



## Recommendation 26.2

Tanya Koshy [Redacted]

Mon 12/14/2020 12:25 PM

To: McGuire, Catherine (POL) [Redacted] Scott, William (POL) [Redacted]  
[Redacted]  
[Redacted] Altorfer, Eric (POL)  
[Redacted]  
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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 26.2 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 26.2:

The SFPD should more clearly describe its anti-bias policies and practices for reporting police misconduct and its commitment to ensuring that policies in San Francisco will be bias-free.

### Response to 26.2:

SFPD has clearly communicated its anti-bias policies and practices for reporting police misconduct through various avenues. First, it launched a new website in 2019, which includes a page dedicated to discussing "Bias-Free Policing." On that page, SFPD provides the public with links to 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). SFPD includes other information on this page, including links to (1) reports on audits of SFPD personnel's electronic communication devices for biased-based words, (2) SFPD's Administrative Code Sec. 96A reports on stop data, and (3) the webpage to file a complaint against an officer.

Second, SFPD revised its Certificates of Release, officer business cards, and Reportee Follow Up Forms so that they include information on how to commend or complain about an officer.

Finally, SFPD's Media Relations Unit (MRU) runs an outreach campaign on a quarterly basis to disseminate information to the public (in English, Spanish, and Chinese) on how to file a complaint against an officer. The MRU disseminates this information on social media platforms, including Facebook, as well as to captains for distribution at their district stations. Though not related to substantial compliance, Cal DOJ observed that, for the past three quarters, the MRU has noted in its Quarterly Social Media and Web Posting Check List concerning the quarterly campaign that SFPD's Youth Know Your Rights brochure is "out of date" and was thus not posted publicly. Cal DOJ asked SFPD about the status of any update on the brochure and was advised by the Chief's Special Assistant that the Department is actively working on updating this brochure and is seeking input from at least 100 young people from feedback sessions. SFPD noted that because of COVID-19 restrictions that have shut down school and youth programs, it has not met its goal of obtaining the feedback of at least 100 young people. SFPD is coordinating with high schools to facilitate workshops through Zoom and anticipates finalizing the updated brochure in January.

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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<b>Finding # 26</b>	<b>There is limited community input on the SFPD's actions regarding its anti-bias policies and practices.</b>
<b>Recommendation # 26.2</b>	The SFPD should more clearly describe its anti-bias policies and practices for reporting police misconduct and its commitment to ensuring that policing in San Francisco will be bias-free.

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

**Summary**

The San Francisco Police Department has made a commitment to bias-free policing. Working with community partners the department promulgated policy and instituted practices directly targeting bias: Department General Order DGO 5.17 Bias Free Policing; and Department General Order 11.07 Prohibiting Discrimination, Harassment, and Retaliation. The policies and other information emphasizing the department's commitment are posted to the department's web page and is available also at district stations.

Ensuring bias complaints are investigated properly is another way in which the department demonstrates its commitment to bias-free policing. Department General Order 2.04 Complaints Against Police Officers, and Media Relations Unit Order 16-01 Procedures for Filing a Complaint describe the process for filing a complaint against an officer. Information explaining how to commend or file a complaint against an officer is posted to the department's webpage. Additional evidence of the department's commitment to bias-free policing is found in Internal Affairs Unit Order 17-02 Internal Affairs Division Case Management and Prioritization Procedure, which provides that complaints of bias will be investigated on a priority basis.

The department's work in completing this recommendation is sufficient to be designated as Complete, however, the team will continue to monitor this area to ensure these practices are institutionalized.

Compliance Measures		Status/Measure Met
<b>1</b>	Clear communication of anti-bias policies and practices for reporting police misconduct.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>2</b>	Clear communication of commitment to anti-bias policing in San Francisco.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>3</b>	Evidence of sufficient dissemination of policies and practices directed at ensuring a bias-free policing commitment.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**





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**Finding # 26:** There is limited community input on the SFPD's actions regarding its anti-bias policies and practices.

**Recommendation # 26.2** The SFPD should more clearly describe its anti-bias policies and practices for reporting police misconduct and its commitment to ensuring that policies in San Francisco will be bias free.

