Recommendation 74.1

Gabriel Martinez ███████████████████████

Mon 3/15/2021 3:09 PM

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 74.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD establishing processes to ensure new Department Bulletins are supported in trainings and implementation. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 74.1: The SFPD should conduct a thorough and structured approach when creating new policies and procedures via Department Bulletins.

Response to 74.1: At the time this recommendation was issued, there was a concern that Department Bulletins circumvented the General Order process. SFPD now ensures that its policies will remain current through the revised Department General Order (DGO) 3.01, "Written Communication System" (revised August 7, 2019). DGO 3.01 directs the Written Directives Unit to review each DGO at least every five years. Department Bulletins expire after two years and are not re-issued, meaning that the Bulletins are to be incorporated into DGOs. The Written Directives Unit is tasked with shepherding the process of updating DGOs, including facilitating the revisions, submitting DGOs to concurrence, and then publishing and distributing the revised versions. Under DGO 3.01.06(D), where a Department Bulletin modifies a DGO, the Written Directives Unit will identify the specific section in the DGO that requires amendment and will submit the amendment to the DGO itself to the Police Commission for approval. The related Department Bulletin will not go into effect until the Police Commission approves the amendment to the DGO.

Part of the policy development process is considering the policy implementation. Under Unit Order 19-01, the Deputy Chief in charge of the particular division, bureau, or unit most affected by the DGO will assign a member to serve as the subject matter expert on the DGO. The subject matter expert oversees revising the DGO to ensure it addresses any key issues, community expectations, and best practices. Additionally, SFPD created the "Policy Implementation Checklist" (SFPD 577 PIC) to be completed by the Written Directives Supervisor when reviewing a draft policy. The checklist includes policy implementation support options such as training, creating or updating forms, software and IT updates, equipment, and personnel redeployment. The Commanding Officer of Program Standards and Professional Policing reviews the checklist and determines if the policy will be assigned a Policy Implementation Leader. For example, recent updates to the Use of Force DGO required a Policy Implementation Leader and implementation steps such as training support, updated forms, and software.

On November 20, 2020, SFPD published Program Standards and Professional Policing Unit Order 20-03, "Consideration of Policy Implementation Support Factors as Part of Policy Development Process." The Order outlines the process regarding the Policy Implementation Checklist. Additionally, the Order requires the Staff Inspections Unit to take several steps when developing policy, including surveying officers, DPA, and the Policy Implementation Leader regarding the implementation of recent policies to identify problematic or positive trends with newly issued policies and to received feedback on the implementation process. The results of the survey are assembled into a memorandum identifying how the implementation of policies can be improved. The supervisor of Staff Inspections Unit submits the memorandum to the Executive Director by February 1st each year. The Order also requires the Staff Inspections Unit to conduct a review to ensure that Department Bulletins that were issued the prior year adhered to the process and requirements set forth in DGO 3.01.06.

Based upon all of the above, the 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.

Finding # 74	The SFPD does not provide sufficient training, supervision support, and guidance when releasing new Department Bulletins.
Recommendation # 74.1	The SFPD should conduct a thorough and structured approach when creating new policies and procedures via Department Bulletins.

Recommendation Status	Complete Partially Complete In Progress Not Started No Assessment

Summary

The SFPD has established a system that supports the implementation and review of the policies of the department for both training and acknowledgement. DGO 3.01 establishes a timeframe for review of DGOs and Department Bulletins and Department Notices. The Department identified an internal process and a policy implementation checklist and defined the role of the policy implementation leader (PIL) responsible for determining training and implementation needs for new policies which is sufficient to support compliance measure 1. For compliance measure 2, the support for compliance measure 1 helps to illuminate the process and steps the SFPD engages to ensure receipt and compliance with the delivery of the policies. While the evidence provided in support of compliance measure 2 is not on point, that provided for compliance measure 3 also helps to address this area. In regard to the assessment for adherence to policy, the department identifies that it surveys SFPD members and DPA and IAD to assess emerging issues. Further the PIL is also surveyed to determine the outcomes and whether they support the policy goals. For compliance measure 3, the policy Unit Order PSPP 20-03 supports compliance with the continuous review loop and is well structured. However, this means that the provided assessment for #2 and the practice under #3 are emergent and yet to be tested. The unit order was issued on 11/20/20 with the first round of compliance review then set for February 2021. This team will seek to validate the actions outlined in policy were in fact taken and ask for a briefing to be scheduled by the SFPD.

