



Recommendation 57.1

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Mon 11/16/2020 8:35 AM

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Dear Lt. Altorfer,

Our office has completed its review of the materials related to Recommendation 57.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD ensuring appropriate first interactions with individuals making complaints against the police. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 57.1: The SFPD needs to update its policies and educate personnel to appropriately recognize the importance of the first interaction between police personnel and members of the public who have complaints against the police.

Response to 57.1: On May 15, 2019, SFPD published revised Department General Order 2.04, "Complaints Against Officers." The Order outlines SFPD's policies and procedures for receiving, investigating, and processing complaints against officers and requires that SFPD personnel receive complaints with courtesy. The Order prohibits any attempts to threaten or harass complainant and mandates that individuals asking about the complaint process be provided the Department of Police Accountability complaint form and informational brochure. It also requires quarterly Disciplinary Review Board meetings between DPA and SFPD to discuss trends, policy recommendations, and training improvements. On December 20, 2017, SFPD published Department Bulletin 17-255, Revised SFPD/DPA Complaint Form 293, notifying personnel that the complaint form had been translated into Spanish, Chinese, Russian, Tagalog, and Vietnamese.

SFPD has also conducted roll-call training on the importance of first contacts with complainants, emphasizing that courtesy and active listening "builds and maintains public confidence and trust in the process." The training includes information about the complaint form and on supervisors' duties when receiving a complaint. SFPD followed up to ensure that all officers received the roll-call training. Information that could improve first contacts with complainants is also covered in the SFPD Principled Policing training (covering proper tone, active listening, neutrality), and the Department of Police Accountability provides two-hour training at Basic Academy on the complaint process. SFPD conducts surveys to improve these trainings.

On December 27, 2019, the SFPD Field Operations Bureau published Unit Order 19-01, District Captains' Bi-annual Community Meetings on Officer Conduct and the Members of the Public Complaint and Commendation Process. The Order requires district station captains to hold meetings with the public twice a year focusing on how to make a complaint and how to commend an officer. The meetings are memorialized in memoranda that are audited annually.

On August 10, 2020, SFPD published a Unit Order titled, "Collaboration with the Dept. of Police Accountability on Training & Complaint Trends." The Order requires quarterly meetings between the SFPD Academy, Professional Development Unit, and Field Training office with DPA to discuss training needs and opportunities. This forum promotes open dialogue where DPA can suggest training improvements based on the complaints it receives and information from complainants, which can include issues with first contacts if such issues arise. Notes are retained by the Professional Development Unit.

Based upon all the above, the California Department of Justice finds that SFPD is in substantial compliance with this recommendation. Please let us know if you have any questions or would like to discuss further. Thank you.

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Finding #57: The SFPD does not provide leadership in its role with respect to complaints against SFPD personnel.

Recommendation #57.1: The SFPD needs to update its policies and educate personnel to appropriately recognize the importance of the first interaction between police personnel and members of the public who have complaints against the police.

Response Date: 08/21/2020

Executive Summary:

