



Recommendation 38.3

Tanya Koshy [Redacted]

Thu 1/7/2021 3:42 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 38.3 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 38.3:

The SFPD should engage community members in the implementation of the recommendations in this report.

Response to Recommendation 38.3:

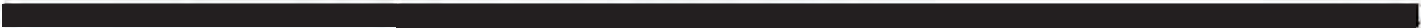
SFPD established five working groups to engage community members in the implementation of the U.S. Department of Justice (USDOJ) recommendations. The five groups correspond with the five strategic areas the USDOJ has identified as requiring reform: Bias, Use of Force, Community Policing, Hiring/Recruitment, and Accountability. The California Department of Justice and Hillard Heintze have observed that some working groups were more successful than others in engaging community members; the California Department of Justice observed several working group meetings and found that some working groups, such as the one on Bias, have regularly engaged the community in revising policy, whereas others have not regularly met to seek the input of community members.

San Francisco acknowledges the uneven success of the working groups that worked on the USDOJ recommendations. Partly in response to this issue, the Chief issued a Directive in 2019 to standardize the working group process. The Chief's Directive notes that the purpose of working groups is to evaluate policies that the Chief and the Police Commission have identified as requiring community input. To that end, the Chief and then Police Commission President Robert Hirsch identified several DGOs that would require community input and designated people serving in certain leadership/management roles within the Department to serve as Executive Sponsors who are required to put together working groups to obtain that input.

The Chief's Directive requires the Executive Sponsor to identify and select stakeholders to participate in the working groups. While the public is permitted to attend any working group meeting, it has no right to public comment, consistent with the City of San Francisco's Administrative Code section. Only the Executive Sponsor is able to add or remove community members.

The Chief's Directive provides guidance on identifying stakeholders and a sample composition of a working group, which would include the following members:

1. A Police Commissioner or commission staff member
2. A member of the Department of Police Accountability
3. A member of SFPD Operations as a subject matter expert



4. A member of SFPD Administration as a subject matter expert
5. Two members from impacted outside partner agencies, community based organizations
6. Three community members.

The Chief advised against having more than ten members in a working group based on research that showed that groups with more than ten members have a "lower sense of individual contribution, increased interpersonal friction and lack of adherence to the overall organization's goals."

To ensure a fair process, the Chief's Directive provides ground rules for communication and transparency. As one example, the Executive Sponsor is required to use a template chart for tracking working group recommendations and SFPD's response to those recommendations. This template provides an organized way for SFPD to keep track of recommendations and holds SFPD accountable for responding to each working group recommendation. The Chief's Directive also requires the Executive Sponsor to hold a final meeting at the conclusion of revising a policy to debrief and to discuss how the Department will continue to engage with the working group members going forward.

SFPD provided examples of emails soliciting community members to be working group members, sign in sheets showing engagement among working group members, and meeting agendas from the Community Policing working group. Additionally, members of the California Department of Justice have regularly observed working group meetings in all five strategic areas and have observed SFPD's efforts to engage the community in implementing the USDOJ recommendations.

Although SFPD has effectively engaged the public in implementing the USDOJ recommendations, the California Department of Justice encourages SFPD to make some modifications to its working group process outlined in the Chief's Directive. First, though the California Department of Justice understands SFPD's interest in keeping the working group membership under ten people, there does not appear to be any mechanism in the Chief's Directive to ensure that the Executive Sponsor is seeking community members and members of affected organizations in a manner that reflects "the wide array of constituencies in San Francisco" as the Chief's Directive requires. SFPD should consider some sort of check to ensure that the Executive Sponsor is seeking input from a number of sources on whom to invite to join any working group; without any such requirement, Executive Sponsors risk drawing from a very narrow pool of potential members—those known to the Executive Sponsors—and overlook other community members who would also be effective participants in the working groups because of their expertise and/or lived experiences. The California Department of Justice encourages SFPD to revisit the Chief's Directive to ensure diversity of working group members.

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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Finding # 38: There is a strong perception among community members that the SFPD is not committed to the principles of procedural justice.

Recommendation # 38.3: The SFPD should engage community members in the implementation of the recommendations in this report.