Compliance Measures		Status/Measure Met
1	Establish a strategy and plan that reviews DBs for training and implementation needs.	√ Yes ☐ No ☐ N/A
2	Assess publication of new DBs to ensure adherence to policy.	√ Yes ☐ No ☐ N/A
3	Continuous review and implementation loop.	√ Yes ☐ No ☐ N/A

Administrative Issues

It is not clear to the reviewers the purpose or value of Attachment #2 within the construct of this order. We assume that the policy amendment was sent out given awareness of violations that were then a violation of policy – but the package does not fully describe this. Future use of such attachments should better describe the actions and why they support a compliance measure.

Compliance Issues

The unit order was issued on 11/20/20 with the first round of compliance review then set for February 2021. This team will seek to validate the actions outlined in policy were in fact taken and ask for a briefing to be scheduled by the SFPD.

Finding # 74: The SFPD does not provide sufficient training, supervision support, and guidance when releasing new Department Bulletins.

Recommendation # 74.1: The SFPD should conduct a thorough and structured approach when creating new policies and procedures via Department Bulletins.

Response Date: 11/19/2020

Executive Summary:

The SFPD is committed in its approach to policy development, whether it be a Department Notice, a Department Bulletin or a DGO, to a thorough approach ensuring policies are implemented with all of the necessary support to ensure proper adherence. There are important steps that must be taken during policy development to ensure excellence in policy implementation. One of the first steps taken when creating new policy and procedures was updating DGO 3.01, which was updated on 08/07/2019. (*Attachment #1*) DGO 3.01 created the necessary mechanism to review General Orders, Department Manuals, Department Bulletins, Bureau Orders and Unit Orders.

Compliance Measures:

1. **Establish a strategy and plan that reviews policies for training and implementation needs.**

DGO 3.01 provided the Department with a policy that that now reviews Department policy in a timely manner. Written Directives Unit are now responsible for reviewing DGO's and Department Manuals every five years, Bureau and Unit Orders are reviewed annually. Department Bulletins expire after two years and Department Notices are updated as needed.

Part of the responsibility for creating and reviewing these policies is thinking through how it will be implemented; specifically, what support, training and implementation needs may be necessary.

PSPP, specifically the Written Directives Unit, tracks policy development from the assigning of a Subject Matter Expert (SME), to managing its concurrence with DPA and the SFPD, to its publication. Professional Standards & Principled Policing (PSPP), specifically Staff Inspections Unit, ensures policies are acknowledged and signed off in PowerDMS on a timely basis.

While policies associated with risk issues such as use of force, bias, stop and seizure may have significant implementation support needs, there are other policies, such as DN 20-074, *Fast-Trak, Toll Evasion Violations and Proper Member Conduct* (Attachment #2), which provide straightforward information to members and require little or no support other than

members' acknowledgement of having read the policy. Clearly, implementation support needs vary, depending on the policy.

The following are examples of support options a policy may require to be successfully implemented:

- Training
- Creating or Updating Forms
- Software and IT Updates
- Advisement to the Public – Media Relations Unit
- Equipment or Supplies
- Payroll Adjustments
- Modification to Facilities
- Personnel Redeployment
- Change to Associated Policies
- Other

To ensure proper consideration of support options, the Written Directives Supervisor, when reviewing a draft policy in concurrence, shall complete a *Policy Implementation Checklist, SFPD 577* PIC (Attachment #3) and submit it to the Commanding Officer of PSPP.

The Commanding Officer of PSPP (CO), at the time of reviewing the draft, shall review the PIC and make the following determination:

> The Written Directives staff will coordinate the policy implementation recommendations *or* in cases where there is significant need for policy support coordination, the policy will be assigned a *Policy Implementation Leader* (PIL).

When determining a PIL is necessary, The Commanding Officer (CO) of PSPP shall assign the PIL based on the most significant support need(s) of the policy. For example, if training is identified as the significant component for policy implementation, the CO would assign a Training Division member as the PIL. The CO's determinations shall be documented on the Policy Implementation Checklist *(SFPD 577)* and in PowerDMS under the review activity tab. Additionally, the CO shall write a Memorandum to the assigned PIL that will outline identified support options, i.e., equipment, training, change to associated policies, etc.

