

From: [Gabriel Martinez](#)
To: [REDACTED]; [McGuire, Catherine \(POL\)](#); [Scott, William \(POL\)](#); [REDACTED];
[Altorfer, Eric \(POL\)](#); [REDACTED];
Subject: Recommendation 29.1
Date: Tuesday, September 14, 2021 12:47:46 PM

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 29.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD establishing protocols to investigate bias that are not solely reliant on witness statements. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 29.1: The SFPD and DPA should establish shared protocols for investigating bias that do not rely solely on witness statements, given that bias incidents are often reported as one-on-one occurrences.

Response to 29.1: Both the Department of Police Accountability (DPA) and SFPD have roles in investigating allegations of bias. DPA has jurisdiction over on-duty complaints of officer misconduct from the public, including complaints of bias. SFPD's Internal Affairs Division (IAD) has jurisdiction over allegations of off-duty misconduct by officers and allegations of on-duty misconduct made by officers, including complaints of bias.

On December 23, 2020, SFPD issued Unit Order 20-07, "Guidelines for Investigations Into Bias Related Complaints." The Unit Order directs SFPD's IAD investigators to review documents, body-worn-camera video, and arrest reports in addition to witness interviews in bias investigations. Additionally, if the complaint alleges an officer's selective enforcement of the law, the Unit Order directs investigators to review other officer enforcement actions during that day. Similarly, the Unit Order directs investigators to review prior Stop Data Collection System data and arrest reports for possible patterns of bias. The Unit Order lists questions for a complainant interview as well as for the subject officer.

The Unit Order contains much of the same information as the DPA Biased Policing Investigation Protocol (published March 22, 2010). Additionally, on August 19, 2020, SFPD issued Unit Order 20-04, "Internal Affairs Division and Department of Police Accountability Trainings and Seminars." Unit Order 20-04 establishes protocols between IAD and DPA to attend each other's trainings.

Additionally, in response to this recommendation, SFPD confirmed that Chief Scott has discussed its protocols related to bias complaints and investigations with DPA Director Henderson during monthly meetings.

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.

Hillard Heintze File Review Recommendation # 29.1

Finding # 29	Allegations of biased policing by community members have not been sustained against an officer in more than three years.
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Recommendation # 29.1	The SFPD and OCC should establish shared protocols for investigating bias that do not rely solely on witness statements, given that bias incidents are often reported as one-on-one occurrences.
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Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

The San Francisco Police Department has determined shared protocols for investigating bias complaints are not necessary at this time, as current department protocols exceed those used by DPA. The department has developed internal protocols that stress the role of the investigator to gather and review all evidence, including witness statements, digital evidence, and other physical evidence when available. Per Unit Order 20-04, SFPD IAD and DPA will attend joint training sessions, and the department did enter into a MOU with DPA regarding investigation of complaints generally.

The department provided evidence of an investigation of a one-to-one bias complaint. Good investigative practices were used, however, the investigation occurred in 2018. The department has developed a checklist identifying steps that should be taken in an investigation, and IAD Unit Order 20-07 Guideline for Investigation of Bias Complaints demonstrates factors other than witness statements will be considered when investigating a bias complaint.

Prospectively the department will continue to monitor contemporary practices to ensure investigators are appropriately educated and trained to conduct thorough investigations, including bias investigations.

Note: prior to sending to CALDOJ, the Department needs to confirm that Chief Scott discusses protocols and other matters during his regular meetings with the Department of Police Accountability leadership and provide written details in the submission package attesting to such.

Compliance Measures	Status/Measure Met
1 SFPD and DPA establish shared protocols for investigating bias.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2 Protocols avoid sole reliance on witness statements.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3 Evidence of investigation of one-on-one complaints.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues



Collaborative Reform Completion Memorandum

Finding # 29: Allegations of biased policing by community members have not been sustained against an officer in more than three years.

Recommendation # 29.1 The SFPD and DPA (OCC) should establish shared protocols for investigating bias that do not rely solely on witness statements, given that bias incidents are often reported as one-on-one occurrences.

Response Date: 12/17/20

Executive Summary:

SFPD Department General Order (DGO) 5.17 revised 08/12/20, states, ***"A guiding principle of the San Francisco Police Department is its commitment to treating all people with dignity, fairness and respect. It is crucial for members to carry out their duties in a manner free from bias and eliminate any perception of policing that appears biased. This order outlines the policy for bias-free policing"*** (See attachment #1: DGO 5.17 Bias-Free Policing Policy)

The San Francisco Police Department is committed to treat all people with dignity, fairness, and respect. It further states that in an effort to prevent perceptions of biased law enforcement, each officer should be courteous and professional.

In many potential bias cases, the only evidence may be the accusation itself. To avoid issues that can arise with a one-on-one incident, additional investigative tools should be utilized.

Bias related complaints/allegations are handled in the same manner as other allegations of officer misconduct. The Department of Police Accountability (DPA) has jurisdiction over on-duty complaints of misconduct from civilians (non-department members). The Internal Affairs Division (IAD) has jurisdiction over allegations of off-duty misconduct by members and allegations of on-duty misconduct made by members. (See Attachment #2: DGO 2.04 Citizen Complaints Against Officers.)