Response Date: 12/29/20

Executive Summary

In commitment to the Principles of Procedural Justice, the Department reached out to community groups, activist groups, community leaders, and community members with a common goal to bridge the gap between SFPD and the community. The Department's goal is to build lasting relationships and to build trust between SFPD and all of the San Francisco communities. Members of these groups were actively involved in all five DOJ/CRI Executive Sponsor Working Groups (ESWG) meetings. Members of the working groups included: Human Rights Commission, Mission Local, SF Coalition on Homelessness, Wealth & Disparity in the Black Community (Justice 4 Mario Woods), The Healing Circle, Department of Police Accountability, Blue Ribbon Panel, SF Bar Association (SF Bar), University of San Francisco, University of California San Francisco, Community Police Advisory Board, San Francisco Public Defenders Office, City Controller's Office and other Community Members.

Representatives from these groups were active stakeholders for the ESWG's and help to develop policies and procedures that implement the recommendations from this report. Members of the ESWG's participated in smaller project manager working groups, conducted best practices research and attended the ESWG's meetings consistently. They were very instrumental in the development of the Community Policing Strategic Plan, with approximately 100 Community and SFPD members collaborating and contributing to at least one of the fifteen meetings held over a year of development.

Compliance Measures:

1) Evidence that identifies how community members are engaged with implementing report recommendations.

The SFPD formed the Executive Sponsor Working Groups in May of 2017, in response to Department of Justice recommendations. SFPD established several working groups to obtain input from the community throughout the policy development process. Working with the Police Commission, the SFPD ensured that each group comprised representatives from a wide variety of constituencies and advocacy organizations, as well as representation from relevant SFPD units and the Police Commission itself. Each community focus group, known as an Executive Sponsor Working Group (ESWG), is led by an Executive Sponsor who is a member of SFPD Command Staff. The following ESWGs have been established: Bias, Use of Force, Community Policing, Accountability, and Recruitment & Retention. As the policy focus of the groups has changed over time, the composition of the group has similarly evolved. Executive



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Sponsors, Commissioners, community members and advocacy groups have changed due to promotions and reassignments of members.

Using Community Engagement as an example, in May of 2017, a Sergeant and Officer assigned to the community engagement division recruited community members at various faith based organizations, community centers, and activist groups to participate in the numerous ESWGs. The officers would solicit the community member's participation to join a working group and then send an email to formally invite the community member to the working group. The officers would then attend the different working group meetings and make sure they were attended by the invitees. If there was a low attendance observed the officers would then reach out to the executive sponsor of the assigned working group and provide a list of names of community members who wanted to participate in the process to formally invite.

Evidence provided in regards to the category of Community Engagement includes: Email Correspondence between a Community Engagement officer and community members who were invited to participate in the ESWGs and community input (See Attachment #1). ESWG Sign in Sheets-shows the community members who attended meetings and their affiliations as a stakeholder in the process. (See Attachment #2) ESWG Meeting agendas- shows topics of discussion and community input for feedback. (See Attachment #3) Power point presentation - an example that shows community member's involvement with the development of the Department's Community Policing Strategic Plan. (See Attachment #4) Photos- showing community involvement in the brainstorming activities during the development of the Community Policing Strategic Plan. (See Attachment #5)

To show further evidence using the Use of Force category as an example how community members are engaged with implementing report recommendations, including recommendation 16.1: "Working with all stakeholders and community members, the SFPD and the Police Commission should make an informed decision based on expectations, sentiment, and information from top experts in the country."

Commander Walsh initiated an ESWG internal working group. This group, in conjunction with the Police Commission Office facilitated a Stakeholder working group. Police Commissioner Sonia Malera convened this Stakeholder group and led this group for this recommendation. The Stakeholder group met numerous times. The Stakeholder group discussed, analyzed and reviewed numerous documents and voluminous amounts of material, individually and as within the working group, in order to express input on the following topics: Department Policy for Electronic Controlled Weapons, review of weapon use, Outside Agency Policies and best practices, Documented Electronic Controlled Weapon Studies, and other submitted literature and opinion articles by Stakeholder participants and members of the public.

