Policy. 10. DN 20-112: Department Media Relations and Social Media – Booking Photos and Arrestee Information
<p style="text-align: center;"><u>DHR:</u></p> <ol style="list-style-type: none"> 1. (Video) Preventing Workplace Harassment Training (2 hours) 	<p style="text-align: center;"><u>DHR:</u></p> <ol style="list-style-type: none"> 1. Introduction to Managing Implicit Bias (16 hours) 2. Creating and Inclusive Environment- Managing Implicit Bias (8 hours) 3. (Online) Implicit Bias Online Module (45 minutes) 4. (Video) Preventing Workplace Harassment Training (2 hours) 5. (Video) Ensuring a Diverse, Fair, and Inclusive City Workplace (1 Hour)
<p style="text-align: center;"><u>AO/CPT & OTHER SFPD TRAINING:</u></p> <ol style="list-style-type: none"> 1. Fair and Impartial Policing – 1 day class (offered to command level, March 2010) 2. POST Racial Profiling/Bias Based Policing. (Museum of Tolerance Certified Instructors) 	<p style="text-align: center;"><u>AO/CPT & OTHER SFPD TRAINING:</u></p> <ol style="list-style-type: none"> 1. Principled Policing 2016 through 2018 (and all new employees) 2. Procedural Justice and Implicit Bias (8 hour) 3. Critical Mindset and Coordinated Response (CMCR) 8 Hours 4. Communication: Keeping your Edge (Post Learning Portal) 2 hours 5. Crisis Intervention Training-40 HOUR
<p style="text-align: center;"><u>RECRUIT TRAINING:</u></p> <ul style="list-style-type: none"> • Biased Based Policing (Museum of Tolerance Certified Instructors) 2 HR • Racial Profiling (Museum of Tolerance Certified Instructors) 4 HR • Cultural Competency 24 HRS (bias component) • LGBT Community Immersion Day 8 HRS (bias component) • Interacting with Gender Diverse People and Sexual Orientation 4 HRS (bias component) 	<p style="text-align: center;"><u>RECRUIT TRAINING:</u></p> <ul style="list-style-type: none"> • Biased Based Policing (Museum of Tolerance Certified Instructors) 2 HR • Racial Profiling (Museum of Tolerance Certified Instructors) 4 HR • Cultural Competency 24 HRS (bias component) • LGBT Community Immersion Day 8 HRS (bias component) • Interacting with Gender Diverse People and Sexual Orientation 4 HRS (bias component)



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<ul style="list-style-type: none"> • Homeless Community Group 2 HRS (bias component) • ADA Issues/Hearing and Visually Impaired 16 HRS (bias component) • EEO and Discrimination 4 HRS (bias component) • Limited English Proficiency 2 HRS (bias component) • Victimology 6 HRS (bias component) • CCSF Sanctuary City Policy 1 HR (bias component) • Search and Seizure - 14 HRS (bias component) • Laws of Arrest - 14 HRS (bias component) • Arrest and Control - 120 HRS (bias component) • Booking and Detention - 8 HRS (bias component) • Pedestrians Approaches - 8 HRS (bias component) • Use of Force - 12 HRS (bias component) • Crimes Against Persons - 6 HRS (bias component) • Domestic Violence - 14 HRS (bias component) • Sex Crimes - 4 HRS (bias component) 	<ul style="list-style-type: none"> • Homeless Community Group 2 HRS (bias component) • ADA Issues/Hearing and Visually Impaired 16 HRS (bias component) • EEO and Discrimination 4 HRS (bias component) • Limited English Proficiency 2 HRS (bias component) • Victimology 6 HRS (bias component) • CCSF Sanctuary City Policy 1 HR (bias component) • Search and Seizure - 14 HRS (bias component) • Laws of Arrest - 14 HRS (bias component) • Arrest and Control - 120 HRS (bias component) • Booking and Detention - 8 HRS (bias component) • Pedestrians Approaches - 8 HRS (bias component) • Use of Force - 12 HRS (bias component) • Crimes Against Persons - 6 HRS (bias component) • Domestic Violence - 14 HRS (bias component) • Sex Crimes - 4 HRS (bias component) • Principled Policing 8 HRS • Managing-Implicit Bias-8 HRS • CIT Tactical De-escalation 10 HRS (bias component) • Blue Courage (Heart and Mind of the Guardian) 1.2 HRS (bias component)
<p><u>ROLL CALL TRAINING:</u></p> <ol style="list-style-type: none"> 1. Discrimination, Harassment & Retaliation (July 2010) 	<p><u>ROLL CALL TRAINING:</u></p> <ol style="list-style-type: none"> 1. Course Code RC2017-001 Autism Awareness 2. Course Code RC2017-002 Procedural Justice: Voice 3. Course Code RC 2017-003 Procedural Justice: Neutrality 4. Course Code RC2018-001 Sanctuary City Policy 5. Course Code RC 2018-003 SFPD Strategic Plan 1.0