The SFPD has addressed this recommendation with the submission and Police Commission approval of a revised DGO 2.04, which was issued 05/19 (see Attachment 1). This DGO updated SFPD Department Bulletin 17-255 (see Attachment 2), and was rolled out department-wide on 06/03/2019 via Department Bulletin 19-122 (see Attachment 3). To reinforce the concepts mentioned in Recommendation 57.1, a Roll-Call Training was developed and submitted to the Academy for issuance (see Attachment 4); it was rolled-out department-wide on 08/08/2019 (see Attachment 5). The Roll-Call Training was developed with concepts reinforced in the DGO, POST Learning Domain 3 (see Attachment 6), and SFPD's Principled Policing course (see Attachment 7). The Department of Police Accountability (DPA) has a two-hour segment in the Basic Academy, where these concepts are also reinforced (see Attachment 8). SFPD leadership in infusing this principle in the organization and then continually reinforcing and reviewing this idea is seen in a Field Operations Bureau Order (see Attachment 9). This will complement the written order, DGO 3.01, already in place which ensures knowledge and that members are accountable for maintaining knowledge of policies and procedures (see Attachment 10). Proof of the continuous improvement loop also rests with the Department Bulletin signoff for DB 19-122 where officers certify, "I acknowledge that I have reviewed and am responsible for the materials contained in this document that I have just checked in the Sign Off field," (see Attachment 11). For instructors that teach the concepts embodied in this recommendation, continuous improvement is found in course evaluations for both the Basic Recruit Class' "Department of Police Accountability" module (see Attachment 12) and for the Continuing Professional Training (CPT)'s "Principled Policing" course (see Attachment 13 for a sample of the evaluations; 2 years' worth of evaluations are in the attached flash drive). The Department identified who was not in compliance with completing this Roll-Call Training (see Attachment 14), gained full-compliance (see Attachments 16 & 17), and overhauled the Roll-Call Training delivery and compliance process into digital form (See Attachment 15). There is an ongoing relationship between DPA and Academy superior staff from the Captain's office, the Field Tactics/Force Options (FTFO) Office, and the Professional Development Unit, where there is collaboration and training innovations. (See Attachment 18).



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Compliance Measures:

Compliance Measure 1: "Update policies regarding the critical nature of positive interactions with the public, specifically those who are complaining against a police officer." (In Substantial Compliance: 02/06/2020)

Steps Taken to Address CM1:

- 1) SFPD Department Bulletin C17-255 (12/20/2017) was issued (see Attachment 1). This bulletin announced the creation of language-inclusive complaint forms from the Department of Police Accountability and used the specific language from this recommendation to stress the importance of the first interaction between complainants and the SFPD.
- 2) Department General Order 2.04 was updated and issued in 2019 which incorporates language that supports this recommendation in the "Policy" section (see Attachment 2). This General Order was rolled-out Department-wide on 06/03/2019 via Department Bulletin 19-122 (see Attachment 3). Members were required to electronically acknowledge receipt of the document and the understanding of its contents.

Compliance Measure 2: "Provide training reinforcement regarding the need for positive first contacts with the public and complainants." (In Progress)

- 1) A Roll-Call Training was developed and submitted to the Academy for issuance on this topic and was distributed (See Attachments 4 & 5).
- 2) This concept is also stressed during the Basic Academy and in in-service training as evidenced in Learning Domain 3 (See Attachment 6).
- 3) The Principled Policing Course (See Attachment 7), spends time discussing foundational principles of engaging members of the community in a variety of situations both enforcement and social and high stress versus low stress. The foundational principles taught include using proper tone, giving the person a "voice" through active listening, and ensuring neutrality (not judging through conditioning and/or bias). The core principled policing principles ensure the success of the first interaction between complainants and members of the Department.
- 4) The Department of Police Accountability teaches this concept during their 2-hour block (See Attachment 8) in the basic police academy as well as in the Sergeants orientation (for newly promoted sergeants).



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- 5) 76% of the Department is in compliance with having received Roll-Call training (RCT) 19-005.

Note from HH (02/06/20): "It seems that there may be a technical glitch in the reporting of roll call training...we are returning the file for the SFPD to be able to assess why the report is inaccurate and resubmit with the appropriate data."

- 6) Professional Development Unit (PDU) staff at the Academy have identified the approximately 400 members who have not completed and/or haven't entered proof they have completed this RCT. (See Attachment 14)
- 7) PDU staff have manually entered the list of non-compliance into a new "class" in HRMS, so that they can be credited for completing the course.
- 8) PDU staff is meeting with the Technology Division on 03/05/20, to address 2 issues with HRMS (the current system we track training attended and training compliance measures).
 - a) To enhance the HRMS system's programming so that PDU staff can easily create classes, enroll members, check compliance, and flag members who haven't completed the course.
 - b) To create HRMS system programming which will allow RTC sign-off procedures to be transformed from physical signature gathering by Station Training Unit Coordinator Sergeants, to have it appear in the "SFPD Self-Service: Document Signoff" panel of HRMS, just as Department Bulletins and Department Notices appear. This will ensure accurate record keeping, notify members who missed the in-person training due to vacations, disability, or sickness, and free these coordinating sergeants to innovate training and not simply be signature gatherers.