The Department participated in Police Commission meetings "Community Input Sessions" as well as a meeting with the "Alive and Free" Leadership Studies students. The public meetings



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were facilitated by the Human Rights Commission. The Human Rights Commission then collected the information from the Community Input Sessions and forwarded the information to the Police Commission and Police Department. The Police Department along with numerous Stakeholder group members submitted research documentation and materials to the Police Commission Office for public posting. This was done in an expeditious manner in order that the Stakeholder groups information was immediately available to the public for viewing

To further the Department's commitment to use community involvement within the recommendation process, On December 27, 2019 Chief William Scott issued a Memorandum to the Command Staff of the San Francisco Police Department titled: Chief's Directive DGO Working Groups (See Attachment #6). The key component of this directive is a process of feedback by working group members with documented outcomes of this input.

The ESWG on Bias developed their own processes in light of the Chief's Directive, which have recently been implemented. Input from the working group was ongoing with discussion in the monthly meeting, email and calls with the Executive Sponsor or Commission Staff. Members provided documents prior to a meeting. The information was reviewed and provided if it was relevant to the meeting's agenda. Due to the positive working relationships within the group, members were not stopped from speaking about information that may not have been within the agenda. That being said, a timeline was closely adhered to and agreed upon by all members in the group. When the group reached an impasse, the Executive Sponsor would meet with Chief Scott, the Commissioners assigned to the group, and Commission staff to resolve the issue. In one of these situations, Chief Scott suggested the creation of a survey to evaluate sworn and non-sworn impressions and expertise on policy language that was being proposed. The outcome of this survey helped guide Chief Scott's final decision. The Executive Sponsor then presented the Chief's decision with an explanation of his decision. This follow-up and presentation was positive for the group and well received. The collaboration among the SFPD, Police Commissioners, and community representatives demonstrates a positive approach to the review and development of SFPD anti-bias policies and procedures. The development and updating of SFPD policy relied on input and guidance from the Executive Sponsor Working Groups, which created an ongoing improvement loop that serves as a model for future policy development in the SFPD.

As the process evolved from recommendations to Department General Orders. SFPD established several processes to continuously evaluate group progress, and to ensure meaningful input for SFPD policy development and review. First, Chief Scott and then-Commission President Robert Hirsch examined all DGOs and agreed to a list of those that would require community input in the form of working groups. This list of DGOs has been embedded in the SFPD's DGO Matrix Schedule to ensure that working group input is obtained prior to the DGO entering internal concurrence. Second, the Department issued a Chief's Directive providing guidance for effective and efficient working group meetings. The Chief's



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Directive, assigns Executive Sponsors to each of the working groups. In addition, it provides guidance for selecting working group members, facilitating productive proceedings, and formally recording the input provided by each working group. This last capability entails the use of "recommendation grids," which formalize and systematize group feedback while also providing a process for the SFPD to respond to the group and explain why certain recommendations will not be included in the final work product.

In summary, each ESWG first provides distinct policy recommendations and submits them to the SFPD. Next, the department provides a formal response, for which three outcomes are possible:

1. Recommendation included in draft
2. Recommendation not included in draft (explanation required)
3. Requires analysis.

As an example, if a recommendation conflicts with law enforcement industry standards or best practices, internal SMEs may need more time to review to determine how best to implement the recommendation. This may not be resolved during the working group process. Depending on the level of analysis required or the need for internal review, recommendations are then classified as "open" or "closed." Once a recommendation has been closed, the recommendation will not be revisited unless there has been a change in local or state law that warrants a review. The SFPD Written Directives Unit, working in concert with each Executive Sponsor, facilitates the exchange of views via the above "recommendation grid" and updates a group's template following each working group meeting. Upon the completion of the working group review and update of the DGO, the Executive Sponsor or designee sends the final recommendation list to the SFPD Written Directives Unit to include in a group or DGO historical file, as appropriate. This system allows for a continual evaluation of the impact each group has on the policymaking process, while also providing a record for historical audits.