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	<ol style="list-style-type: none"> 6. Course Code RC2019-003 Interacting with Transgender, Gender Variant, and Non-Binary Individuals 7. Course Code RC2019-004 Procedural Justice: Respect 8. Course Code RC 2019-006, Procedural Justice – Principle #4: Trust 9. Course Code RC 2020-004, 21st Century Policing
<p>PROFESSIONAL DEVELOPMENT:</p> <ol style="list-style-type: none"> 1. Supervisory Leadership Institute (SLI) 	<p>PROFESSIONAL DEVELOPMENT:</p> <ol style="list-style-type: none"> 1. Leadership Development Institute (LDI) 2. Supervisory Leadership Institute (SLI) 3. POST Executive Development Course (EDC)
<p>OUTSIDE CONSULTANTS:</p> <ol style="list-style-type: none"> 1. Franklin Covey – Seven Habits for Law Enforcement; Leadership Development Training Program. 	<p>OUTSIDE CONSULTANTS:</p> <ol style="list-style-type: none"> 1. Blue Courage-The Heart and Mind of a Warrior-2-day course 2. Inclusive Leadership-The Core of the Champion-3-day course 3. Franklin Covey-7 Habits of Highly Effective People for Law Enforcement-2-day course 4. Franklin Covey-The Speed of Trust 5. National Organization of Black Law Enforcement Executives (NOBLE)'s Annual Training Conference

The bias related trainings are designed to teach members to be introspective and recognize their own implicit biases. By recognizing their biases, members are instructed how to avoid these biases or perception of bias by the public while performing law enforcement actions. The information learned in the above courses is also utilized for the investigation of bias cases by IAD investigators.

Before the Department implemented bias-related trainings, the search rates among African Americans were higher than those of Whites, but the yield rates were lower. In the years since officers began taking bias training, the yield rates have evened out, indicating that that officers are relying on articulable behaviors instead of bias to justify stops and searches. (see [Attachment # 2: 2nd Quarter 2020 96A Report](#))

b) Updated DGOS 2.04, 5.17, 11.07

In keeping with its commitment to bias-free policing SFPD Department General Orders (DGOs) 2.04, 5.17, and 11.07 have been updated to include language that clearly codifies SFPD’s commitment to protect both the public and its members from



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biased conduct. They also include language to clearly identify prohibited, bias-based behaviors, and outline internal and external mechanisms for reporting such behaviors. In the interest of furthering transparency with the community, the updated DGOs are posted on the SFPD website for the public to access and view. (see [Attachment #3: screenshots of how to access DGOs on the SFPD website](#))

The public is afforded an opportunity for meaningful input into the proposed changes to any new or updated DGO draft that goes before the Police Commission for approval. SFPD DGO 3.01 ensures that whenever a DGO is created or amended, part of the process for drafting or modifying it involves reviewing the recommendations of community stakeholders so that members of the public have input into SFPD policy. (see [Attachment #4: DGO 3.01 "Written Communication System"](#))

After community input and before the DGO goes before the Police Commission, the text of the DGO along with the proposed date for the Commission to discuss it is posted on the Police Commission website at least 10 days prior to the date of the hearing. (see [Attachment #5: screenshots of Police Commission website with agenda dates](#))

