

[REDACTED]

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**From:** Tanya Koshy [REDACTED]  
**Sent:** Thursday, August 5, 2021 12:19 PM  
**To:** [REDACTED]  
**Subject:** Recommendation 91.3

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Dear Acting Captain Altorfer:

Our office has completed its review of the materials related to Recommendation 91.3 that have been submitted to us as part of the collaborative reform process. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 91.3: The SFPD should ensure that there is diversity on the panel that oversees promotions and should consider adding community members or outside observers (or both) to the panel.

Response to Recommendation 91.3: SFPD has taken steps to ensure diversity on the panels overseeing promotions and has considered whether to include community members or outside observers on those panels.

The City of San Francisco's Department of Human Resources (DHR) primarily drives the promotion process. DHR has represented to SFPD that it makes every effort to ensure diversity among the subject matter experts (SMEs) who are part of the exam development and rating panels. Where SFPD has control over diversity in the promotion process is in selecting the SFPD members who comprise the pool of SMEs from which DHR can select members for its exam development and rating panels.

SFPD issued Staff Services Division Unit Order 21-02, which codifies a process of ensuring diversity within the SME pool. Under this process, the Commanding Officer of the Staff Services Division will work with Command Staff to identify members who can serve as SMEs for the promotion process. The Command Staff and the Deputy Chief of Administration will then make the final selections for the SME pool. After SMEs conclude their participation in the promotion process, the Commanding Officer of Staff Services Division will seek feedback from both DHR and the SMEs themselves on any improvements that could be made to the promotion process.

SFPD evaluated the demographic makeup of recent SME panels and they reflect diversity. The California Department of Justice agrees with Hillard Heintze that SFPD should work to ensure greater representation of Asian and female SMEs in future pools.

SFPD considered whether or not to include community members, outside observers, or both. To that end, it drafted a unit order that would provide the process for identifying community members or outside observers to be a part of the promotional process. The Chief, Assistant Chief, and Executive Director, as well as other SFPD members met to discuss this suggestion. SFPD ultimately decided not to include community members or outside observers and issued a Chief's Directive explaining that decision. In the Chief's Directive, the Chief noted that the existing Command Staff, which serve on the promotional panels, reflects the diversity and expertise needed to provide a fair evaluation of promotional candidates. The Chief further noted that the input of the community is valuable but concluded that this input would be "better served in other aspects of department operations."

Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation. While SFPD's consideration of the suggestion to add community members or outside observers is sufficient for purposes of substantial compliance, the California Department of Justice agrees with Hillard Heintze that SFPD should revisit its decision at a later point. Hillard Heintze correctly notes that community members, particularly BIPOC and female community members, may provide valuable perspectives and understand the specific challenges that face BIPOC and female SFPD members who are up for promotion. Please let us know if you have any questions or would like to discuss these further.

Tanya

Tanya S. Koshy (she/her)

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<b>Finding # 91</b>	<b>The promotion process is not transparent.</b>
<b>Recommendation # 91.3</b>	The SFPD should ensure that there is diversity on the panel that oversees promotions and should consider adding community members or outside observers (or both) to the panel.

<b>Recommendation Status</b>	<b>Complete</b>	<b>Partially Complete</b>	<b>In Progress</b>
	<b>Not Started</b>	<b>No Assessment</b>	

**Summary**

Compliance Measure #1: SFPD noted that the Department of Human Resources (DHR) requires that subject matter experts (SMEs) who comprise the panel that assist with exam development must come from diverse backgrounds including race, sex, work location, etc. The DHR further requires that the SMEs that comprise the exam rating panel must come from diverse backgrounds that include race, sex, rank, and work assignments, experiences, expertise and training. SFPD's Unit Order 21-02, passed 4.20.21 and therefore not validated in practice, requires that commanding officer of the staff services division identify a diverse pool of candidates for promotional panels. There were internal discussions relative to the placement of community members, however the department declined to do so.

Compliance Measure #2: the Chief's Order identifies review to the consideration of the placement of outside community members to the panel. It was ultimately declined. However, within the base measure of the compliance measure, the department is compliant.

Compliance Measure #3: the department identifies diversity in prior panels. As noted, there is lower representation by women and Asians and, overall, White assessors continue to dominate.

Compliance Measure #4: the department drafted the new Unit Order to help continue to drive diversity on panels. The reliance upon the DHR plan is not new or subject to continued improvement. The actions of the department demonstrate continued improvement in looking at the diversity of the panel.

The CRI team notes the decision to not include community members as one that should warrant further review and improvement by the department. While the Chief rightly notes there is diversity among command it is the viewpoint and engagement of the community that helps to garner trust in those who lead the officers of the SFPD. As noted in the 2016 report, [Advancing Diversity in Law Enforcement](#), community partnerships and stakeholder engagement can help retain officers, including promotional opportunities, of color and women by better understanding the unique challenges they face in the profession. Further, this same report advises review of regulations and policies that impact diversity reflected within the community.