San Francisco Police Department Notice 20-021 Chief's February 2020 Video, Chief Scott discussed at the 1 minute 40 second mark the Collaborative Reform initiative. The Chief invited Department members to recruit any members of the public who want to participate in a various working groups for the update of Department General Orders. (See Attachment #7)

Hillard Heintze requested in the file review process, "Consider web or social media message advising community that workgroups are ongoing and inviting their participation." To show evidence of this process, Commander Fong spoke with [REDACTED] the Special Assistant to the Chief of Police. [REDACTED] stated that due to COVID-19 and the resignation Director of Media Relations (Director [REDACTED]), the process slowed. In an attached email (Attachment #8) dated to November 19, 2020 [REDACTED] and the new director of media relations discussed the roadmap forward to address this issue.



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The email states: "Following up on the brief discussion we had yesterday about the comms plan for working group invitations.

In January of this year, [REDACTED] and I had discussed and planned a few steps relating to internal and external messaging inviting community members to participate in DGO update working groups.

Here are the steps we initially came up with:

- 1.) Internal messaging to let members know that they should refer community members to us (Chief's Feb message <https://powerdms.com/docs/1682231> and attached)
- 2.) Monthly Captain's newsletter: draft messaging for station Captains to use as an invitation to community members to participate in working groups.
- 3.) Invite community members through our social media pages.
- 4.) Community meetings and info sessions with sign-up sheets.
- 5.) Build a database (excel spreadsheet) list of community members and their topic/interest
- 6.) Draft a standard invitation for Executive Sponsors to use when inviting the community members (in the database) to specific working groups."

We implemented step 1 in February of this year, but COVID hit in March (we stopped all in person community outreach as we were avoiding community spread) and then [REDACTED] left in early May.

Now that we are updating the working group protocols and the Chief's Directive, I am hopeful that we can pick up where we left off or revise this plan and include a short description in the working group directive.

The goal is to issue the updated directive to all members in January 2021."

2) Establish an audit or review loop to ensure that the recommendations are being implemented with community input.

The San Francisco Police Department Community Policing Strategic Plan Goal 3: Problem Solving states "Increase Safety through collaborative working partnerships between SFPD, community members, and organizations to identify and address local topics of concern."

To further the Department's commitment to implement recommendations with community input, on December 27, 2019 Chief William Scott issued a Memorandum to the Command Staff of the San Francisco Police Department titled: Chief's Directive DGO Working Groups. The key component of this directive is a process of feedback by working group members with



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documented outcomes of this input. The process documents in this memorandum states “The work plan acts as a guidepost that facilitates common expectations and a productive workflow across the group’s work cycle. In addition to setting expectations at the first meeting, the work plan should include a repeatable process that allows the group to systematically engage with sections of the DGO, broken into chunks digestible in an individual meeting. A tracking system for recommendations and responses should be implemented, as should a continual review process that keeps all working group members on the same page while also moving the group forward to new tasks. Executive sponsors should establish and communicate a transparent process for the incorporation of feedback throughout the group’s proceedings. At the final meeting, sponsors should provide information on how the department will implement recommendations, how it will track the success of implementation efforts, and how it will continue to engage with and incorporate feedback from the community moving forward.

Once a recommendation has been closed, the working group must collectively agree to not revisit unless there has been a change in local or state law that warrants a review. The SFPD Executive Sponsor should partner with the Written Directives Unit in the Strategic Management Bureau and provide an updated response template after each working group meeting. In the event external input is provided outside of the working group process to Command Staff members who are not the Executive Sponsor, this input should be discussed with the assigned Executive Sponsor. After the working group sunsets, the Executive Sponsor or coordinator will send the final recommendation list to Written Directives to be included in a group or DGO historical file, as appropriate.

The Final Meeting: In addition to reviewing the group’s work, Executive Sponsors should brief the group on the department’s plans to continually engage with community members on the topic as well as procedures for how the department will incorporate feedback in the future. The sponsor may encourage the group to reflect on what worked and what did not in order to identify future best practices or opportunities for improvement.”

As further evidence during the ESWG meetings, DOJ recommendations were presented to the ESWG participants by the Program Managers. After the presentation, there was an open discussion. This is where the community stakeholders would weigh in with input, suggestions, and offer the information they may have gathered from best practice research. These suggestion and comments were reviewed by the Executive Sponsors and incorporated into creating policies and procedures. For example: As a review loop, the Community Policing Executive Sponsor provided copies of all the meeting notes to the ESWG members. Time was allotted during the ESWG meetings to discuss with the group the suggestions and input from the community that was incorporated in the policy or procedure in response to the recommendation. The Executive Sponsor would go through each of the recommendations and highlight the suggestions that were incorporated and explain if necessary why a suggestion may or may not have been incorporated. Attached are meeting notes which show topics of discussion and community input. (See Attachment #9).