On 05/15/2019 DGO 2.04 "Complaints Against Officers" was updated to further clarify and codify the process for making complaints against officers for misconduct. This DGO clearly outlines the procedures supervisors must follow once a complaint is made against an officer, and forbids attempting to dissuade complainants or witnesses. DGO 2.04 clarifies which cases shall be investigated by the DPA and which cases are the province of IAD. It also provides guidance to members by clarifying the timelines for completion of DPA response forms and their obligation to attend DPA interviews. Additionally, DGO 2.04 creates a schedule for quarterly meetings between DPA and the Department in order to identify and communicate any aggregate trends in complaints and policy or training failures that need to be addressed. In this manner, the SFPD can continually identify issues that need to be resolved in order to have a continuous improvement loop to update its policies and training regarding bias. (see [Attachment #6: DGO 2.04 "Complaints Against Officers"](#))

The SFPD's commitment to bias-free policing is made very clear in DGO 5.17 "Bias Free Policing," which was updated and disseminated to all of the SFPD on 08/12/2020. The updates to this policy are based on the best practices recommended to the SFPD by the Cal DOJ and the input from the Bias Working Group overseen by Commander Ewins. The updated policy is especially progressive as it not only addresses bias by police officers, but also cautions officers to consider bias by proxy when investigating a call for service. In correspondence from 04/04/2020 during the update process, the Cal DOJ stated that it was unaware of any other law enforcement agency in California that had incorporated bias by proxy into its anti-bias policies.



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In DGO 5.17, SFPD states that it is a fundamental right of all people to have equal protection under the law and that biased police action is unsafe, unjust, and ineffective. It defines racial and identity profiling, biased policing, implicit bias, and bias by proxy. The DGO also includes language about best practices for policing impartially and how to avoid perceptions of bias from the community. It mandates that training be created to educate both sworn and civilian members of the SFPD in topics including, but not limited to, equal employment opportunity/harassment, principled policing and procedural justice, racial and cultural diversity, racial profiling, creating an inclusive environment, and bias by proxy. It also mandates that any member of the SFPD who observes or becomes aware of biased policing shall report the behavior.

(See Attachment #7: DGO 5.17 "Bias Free Policing", see Attachment #8 Letter from Cal DOJ to Chief Scott regarding progress on reforms, page 4)

In addition to protecting the public from biased treatment, the SFPD values fostering a working environment free of bias for its employees. These values are described in DGO 11.07 "Prohibiting Discrimination, Harassment, and Retaliation." This DGO identifies 19 protected categories (age, ancestry, color, national origin, race, religion, disability, HIV and AIDS status, marital status, medical condition, genetic information, parental status, military and veteran status, sex, gender/gender identity, sexual orientation, political affiliation, height, and weight) and prohibits discrimination against members based on their membership or perceived membership in any protected category. If a member feels that they have been discriminated against or harassed based on one of the protected categories, DGO 11.07 provides a clear procedure for filing a complaint. It also provides resources for members with questions to contact, and a help line if they have questions about the process. The DGO expressly forbids any retaliation against an employee who files such a complaint.

(see Attachment #9: DGO 11.07 "Prohibiting Discrimination, Harassment, and Retaliation")

c) Not On My Watch Pledge

First instituted in 2015 after the events in Ferguson, the SFPD has re-affirmed and re-issued the "Not On My Watch" pledge every two years to keep it within the forefront of its members' minds and keep it as a guiding document for the Department. This pledge expresses a strong anti-bias sentiment from all SFPD officers. In the pledge, members vow to serve without prejudice and state that they will refuse to tolerate any bigotry within their own ranks. Part of the pledge is a promise to "confront intolerance and report any such conduct without question or pause." It also reaffirms members' commitment to serve the community faithfully, with justice and compassion for all.