Compliance Measures		Status/Measure Met
1	Evidence of a plan that ensure diverse panels for promotional testing.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Evidence of internal review of the placement of community members and/or outside observers to the promotional panel.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Implementation of Compliance Measures 91.3.1 and 91.3.2 in a manner that ensures diversity in the promotional panel.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Continuous improvement/review loop.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**



## Collaborative Reform Completion Memorandum

**Finding # 91:** The promotion process is not transparent.

**Recommendation # 91.3** The SFPD should ensure that there is diversity on the panel that oversees promotions and should consider adding community members or outside observers (or both) to the panel.

**Response Date:**05/06/2021

### Executive Summary:

The City & County of San Francisco (CCSF) Department of Human Resources (DHR) is responsible for the San Francisco Police Department's (SFPD) promotional testing process. DHR best practices states that subject matter experts (SMEs) who comprise the panel that assist with exam development must come from diverse backgrounds including race, sex, work location, etc. Also, the SME's that comprise the exam rating panel must come from diverse backgrounds that include race, sex, rank, and work assignments, experiences, expertise and training. This was explained to us via email (attachment #1) from the DHR Manager who referenced the following sections pertaining to their selection process *Job Analysis [Uniform Guidelines on Employee Selection Procedures, 1978]* and *Assessors [The Guidelines and Ethical Considerations for Assessment Center Operations, 2015]*

With that being said, the SFPD strives for diverse panels under SFPD control which includes the selection of the panel assisting in the creation of the promotional exam. Unit Order 21-02 "Selection of Subject Matter Experts (SME's) for Promotional Testing" (attachment #2) was issued to promote diversity in the promotional testing panels by providing a transparent and uniform process when selecting SMEs for the panel that assists DHR in the development of promotional testing and the rating process. Demographic data provided by DHR of the SMEs and raters who assisted on the 2019 (Q60) Lieutenants exam, 2020 (Q80) Captains test, 2021 (Q50) Sergeants test (SME's only at this time) demonstrates SFPD's ability to provide DHR with diverse groups of SMEs for promotional testing panels.

The SFPD panel which assists the Chief of Police in [identifying/selecting] candidates for promotion from an eligible list is comprised of the SFPD Executive Leadership including the Assistant Chiefs, and Deputy Chiefs. The current leadership is diverse. SFPD Leadership is committed to SFPD Department Diversity Goal listed in the Department's Racial Equity & Inclusion Action Plan (REAP), which states the following:

*"San Francisco Police Department's overall goal on diverse and equitable leadership is to create an inclusive and diverse organization where diverse members have equal access to advance to leadership positions throughout the Department"*



## Collaborative Reform Completion Memorandum

SFPD has carefully considered adding community members and/or outside observers to the promotional panel. A draft Unit Order (attachment #3) was also prepared in an effort to consider adding outside members to the promotional panel. After careful consideration and several scheduled meetings (attachment #4) with SFPD Leadership, a Chief's Directive Memorandum was issued to address this (attachment#5), which states the following:

*"To help promote the SFPD's goal of an inclusive and diverse organization where all members have equal access to advance through promotion, it is important to have a panel with diverse backgrounds, experiences, and expertise to assist the Chief of Police in the selection of candidates for promotion from promotional list. This has been and remains a high priority of the San Francisco Police Department as part of the Department's current and future vision. The promotional panel is comprised of those serving on the Department's command staff, including the Assistant Chiefs and Deputy Chiefs. The final promotional authority stands with the Chief of Police. The SFPD Human Resources Director is also participates as a member of this panel.*

*The Department's command staff is composed of members with a diverse range of expertise and experiences within the Department and backgrounds. As such, it ensures a robust and fair evaluation of those candidates under consideration for promotion consistent with the Department's needs. While input from the community and outside observers is valuable to the Department, that input is better served in other aspects of department operations.*

*In regard to the ever-developing profession of law enforcement, the extensive experience of executive level law enforcement professionals cannot be understated. At this time, the department has considered adding community members and/or outside observers to the promotional panel. After careful considerations, the department will continue with the panel's current composition."*

On 03/01/2021, Members of the SFPD PSPP Unit conducted a technical guidance call with Hillard Heintze and CAL DOJ regarding this recommendation and following suggestions were provided:

*"Hillard Heintze thought that SFPD did a good job overall on this recommendation package but did have some feedback. First, SFPD should wait to submit this package until after the Unit Order referenced in Compliance Measure 2 has been signed.*

*SFPD references an email from DHR to show that diverse panels are used for promotional testing. Hillard Heintze advised that DHR has records/information that support the statements made in the email and it could provide them to SFPD to support this Recommendation*



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package. SFPD should ask for those records and if DHR does not provide them, SFPD could state this in the Form 2001.

*For Compliance Measure 3, Hillard Heintze observed that there is a low number of women on the panels. If this is a persistent issue for SFPD, Hillard Heintze advised acknowledge it in the narrative under Compliance Measure 4."*

Prior to the submission, SFPD consulted with the San Francisco City Attorney's Office regarding this recommendation.