**Response Date: 09/04/2020**

### Executive Summary:

A core principle of the SFPD is its unwavering commitment to treat all individuals with dignity, fairness, and respect. It is imperative that each member of the SFPD carry out their duties in a manner reflecting these values. If a member fails to carry out their duties in such a manner, it is equally imperative that they be disciplined or counseled appropriately for their lapse. The public should be made aware of how to make a complaint or commend officers, and be assured that any complaint made has a meaningful outcome.

As part of the SFPD's enduring commitment to engage in bias-free policing, it has implemented a public education campaign regarding the policies and procedures for reporting incidents of biased policing. The campaign also seeks to educate the community on the SFPD's ongoing anti-bias initiatives focused on educating its members and eliminating implicit and explicit bias within its ranks.

In addition to its social media campaigns, the SFPD has written and implemented unit orders to ensure information sharing, revised existing Department General Orders (DGOs), created new DGOs, updated its forms, re-worked the complaint process, and produced fliers describing the complaint and commendation process in several languages, and created a webpage specifically to address its commitment to bias-free policing.

### **Compliance Measures:**

#### **1) Clear communication of anti-bias policies and practices for reporting police misconduct.**

**A)** The department began implementing an outreach and public information campaign in December of 2016 through the Media relations Unit (MRU). (see Attachment #1: MRU Unit Order 16-01, Public Information: Procedures for Filing Complaints of Misconduct). The Unit Order requires that:

- i. On a quarterly basis, the MRU disseminates information to the public in English, Spanish, and Chinese regarding how to file a complaint of misconduct against officers, and what efforts the SFPD is using to combat biased policing within its ranks on SFPD's Twitter and Facebook. (see Attachment #2: screenshots of the infographics used quarterly on Twitter and Facebook, Attachment #3: Quarterly Social Media and Web Posting Unit Order #16-01 New Form and Check Lists for 2020)





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- ii. The URL provided in the social media campaign directs users to SFPD's Bias-Free Policing web page. This webpage provides the public with a more 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. (see Attachment #4: "Bias-Free Policing" webpage screenshots)
- iii. The MRU provides the information in the annual report and the information on its website to District Station Captains for use in their outreach campaigns (e.g. newsletters, community meetings, etc.) (see Attachment #5: emails to captains)
- iv. On a quarterly basis, the MRU's Director of Strategic Communications and the social media manager monitor the public's response to the information that has been disseminated. They determine if changes or updates to the material are needed. (see Attachment #6: dates of meetings with attached minutes)

**B)** In 2017, MRU created the "San Francisco's Finest" campaign on social media. The campaign was designed to inform the public about SFPD's efforts to increase transparency and accountability for biased based policing and foster more familiarity and trust with the community. The campaign directed community members to websites where they could learn about the SFPD's work on addressing bias or file a commendation or complaint about an officer. This campaign ran until the SFPD launched its new website. When the SFPD launched its new website in 2019, it transitioned to a new informational platform, discontinuing the "San Francisco's Finest" campaign. (see Attachment #7: "San Francisco's Finest" social media announcement)

**C)** In 2019, the SFPD launched its new website, which included a new "Bias-Free Policing" webpage that replaced the "San Francisco's Finest" campaign. The "Bias-Free Policing" campaign material re-affirms the SFPD's commitment to bias-free policing and provides information in English, Spanish, and Chinese regarding how to make a complaint of misconduct, commend an officer, and the SFPD's efforts to combat bias and provide the best service possible to the community. The website includes information on SFPD policies and training regarding bias, audits for biased word usage on SFPD electronic devices, investigations into bias-based misconduct, recruitment and hiring, and data collection and analysis.

In the process of re-designing the website, the SFPD Internet Technology (IT) team worked with a community stakeholder group to determine the title and structure of the quick link buttons that expedite user access to important topics, including the "Bias-Free Policing" webpage.





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Each District Station provides pamphlets for the public regarding Bias-Free Policing prominently displayed in the front lobby. The pamphlets contain the URL for the "Bias-Free Policing" web page.

(See Attachment #8: Photos of pamphlets on display in the lobby of Southern Station as of 09/01/2020, See again Attachments #2 screenshots of the infographics used quarterly on Twitter and Facebook and #4: "Bias-Free Policing" webpage screenshots)

**D)** In order to further ensure that members of the public, especially those who have just had contact with the police, are aware of the resources available to either commend or file a complaint against an officer, the SFPD updated several of its forms to include this information.