Through continuing to re-issue the pledge, the SFPD is continually committing itself to the idea that bias and bigotry have no place within the Department. The pledge



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also serves to remind members of the importance of reporting any incident when one member observes another behaving in a biased manner.
(see Attachment 10: DB 19-240 "Not On My Watch" Pledge)

d) Bias-Free Policing Page

In 2019, the SFPD debuted its new website. The website includes a "Bias-Free Policing" webpage. This webpage provides the public with a detailed overview of the SFPD's policies regarding bias, the strategies the SFPD is using to address bias, how it trains its officers against engaging in biased policing, the results of bias investigations, and links on how to complain about or commend an officer for their conduct. Within the webpage, the SFPD clearly provides information on its policies defining biased policing, how to complain of biased policing, and how biased policing will be addressed through DPA or IAD investigations.

(see Attachment #11: "Bias-Free Policing" webpage screenshots)

e) IAD Unit Orders 17-02 and 18-02

IAD internal unit orders implemented in the wake of the DOJ recommendations describe both how to identify biased behaviors and what action to take once those behaviors are identified. They also prioritize the immediate investigation of bias-based complaints as extremely important to the Department.

On 05/04/2017 IAD Unit Order 17-02 Internal Affairs Division Case Assignment and Prioritization Procedure was issued. That order specifically states that when considering which cases to prioritize, "cases involving gross misconduct and/or bias shall be given special consideration and resources."

(See Attachment #12: IAD Unit Order 17-02 Internal Affairs Division Case Assignment and Prioritization Procedure)

On 01/22/2018, IAD Unit Order 18-02 Internal Affairs Division Audit Procedure was issued. This order established the procedure for auditing Department electronic devices (cell phones, email, and CLETS searches) for bias-word use. It also established how the findings of the audits would be reported.

(See Attachment #13: IAD Unit Order 18-02 Internal Affairs Division Audit Procedure)

IAD investigators conduct the audits and report their findings quarterly. A year-end report is also completed. All reports are forwarded through the chain of command to the Chief of Police and shared with the Police Commission.

To date, two incidents of bias-word use have been discovered via the audits. Upon discovery of the bias-word use by members, following the instructions in the unit order, IAD initiated an investigation into those members regarding the improper use of Department equipment. The incidents were reported to the Police Commission and the remedial action for each case is posted on the Commission's website. The dispositions of these cases are discussed in detail later in this recommendation.



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(See Attachment #14: 4th quarter 2018 report of Discipline posted on Police Commission webpage, See Attachment #15: February 2018 IAD Sustained Complaints report on the Police Commission webpage, See Attachment #16: October 2019 IAD Sustained Complaints report posted on the Police Commission webpage)

In order to ensure the ongoing improvement and efficacy of the audits, the bias word list is continually reviewed and updated by IAD. The bias word list is reviewed quarterly by IAD investigators. Terms deemed problematic, impractical, or subject to overwhelming false positives to auditing can be removed with approval of the OIC of IAD and the Commanding Officer of Risk Management. If IAD investigators find that new bias words are being utilized by members or the populace at large, the IAD investigators add them to the bias list by notifying the Technology Division Director, CLETS Administrator, and the Commanding Officer of Risk Management. (See Attachment #17: Memorandum requests to update bias word audit list)

f) Disciplinary Penalty & Referral Guidelines for Sworn Members of the San Francisco Police Department Draft

In addition to the updates to its DGOs, investigations of bias-based complaints, and bias-related coursework, the SFPD is also seeking to update its matrix for disciplinary consequences. In collaboration with the DPA and Police Commission, the SFPD drafted a revised disciplinary matrix titled: "Disciplinary Penalty & Referral Guidelines for Sworn Members of the San Francisco Police Department." An important example of its updated content is that a sustained allegation of knowingly engaging in biased policing is grounds for termination. The new disciplinary guidelines have been submitted to the Police Commission and are awaiting approval. (see Attachment #18: Draft of Disciplinary Penalty & Referral Guidelines for Sworn Members of the San Francisco Police Department)

2) Evidence of timely supportive and remedial action if deficiencies are found.

a) Admin Code 96A Report

In 2016, The City and county of San Francisco passed an ordinance which mandated that the SFPD provide a quarterly report on all data pertaining to stops, searches, arrests, used of force, and bias-related complaints. This report, known as the Admin Code 96A Report, is presented quarterly to the Police Commission, and is used to evaluate the effectiveness of the current reforms undertaken by the SFPD as well as identify opportunities to improve the SFPDs policies and procedures. The reports are available to the public on the SFPD and Police Commission websites.