Steps Taken: 05/05/2020 Update:

- 9) Effective 03/12/2020, Roll Call Training has been fully transitioned to where documents and training attendance attestations are computerized. This is currently in the HRMS system and will be transitioning to PowerDMS as that system comes online. This has ensured that all members, sworn and non-sworn, will be prompted in the "Self Service" window to take the Roll Call training (required within 30 days of issuance). Auditing procedures for Roll Call Trainings are now the same as for other electronic sign-off documents such as Department General Orders, Department Bulletins, and Department Notices.



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- 10) While the above procedure is in place and ongoing between the Academy and the Written Directives Unit, department-wide notice of this change is documented in a draft Department Notice submitted for the concurrence process as outlined in DGO 3.02 and was issued as DN 20-081 on 05/05/20 (See Attachment 15)
- 11) In order to ensure that all members of the SFPD, both sworn and non-sworn, received the Roll-Call training specific to Recommendation 57.1, Academy Professional Development Unit (PDU) staff:
- created training class 2019-005 in HRMS (See Attachment 16),
 - reviewed the members enrolled,
 - determined who did not sign-off on the training,
 - created a separate training class entitled 2019-0055 enrolling only those who didn't sign off,
 - re-submitted this to the Station Training Coordinator Sergeants,
 - entered 2019-0055 (See Attachment 17) into the HRMS Self-Service panel for digital sign-off, and
 - obtained compliance. **2571** sworn and non-sworn trained.)

Compliance Measure 3: "Evidence of continual review and improvement on this topic." (In Substantial Compliance: 02/06/2020)

On Thursday, July 23, 2020, SFPD Professional Standards Members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Paragraph 1 discusses the Field Operations Bureau Order 19-02 and 2 (discussing the open communication stream between SFPD and DPA) are responsive to this compliance measure because they both discuss the mechanisms SFPD has in place to ensure a continuous review and improvement loop.

1. This finding is about leadership in the organization imbuing these principles through policy, while also instituting procedures and processes that convey to internal and external stakeholders the importance of initial contacts with complainants. On 12/27/2019, Deputy Chief Greg McEachern implemented a Field Operations Bureau Order, 19-02, which specifically addresses the spirit of this recommendation. This Order, entitled "District Captains' Bi-Annual Community Meetings on Officer Conduct and the Members of the Public Complaint and Commendation Process" ritualizes, standardizes, and reinforces these messages which, in turn, de-escalates the complaint process. In this order, Station community meetings must agenda, notice, and then discuss the complaint process. Discussions and feedback will be documented in a memorandum and forwarded to the Commander of Community Engagement the Deputy Chief of Field Operations. (See Attachment 9).



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2. Continual review and improvement is also being addressed through Department training in two ways: 1) continuing the open communication stream between Academy and DPA (Department of Police Accountability) leadership should any complaint/policy trends (on this and any other topic) require further education, and 2) courses tailored to Basic, Lateral, non-sworn, In-Service, and Promotional courses.

On Thursday, July 23, 2020, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

In the version of the draft package discussed in that earlier call, the Form 2001 referenced a monthly meeting between DPA and SFPD where they can discuss complaints and actions involving negative first contacts between the SFPD officer and a complainant.

The Form 2001 in the 5/28 draft went on to state that "a determination can be made whether policy and/or training needs to be reexamined, refreshed, or reinforced." SFPD was going to look into whether SFPD and DPA discussed any complaints about first contacts at those meetings and if there were any determinations and follow-up. To the extent that any determination was ever made, SFPD was going to include any documentation related to that (i.e. minutes and follow-up policy or training changes).