In August of 2020, the following forms were changed to provide information to the public about how to commend or complain about an officer:

- SFPD 849(b) PC Certificate of Release (Form 184)
- SFPD Reportee Follow Up Form (Form 105)
- SFPD Business Cards

All of the above forms were updated to include the URL to the SFPD webpage which directs the public on how to either commend or complain about an officer.

(See: Attachment #9: updated SFPD Form 184, Attachment #10: Department Notice 20-126 Department Issued Business Cards and Reportee Follow-Up Form, Attachment #11: Example of Department business card and screenshots of how to use the link to file a commendation or complaint)

**E)** In keeping with its commitment to bias-free policing SFPD Department General Orders (DGOs) 2.04, 5.17, and 11.07 have been updated and DGO 5.22 was created to include language that clearly codifies SFPD's commitment to protect both the public and its members from biased conduct. The updated DGOs are posted on the SFPD website for the public to access and view at their pleasure. (see Attachment #12: 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 3.04 ensures that whenever a DGO is going to be created or amended, part of the process for drafting it involves reviewing the recommendations of community stakeholders so that members of the public have input into SFPD policy. (see Attachment #13: DGO 3.01 Written Communication System)

The public has one further chance to comment on the content of a DGO before it 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 #14: screenshots of Police Commission website with agenda dates)





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On 05/15/2019 Department General Order (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. It clarifies which cases shall be investigated by Department of Police Accountability (DPA) and which cases are the province of the Internal Affairs Division (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 police 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 #15: 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 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.

In the DGO, 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 #16: DGO 5.17 Bias Free Policing, see Attachment #17 Letter from Cal DOJ to Chief Scott regarding progress on reforms, page 4)

The SFPD builds on its commitment to serve all members of the community without bias with DGO 5.22 Interacting with Transgender, Gender-Variant, and Nonbinary Individuals, which was created on 10/03/2018. The group which created the DGO was a collaboration between the San Francisco Office of Transgender Initiatives and a working group from the SFPD which was comprised of both TGN identifying and non-TGN identifying officers. In the DGO, the SFPD explicitly states that it is the policy of the





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SFPD to treat all people in a respectful, professional, and reasonable manner and condemns discrimination or harassment based on actual or perceived gender, gender identity, or gender expression. The order gives officers a guide of how to interact with Transgender, Gender-Variant, or Nonbinary (TGN) people in the most respectful manner possible. The DGO provides examples of best practices as well as examples of what not to do. It also provides guidance on how to conduct investigative stops, detentions, arrests, and searches of TGN individuals in the most respectful way possible while also maintaining officer safety.

(see Attachment #18: DGO 5.22 Interacting with Transgender, Gender-Variant, and Nonbinary Individuals)

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 explicitly forbids any retaliation against an employee who files such a complaint.

(see Attachment #19: DGO 11.07 Prohibiting Discrimination, Harassment, and Retaliation)

### **2) Clear communication of commitment to anti-bias policing in San Francisco.**

The SFPD's commitment to policing without bias is clear and unequivocal. As described above, the SFPD has taken many steps to make its dedication to the mission of policing without bias public and definite.

By redesigning its website in 2019, the SFPD made it easier for the public to access its anti-bias policies as well as its procedures for reporting police misconduct. In addition to updating the website, the SFPD has ensured that the public is aware of the increased access to information by disseminating information about the website and the SFPD's anti-bias practices and policies on a quarterly basis in accordance with MRU Unit Order 16-01. (see Attachment #1: MRU Unit Order 16-01, Public Information: Procedures for Filing Complaints of Misconduct, Attachment #2: screenshots of the infographics used quarterly on Twitter and Facebook)





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The SFPD has additionally committed itself to creating and implementing anti-bias policies through its updates of DGOs 5.17 and 11.07 as well as its creation of DGO 5.22. In updating its policies, the SFPD relied on source material deemed by the Cal DOJ to be consistent with state and federal law as well as contemporary policing best practices, including the Racial and Identity Profiling Act of 2015 and the Racial and Identity Profiling Advisory (RIPA) Board Annual Report from 2019, along with many other relevant materials. The SFPD also relied on community input from working groups and outside organizations, such as the Bias Working Group, and the Office of Transgender Initiatives. (see Attachment #20: AB 953 – Racial and Identity Profiling Act of 2015, Attachment #21: RIPA Board Annual Report from 2019)

The SFPD distinguished itself by being the first department in the state to define and caution against “bias by proxy” in its anti-bias policies.