When the US DOJ reviewed the Department in 2016, it noted that there was unexplained disparity in hit rates in searches between white suspects and black suspects. In the 96A Reports from the first and second quarters of 2020, it appears that the bias-related trainings have been effective in reducing racial disparities in stops and searches. These reports show that the hit rates between searches of



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white and black suspects have evened out. The SFPD believes that the addition of bias training, updated bias-related policies and resultant increased awareness of bias among its officers have been instrumental in this positive change. (See [Attachment #2: 2nd Quarter 2020 96A](#))

Should worrying trends develop in the data regarding stops, searches, and uses of force, the Department would be able to identify them and address them immediately, thanks to the 96A reports issued every quarter.

b) Early Intervention System (EIS)

The SFPD's Early Intervention System (EIS) is a structured system that identifies patterns of risk and exemplary behaviors of individual SFPD members. The EIS also helps identify training needs among members. An EIS alert is generated when a member reaches a specific number of Performance Indicators in a predefined time period. The alert generated by the EIS Unit is set up to flag a member in order to determine if they're displaying a pattern of behavior. If, upon review by a supervisor, it appears that a member is displaying a problematic pattern of behavior, then non-disciplinary intervention may be taken to assist members in maintaining a high level of bias-free service for the community. Non-punitive interventions may include counseling, retraining, referral to the Behavioral Science Unit, creation of a performance plan, and reassignment. The Department issued DB 19-220 Early Intervention System Procedures in November of 2019 to refresh supervisory training of the EIS process and how to conduct an intervention with an officer who is displaying "at risk" behavior. (See [Attachment #19: DB 19-220 Early Intervention System Procedures](#))

There are 10 Performance Indicators for EIS including: Use of Force (UOF), Department of Police Accountability (DPA) complaints, Civil Lawsuits (CS), Officer-Involved Shooting (OIS), Officer-Involved Discharge (OID), On Duty Collision (ODC), Equal Employment Opportunity (EEO), Internal Affairs Division (IAD), Tort Claim (TC), and Vehicle Pursuit (VP). The EIS Unit produces a quarterly report which is presented to the Police Commission. The report contains data regarding current EIS alerts and historical data for comparison. According to the most recent available report (4th Quarter, 2019) there was a 52% decrease in EIS Performance Indicators from 4th Quarter 2016 to 4th Quarter 2019. Additionally, overall EIS alerts decreased by 40.9% from 4th Quarter 2018 to 4th Quarter 2019. (See [Attachment #20: EIS 4th Quarter 2019 report](#))

c) Collaboration with DPA

The SFPD meets quarterly with the DPA and works in partnership with them to determine aggregate trends in complaints that might be addressed through policy or training changes. (See [Attachment #6: DGO 2.04 Complaints Against Officers](#))

The DPA and SFPD also tried to initiate a mediation program regarding bias complaints that fit certain criteria so that SFPD officers could build better



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relationships with the community through the compliant resolution process. When they presented the plan to the Police Commission, the Commission Vice President Damali Taylor decided on 06/05/2020 that she would not allow bias complaints to be mediated, so the program has been halted for the time being. (See Attachment #21: DPA Mediation Program documents)

3) Evidence of disciplinary outcomes for violation of anti-bias policies.

a) Results of electronics audits

To date, the audit has discovered two incidents involving three members where words included on the bias word list have been used. The SFPD filed disciplinary charges against each member, and the outcome of each case is available on the Police Commission website in an anonymized format for the public to view.