The latest version of the Form 2001 no longer references that monthly meeting. SFPD explained that the reason for that deletion is that it is more accurate to state that feedback from DPA regarding policy and/or training comes through an open communication stream. Cal DOJ asked SFPD to provide examples supporting that open communication stream and, to that end, SFPD will provide emails between Captain Hart and DPA.

Captain Hart has provided the necessary emails in Attachment #18 and Attachment #19 Unit Order "Collaboration with the Department. Police Accountability (DPA) on Training and Complaint Trends.

Finally, SFPD will revise the Form 2001 so there is no first person language (i.e. "I have personally met with DPA executives 3 times in 2020 (1/23, 1/30, and 3/4) and instead will reference the person who met with DPA executives and the person's title (i.e. Captain Jack Hart with the Academy or the Captain in charge of the Academy). The reason for this suggestion is to make the people/entities referenced clear to the public.

Please see Section a. listed below for corrections.



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- a. The highest levels of leadership in DPA and the Academy meet frequently to discuss complaint trends where there is an opportunity to enhance training. Superior officers and staff from the Field Tactics/Force Options (FTFO), the Professional Development Unit (PDU), and the Captain have met with DPA executives' numerous times in person and on the phone related to current and emerging training trends and training concerns related to all topics, including the Use of Force, Language Access training & certifications of members, training videos on new Department General Orders that have a training component, and others. These meetings foster a collaborative process in identifying training trends from policy development and complaint feedback (See Attachments 18 & 19 for evidence of collaboration and a Unit Order related to, at a minimum, quarterly meetings).
- b. The procedurally just concepts that are the underlying foundation for this recommendation are conveyed in the Principled Policing course. This course has been taught to every member in the Department, as all members attended over the 2-year Continuing Professional Training (CPT) cycle of 2017-2018. The relationship between DPA and the SFPD is reaffirmed in the very first week of every Basic Recruit Class. An executive from DPA is given 2-hours to explain, humanize, and legitimize the complaint process and each member's role. Both of these classes have an evaluation component which ensures that instructors are given feedback regarding both content and style and can make recommendations for improvement and clarity for future classes. (See Attachments 12 & 13)
 - i. Summary for Attachment 12: DPA Course Evaluations from Recruit Officers was generally positive, articulating that they understood the complaint process. Evaluations from Lateral Officers revealed that there were unclear about the exact process for the complaint. Evaluations from the Promotional Course for new Sergeants revealed deep distrust and cynicism in the presenters, the presentation, and DPA's process of investigating complaints (after they are received) as a whole. These evaluations are forwarded to DPA for their further action.
 - ii. Summary for Attachment 13: Principled Policing Course Evaluations from Recruit Officers, from AO/CPT In-Service Training, and the Sergeant's Promotional Course were all extremely positive, for both the instructors and the content. Students appreciated that Community members were in the class, that there were group activities, and saw the linkage between these principles and both their personal and professional lives.



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- 2) There are multiple separate orders that demand a working knowledge of and an adherence to all written orders, with additional responsibilities to supervisory and superior staff to ensure compliance with these orders: General Order 2.01 Rule 10 states: *Members shall obey all written orders, policies, and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors.* General Order 2.01 Rule 7 states: *Members shall maintain a working knowledge of all information required for the proper performance of their duties.* Department General Order 3.01.12 states: *Members are expected to have a working knowledge of all directives as applicable through their respective assignment(s) and comply with their provisions.* Per Department General Order 1.06, supervisors shall: *Guide and instruct subordinates in the performance of their duties and require strict compliance with the policies and procedures of the Department and the orders of superior officers. Further, supervisors shall promptly report in writing any misconduct by subordinates and forward the report to their superiors. (See Attachments 10 & 11)*

All of these measures ensure that there is a closed feedback loop amongst all of the relevant stakeholders and will, therefore, ensure continuous improvement.