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Communication and updates for active working groups are important for participants to know that their work and input makes a difference. Updates and inclusion during in person meetings or communications keep ESWG invested in the process even after the group end.

The ESWG's have concluded for the for the implementation of the recommendations of this report. The San Francisco Police Department Executive Sponsor Working Groups did lack unevenness when first instituted. The working groups did not have a standardized format to follow but achieved great progress working internally and individually. The different processes merged together and Chief Scott authored his directive on working groups to help the Department have a consistent roadmap on involvement/work format to use when meeting/setting up future ESWG's. The review and improvement loop created the Chief's Directive in which is now used for the ESWG's Department General Order updates.

PRESCREEN CALL #1: a prescreen call with Hillard Heintze and California Department of Justice was conducted to discuss Recommendation 38.3:

- 1. Recommendation 38.3:** The SFPD should engage community members in the implementation of the recommendations in this report.

“Cal DOJ and Hillard Heintze generally thought that this recommendation package looked good but noted, from their perspective, that the Executive Sponsor Working Groups engage community members in an uneven manner. As noted in the Cal DOJ letter supporting the Phase 2 report, some ESWGs (like Bias) more actively engage the community than others. SFPD noted that it is aware of that some ESWGs are more active and engage the community more meaningfully and, to that end, the Chief put together a Directive on ESWGs and community engagement. SFPD will provide more information on how, since that Chief's Directive was issued and based on Cal DOJ and Hillard Heintze's input, the ESWGs on the five strategic areas have improved their practices around community engagement.”

Response:

Added language to Compliance Measure #2- the ESWG's have concluded for the implementation of the recommendations of this report. The San Francisco Police Department Executive Sponsor Working Groups did face unevenness when first instituted. The working groups did not have a standardized format to follow but achieved great progress working individually and internally. The different processes merged together and Chief Scott authored his directive on working groups to help the Department have a consistent roadmap on involvement/work format to use when meeting/setting up future ESWG's. The review and improvement loop created the Chief's Directive in which is now used for the ESWG's Department General Order updates.



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PRESCREEN CALL #2-

On 12/21/2020, a prescreen call with Hillard Heintze and California Department of Justice was conducted to further discuss Recommendation 38.3:

“Cal DOJ thought that the inclusion of the Chief’s Directive on the future of working groups was responsive and demonstrates that the Department has taken advantage of its experience with working groups under CRI. Cal DOJ recommended adding any additional details regarding the rollout of SFPD’s plans for the working groups under the Directive. Cal DOJ also recommended removing the section on the Community Ambassador program, which is good work but not relevant to this recommendation. Hillard Heintze recommended adding that the Chief recently attended a bias working group meeting to communicate about changes proposed by the working group to a General Order. This is laudable, and SFPD’s Directive on giving that kind of feedback is worth emphasizing.”

Response:

The Chief’s Memorandum (Attachment 6) makes mention of processes for working groups still active, and for ESWGs in the future, including communication and feedback.

“In addition to reviewing the group's work, Executive Sponsors should brief the group on the department's plans to continually engage with community members on the topic as well as procedures for how the department will incorporate feedback in the future. The sponsor may encourage the group to reflect on what worked and what did not in order to identify future best practices or opportunities for improvement. The Executive Sponsor should ask the working group how they would like to be notified of post concurrence DGO status or post-Police Commission review.”

For example, the Community Policing and Bias Working Groups are still active and productive-

Chief Scott recently met with the Bias Working Group on 12-14-2020 via webex, and was able to address reform recommendations and their status. The chief was able to explain to the ESWG why some recommendations were accepted and some were not. Through the process of collaborative evolution and evaluation of policy, ESWG members are communicated with and updated. See Attachment #10- Bias working Group Meeting Agenda and Meeting Notes.

Cal DOJ noted that the Community Ambassador Program wasn’t a working group that implements recommendations and the section from the file should be taken out. Language and corresponding attachment was removed.