The two incidents include:

- 1) IAD-2017-0283/MCD-2017-0283 (involved two members):
 - One member was charged with using Racial Epithets was disciplined with a 30-day suspension with mandatory re-training. (see again Attachment #14: 4th quarter 2018 report of Discipline posted on Police Commission webpage).
 - One member was charged with Neglect of Duty and was disciplined with an admonishment and retraining (see again Attachment #15: February 2018 IAD Sustained Complaints report on the Police Commission webpage)
- 2) MCD-2019-0122:
 - The member was charged with Neglect of Duty and Conduct Unbecoming a Member and was disciplined with a written warning and retraining (see again Attachment #16: October 2019 IAD Sustained Complaints report posted on the Police Commission webpage).

b) Veronese Reports

In addition to the outcomes of cases submitted to the Chief of Police for discipline, the Police Commission webpage displays records of the disciplinary outcomes of the cases submitted to the Police Commission for review and discipline. The subjects of these investigations and their outcomes are available to the public in an anonymized format. These are called Veronese Reports. The dates below reflect the time that discipline was imposed, not the time of the offense. They are listed in chronological order. The results of the cases involving bias since 2016 are as follows:

- 1) 2016 Cases:
 - a. ALW IAD 2015-0307
 - i. Offense: Member participated in text message exchange with racially derogatory content and failed to take action as a supervision officer.
 - ii. Disciplinary Outcome: member retired.
 - b. ALW IAD 2015-0248



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- i. Offense: Member made statements showing extreme bias and hatred incompatible with the duties of a police officer.
 - ii. Disciplinary Outcome: member resigned.
 - c. ALW IAD 2016-0032
 - i. Offense: Member made statements that are incompatible with the duties of a sworn police officer.
 - ii. Disciplinary Outcome: member retired.
- 2) 2017 Cases:
 - a. IAD 2015-0338
 - i. Offense: Use of a Slur
 - ii. Disciplinary Outcome: Termination
 - b. DPA 0056-16
 - i. Offense: Making inappropriate comments and behaving inappropriately, using a sexual slur
 - ii. Disciplinary Outcome: Returned to the Chief's level and handled administratively
- 3) 2018 Cases:
 - a. ALW IAD 2017-0190
 - i. Offense: Making statements that show extreme bias and hatred incompatible with the duties of a sworn police officer.
 - ii. Disciplinary Outcome: Retired
 - b. IAD 2016-0206
 - i. Offense: sending text messages that exhibit racial bias
 - ii. Disciplinary Outcome: Termination held in abeyance for five years; 200-day suspension; Assignment restriction: no public contact position for one year upon completion of suspension; programs addressing personal development for at least one year; implicit bias training
 - c. ALW IAD 2015-0083
 - i. Offense: making statements incompatible with the duties of a sworn police officer
 - ii. Disciplinary Outcome: Department moved to withdraw disciplinary charges
 - d. OCC 0291-16
 - i. Offense: Using in appropriate language on duty and creating the impression of biased policing by using and transmitting inappropriate comments, and use of a sexual slur in the workplace
 - ii. Disciplinary Outcome: DPA moved to withdraw disciplinary charges
 - e. IAD 2016-0028
 - i. Offense: Failure to report use of racial epithets, possession of racially derogatory memes
 - ii. Disciplinary Outcome: Termination held in abeyance for three years, 30-day suspension, implicit bias training



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- f. ALW IAD 2015-0082
 - i. Offense: Making statements that are incompatible with the duties of a sworn police officer
 - ii. Disciplinary Outcome: Department moved to withdraw disciplinary charges
- g. ALW IAD 2015-0036
 - i. Offense: Making statements that show extreme bias and hatred incompatible with the duties of a sworn officer
 - ii. Disciplinary Outcome: Member retired
- h. IAD 2017-0283
 - i. Offense: use of racial epithets
 - ii. Disciplinary Outcome: 30-day suspension, participation in mandatory retraining regarding conduct in this manner. The training shall include retraining regarding DGO 2.01, Rule 9, and DB 15-249 and any other relevant materials

4) 2019 Cases:

- a. ALW IAD 2015-0087
 - i. Offense: Making statements that show extreme bias and hatred incompatible with the duties of a sworn officer.
 - ii. Disciplinary Outcome: Member resigned.
- b. ALW IAD 2015-0085
 - i. Offense: making statements that show extreme bias and hatred incompatible with the duties of a sworn police officer
 - ii. Disciplinary Outcome: Member resigned.