### **Compliance Measures:**

#### **1) Evidence of a plan that ensure diverse panels for promotional testing.**

The City & County of San Francisco (CCSF) Department of Human Resources (DHR) is responsible for the San Francisco Police Department's promotional testing process. The DHR manager, \_\_\_\_\_ has provided their best practices/plan to ensure that at each step a representative sample of opinions is present and heard. \_\_\_\_\_ identified the three stages at which diversity is important via an email (attachment #1).

1. During the job analysis, DHR makes every effort to have a diverse sample at each step in the process including the initial panel discussion about characteristics of the job, rating of tasks, knowledge areas, and abilities, and linking tasks to knowledge areas/ abilities.
2. The subject matter experts who comprise the committee that assists with exam development must come from diverse backgrounds including race, sex, work location, etc.
3. The subject matter experts who comprise the rating teams must come from diverse backgrounds including race and sex.

Also included in the email (attachment #1), DHR adheres to the following:

*"Job Analysis [Uniform Guidelines on Employee Selection Procedures, 1978]*

#### **(4) Representativeness of the sample.**

*Whether the study is predictive or concurrent, the sample subjects should insofar as feasible be representative of the candidates normally available in the relevant labor market for the job or group of jobs in question, and should insofar as feasible include the races, sexes, and ethnic groups normally available in the relevant job market. In determining the representativeness of the sample in a concurrent validity study, the user should take into account the extent to which the specific knowledges or skills which are the primary focus of the test are those which employees learn on the job.*



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Assessors [The Guidelines and Ethical Considerations for Assessment Center Operations, 2015]

*6. Assessors. Multiple assessors must be used to observe and evaluate each assessee. When selecting assessors, where appropriate, the assessment center program must strive to have diverse assessors in terms of both demographics (e.g., race, ethnicity, age, sex) and experience (e.g., organizational level, functional work area, managers, psychologists, etc.). The maximum ratio of assessees to assessors is a function of several variables, including the type of exercises used, the behavioral constructs to be evaluated, the roles of the assessors, the type of data integration carried out, the amount of assessor training conducted, the experience of the assessors, and the purpose of the assessment center. The ratio of assessees to assessors should be minimized where practicable in the interests of reducing cognitive load, and for group simulation exercises, the number of assessees an assessor must assess simultaneously should be kept to a minimum. To minimize potential bias, an assessee's current supervisor should not be involved in the assessment of a direct subordinate when the resulting data will be used for selection or promotional purposes."*

The SFPD also takes these factors into consideration as best practices during the selection process of SMEs for the development of the promotional exams. The diversity and demographic data (attachment #6) for the past SMEs is also attached to show that SFPD has provided diverse SME panels for development of promotional exams. It should be noted that SFPD only selects the panel which assist in the development of the promotional exams.

Upon DHR's request to the Department for a list of subject matter experts (SME's) for a promotional examination, the Department shall follow procedures listed on Unit Order 21-02 "Selection of Subject Matter Experts (SME's) for Promotional Testing." (attachment #2)

The purpose of this Unit Order is to ensure (SME's) selected for the promotional testing development process consist of members from a wide array and diverse section of the Department. The Unit Order states the following:

1. The Commanding Officer of the Staff Services Division or designee will coordinate with the Command Staff to identify a diverse pool of members who represent the expertise (operations, investigations, special operations, etc...), experience, abilities, skills, and knowledge of the job under review.
2. The Command Staff through the Deputy Chief of Administration will make the final selection of the subject matter experts who comprise the committee to assist the Department of Human Resources with its job analysis and exam development.
3. Once the SME's are identified, the Commanding Officer of Staff Services or designee will issue a Department Notice notifying all members of the identified SME's.





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The DN shall also state that these individuals are not available to guide, mentor, tutor, or in any way direct candidates in their preparation for the specified exam. Members shall not approach these individuals with questions regarding any aspect of exam preparation with respect to the examination.

### **2) Evidence of internal review of the placement of community members and/or outside observers to the promotional panel.**

A draft Unit Order (attachment #3) was also prepared in an effort to consider adding outside members to the promotional panel. After careful consideration and several scheduled meetings (attachment #4) with SFPD Leadership, a Chief's Directive Memorandum was issued to address this (attachment#5), which states the following:

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Prior to the submission, SFPD consulted with the San Francisco City Attorney's Office regarding this recommendation.



## Collaborative Reform Completion Memorandum

- 3) **Implementation of Compliance Measures 91.3.1 and 91.3.2 in a manner that ensures diversity in the promotional panel.**

**Compliance Measure 91.3.1** - SFPD and CCSF DHR has implemented their best practices/plan for ensuring diverse panels (SME's and raters) for promotional testing. Although Unit Order 21-02 has been recently issued to codify the department practices, the Department adhered to these procedures in the past when selecting SMEs to assist in the promotional exams. Evidence of the SMEs selected by the Department can be found on DB #19-190, DN #20-005, and DN #20-031. [REDACTED]

[REDACTED]

[REDACTED]