The SFPD is currently using the model of a PIL for policies that require significant implementation support.

For example, DGO 5.01, Use of Force, has been updated during the second half of 2020. The Executive Director of the Strategic Management Bureau, in collaboration with the SME, has identified several support issues necessary for successful implementation of this policy and assumed the role of the PIL for this policy. Specifically, this policy requires training support and an update of forms and software to ensure proper implementation. As the PIL, the Executive

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Director (ED) has identified the necessary personnel to ensure the support steps are completed. The ED has organized and led meetings, sought input, assigned responsibilities and placed action items on a time-line. For example, how to complete forms, DN, Training Videos and possible Webinars. see *Minute Notes page 4 of* (Attachment #4).

It is rare for policy implementation to require the amount of coordination and leadership that introducing a new Use of Force policy requires. The steps the Executive Director has taken regarding implementation of the new Use of Force (UOF) policy is a gold standard and shows the SFPD's capability in achieving excellence for this reform.

The role of the Written Directives Supervisor and Commanding Officer in performing the above duties is outlined in PSPP Unit Order 20-03, *Consideration of Policy Implementation Support Factors as Part of Policy Development Process* (Attachment #5).

- **Role of Written Directives Supervisor in evaluating and coordinating implementation requirements using the (PIC), SFPD 577.**
- **Role of Commanding Officer of PSPP in evaluating policy implementation recommendations and assigning a policy implementation leader (PIL), when necessary**
- **Role of the Staff Inspection Unit in Identifying problematic or positive trends with newly issued policies.**

2) **Assess publication of new Department Bulletins to ensure adherence to policy (DGO 3.01)**

Per DGO 3.01.06, D. (Attachment #1), Department Bulletins (DB's) may modify a DGO. A Department Bulletin expires two years from the date of issuance and shall not be re-issued.

When a Bulletin modifies a General Order, the Written Directives Unit will identify the specific section of the General Order that requires amendment. Within (15) fifteen calendar days, the Department will submit the amendment to the Police Commission through a *General Order Change Request*, SFPD 581 (Attachment #6) as outlined in 3.01.10. The *General Order Change Request* will identify the specific section of the General Order the proposed Department Bulletin will amend. Before the Department calendars the amendment with the Police Commission, the Written Directives Unit will notify and provide the General Order Change form to the Department of Police Accountability. A General Order shall not be modified until adopted by the Police Commission.

For policies that do not modify a DGO, the department issues Department Notices.

As each DGO is revised during its mandatory five-year review, the SME incorporates related policies into the updated DGO.

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3) Continuous review and implementation loop.

The picture of a poorly implemented policy is clear. Officers don't follow it; whether it is because the policy is not accompanied with sufficient training or other necessary support. The goal for review and implementation loop is to identify strengths and weaknesses related to implementing polices in an effort to improve.

In order to achieve this goal, the Staff Inspections Unit (SIU) will undertake the following steps: PSPP Unit Order 20-03, *Consideration of Policy Implementation Support Factors as Part of Policy Development Process* (Attachment #5).

- Survey members regarding the implementation of recent policies to identify problematic or positive trends with newly issued policies.
- Survey DPA and IAD regarding newly implemented policies and identify problematic or positive trends with newly issued policies.
- Survey recent PIL regarding the steps they took coordinating policy implementation and receive feedback on the process.
- Review Department Bulletins issued during the past calendar year to ensure adherence to DGO 3.01.06, D; did the WDU properly use the General Order change process? PSPP Unit Order 20-03, *Implementation as Part of Policy Development* (Attachment #5).

The results of the survey will be assembled into a memorandum, identifying areas of success and ideas for improvement, in the implementation process. The supervisor of SIU shall ensure this Memorandum, is submitted to the Executive Director of PSPP no later than February 1st of each calendar year. PSPP Unit Order 20-03, *Consideration of Policy Implementation Support Factors as Part of Policy Development Process* (Attachment #5).

On Monday November 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

Cal Department of Justice suggested that Unit Order PSPP 20-03 be added to the 74.2 package. No other guidance was provided to this package.

PSPPB Form 2001 v2