5) 2020 Cases:

- a. No cases involving bias have been brought before the Commission in the 1st or 2nd Quarters of 2020.

(see **Attachment 22: Veronese Reports**)

4) Ongoing evaluation loop and audit.

a) Policy Improvement

1) IAD Unit Order 17-02

The SFPD re-affirmed its commitment to investigating bias-based complaints expeditiously in IAD Unit Order 17-02, which states: "cases involving gross misconduct and/or bias shall be given special consideration and resources." (see **Attachment 12: IAD Unit Order 17-02 IAD Case Assignment and Prioritization Procedure**)

2) Updated 2.04, 5.17, 11.07

The SFPD updated its DGOS regarding complaints against officers and bias-based behavior in order to communicate a clear and unified message regarding the Department's commitment to bias-free policing. The updates to DGO 5.17 Bias Free Policing are especially important in this regard because the DGO defines different types of bias as well as bias-based behaviors and mandates that all officers shall report any biased behavior they observe. These DGOs were all updated with the involvement of community input and in concert with other San Francisco agencies such as the DPA and DHR. (see **Attachment #6: DGO**



Collaborative Reform Completion Memorandum

2.04 Complaints Against Officers, Attachment #7: DGO 5.17 Bias Free Policing, and Attachment #9: Prohibiting Discrimination, Harassment, and Retaliation)

3) **Disciplinary Matrix**

The proposed disciplinary matrix draft clearly identifies biased based behaviors and provides appropriate consequences that may be implemented for each behavior. (See Attachment #18: Draft of Disciplinary Penalty and Referral Guidelines for Sworn Members of the San Francisco Police Department)

b) Continuous audits of electronic devices

The audits of all Department electronic devices are continuous and ongoing. The Department presents its findings regarding the audits to the Police Commission on a quarterly basis. By continuously monitoring bias-word usage on Department electronics, the SFPD not only identifies problematic communications by members, but also helps to identify new bias words that should be added to the audit list. The audits have thus far been effective in detecting bias word use. When bias-word use was discovered and verified through investigation, the officers involved faced discipline. (see Attachment #14: 4th Quarter 2018 Report of Discipline, Attachment #15: February 2018 IAD Sustained Complaints Report, and Attachment #16: October 2019 IAD Sustained Complaints report)

c) Meetings with DPA

Per DGO 2.04 the SFPD and DPA meet quarterly to discuss bias-based complaints made against officers and determine if there are any trends in complaints that could be addressed through updated policy or training. (see Attachment #6: DGO 2.04 Complaints Against Officers)

The SFPD and DPA also coordinate and communicate regarding updates in policy per the Sparks Resolution. The Written Directives Unit's policy regarding coordinating with DPA was updated in April 2020 by Unit Order 20-01: Strategic Management Bureau, Written Directives Unit Sparks' Resolution. The Sparks Resolution of 2006 dictated that the SFPD and DPA each submit a quarterly report to the Police Commission regarding all policy proposals under consideration, including amendments to DGOS, new policy recommendations, and legal updates.

The original Resolution did not require that the SFPD and DPA meet. However, since 2017 the SFPD has voluntarily been meeting monthly with the DPA in the interest of fostering open communication and collaboration on policy. The Unit Order served to codify the procedures for updating policy that the SFPD and DPA arrived at during these meetings. The updated procedure for meeting and conferring with the DPA as well as the format for policy proposal review serves to streamline the process for updating SFPD policy. This format enables the SFPD to react in a prompt and timely manner to any policy issues that need to be addressed while collaborating with the DPA to ensure that another perspective is included in its updates.

(see Attachment 23: Written Directives Unit Order 20-01 Strategic Management Bureau, Written Directives Unit Sparks' Resolution)