In addition to its other efforts to promote bias-free policing in San Francisco, the SFPD also expressed its commitment to addressing bias in policing through IAD Unit Order 17-02 Internal Affairs Division Case Assignment and Prioritization Procedure. This unit order directs the Officer in Charge of IAD that “cases involving gross misconduct and/or bias shall be given special consideration and resources” when the OIC is making decisions about which cases to prioritize. Bias-based complaints are taken very seriously by IAD and it is a priority of the SFPD that they be addressed promptly and with all necessary resources. (see Attachment #22: IAD Unit Order 17-02 Internal Affairs Division Case Assignment and Prioritization Procedure)

The SFPD has an unwavering commitment to eliminating explicit and implicit bias in its policing, and continues to improve its policies and procedures through community engagement and keeping abreast of best practices and the latest research.

### **3) Evidence of sufficient dissemination of policies and practices directed at ensuring a bias-free policing commitment.**

The SFPD strives not only to have the best possible policies and procedures in place to combat biased policing, but also to educate the public about its efforts and resources available to them. In an effort to reach the largest number of community members possible, the SFPD has updated its website, implemented a social media campaign, provided the public with paper pamphlets in several languages, and provides anti-bias information to District Station Captains for their newsletters.

A mainstay of the effort to educate the public about our anti-bias policies is the implementation of MRU Unit Order 16-01 as explained above. A member of the public can scroll through the SFPD Twitter or Facebook feed to discover links to the SFPD anti-bias campaign, “Not on My Watch” pledge, whistleblower program, and how to commend or complain about an officer. These materials are disseminated quarterly, and the responses to their distribution are recorded and discussed quarterly by the MRU to





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ensure the information is as current and effective as possible. The MRU also provides this information to District Station Captains for use in their newsletters and other communications with members of the public in their districts. The material is accessible in English, Spanish, and Chinese. (See Attachment #2: screenshots of the infographics used quarterly on Twitter and Facebook)

The URLs provided in the information distributed by the MRU lead directly to the SFPD's "Bias-Free Policing" webpage. The webpage itself provides information in English, Spanish, and Chinese regarding how to make a complaint of misconduct, commend an officer, and the SFPD's efforts to combat bias and provide the best service possible to the community. The website includes information on SFPD policies and training regarding bias, audits for biased word usage on SFPD electronic devices, investigations into bias-based misconduct, recruitment and hiring, and data collection and analysis. (see Attachment #4: Bias-Free policing webpage screenshots)

For members of the public who do not prefer social media, pamphlets with the same information are displayed prominently at the front desk of each District Station. The pamphlets are available in English, Chinese, and Spanish and are free for the public to take. The URL provided at the bottom of the pamphlets leads to the "Bias-Free Policing" webpage. (see Attachment #8: Photos of pamphlets on display in the lobby of Southern Station as of 09/01/2020)

Also available on the SFPD website are links to SFPD's DGOS and Department Notices and bulletins. (see Attachment #12: screenshots of how to access DGOs on the SFPD website)

If a member of the public comes into contact with the police either through a call for service or other encounter, they may be provided with or can request either a SFPD Form 184, SFPD Form 105, or an officer's business card. All of these forms have been updated to include a URL at the bottom with information on how to either commend and officer or file a complaint.

(See: Attachment #9: updated SFPD Form 184, Attachment #10: Department Notice 20-126 Department Issued Business Cards and Reportee Follow-Up Form, Attachment #11: Example of Department business card and screenshots of how to use the link to file a commendation or complaint)

The SFPD has made a concerted effort to not only update its policies concerning bias and procedures for filing a complaint against an officer. It has used all available means to disseminate the information and educate the public regarding its anti-bias policies and procedures.