

Fw: Recommendation 75.2

[REDACTED]

---

[REDACTED]

This communication, along with any attachments, is covered by federal and state laws governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this communication in error please reply immediately to the sender and/or delete this message.

---

From: Tanya Koshy [REDACTED]  
Sent: Wednesday, January 29, 2020 5:09 PM  
To: [REDACTED] McGuire, Catherine (POL); Scott, William (POL); D [REDACTED]  
[REDACTED]  
[REDACTED]  
Subject: Recommendation 75.2

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Captain Bailey:  
Cal DOJ has completed its review of the Recommendation 75.2 package that SFPD submitted as part of the collaborative reform process. Recommendation 75.2 is that the Written Directives Unit (WDU) should be tasked to work with subject matter experts from DPA and the Police Commission to ensure policies are adopted in a timely manner and appropriately

20-65

updated.

After reviewing the package and information provided by SFPD, Cal DOJ finds as follows: Response to 75.2 package: Based on the below information, Cal DOJ finds that SFPD is **substantially compliant** with this Recommendation. The compliance measure for this Recommendation asks SFPD to task the WDU with supporting the recommendations in Findings 70 and 71 to facilitate the timely update of the Department General Orders (DGOs). As background, Finding 70 is that the process to update DGOs is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues. Finding 71 is that the SFPD does not have an effective process for the development and distribution of DGOs and Department Bulletins. The recommendations under these Findings involve getting the Department to develop a nimble process for updating and developing DGOs and Department Bulletins in a timely and consistent fashion, while involving all necessary stakeholders. As of the date of this email, SFPD has substantially complied with two of the six Recommendations under these two Findings (70.1 and 71.2).

SFPD has tasked the WDU with supporting the recommendations in Findings 70 and 71. Indeed, recently-amended DGO 3.01 specifically requires WDU to manage the initiation of any new DGO and the amendment of any existing DGO as well as the concurrence process. See DGO 3.01.01(D)-(E). DGO 3.01 outlines in more detail the specific tasks of the WDU during the DGO development, amendment, and concurrence processes. See DGO 3.01.01(F)-(G). Related to this Recommendation, the WDU must notify the Deputy Chief or Director of the bureau, division or unit most affected by a proposed DGO or amendment to an existing DGO. That Deputy Chief or Director will then assign a member to solicit and review recommendations from stakeholders, including DPA and the Police Commission. Based on the above, Cal DOJ finds SFPD in substantial compliance.

Please let us know if you have any questions or would like to discuss this further. Thank you.  
Tanya

Tanya S. Koshy  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Department of Justice  
1515 Clay Street, Suite 2100  
Oakland, CA 94612

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

<b>Finding # 75</b>	The SFPD does not devote sufficient administrative or command-level resources to the process of creating, implementing, maintaining, and updating Department General Orders and Bulletins.
<b>Recommendation # 75.2</b>	The Written Directives Unit should be tasked to work with subject matter experts from DPA and the Police Commission to ensure policies are adopted in a timely manner and appropriately updated.

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

**Summary**

This recommendation is linked to a series of recommendations focused on improving the policy development process at the SFPD to allow for timely and effective update and implementation of policies and procedures to provide guidance to SFPD officers. This recommendation specifically references two findings: Finding 70 states that the process to update Department General Orders is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues; and Finding 71 states that the SFPD does not have an effective process for the development and distribution of Department General Orders and Bulletins. As of this review, Finding 70 which has four recommendations under it has only one (70.2) in substantial compliance and Finding 71 which has two recommendations has only one (71.2) in substantial compliance. However, the department provided sufficient evidence to demonstrate that the enacted DGO 3.01 provides the framework that supports the intent of the reference to these recommendations in supporting a more nimble informed policy development process - the goal of this recommendation.

Compliance Measures	Status/Measure Met
1 Task the WDU to support the recommendations in Finding 70 and 71 to facilitate timely update of DGOs.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

The department has undertaken an aggressive plan for the management of the updates of its policies. Recommendations 70 & 71 touch upon this process and the department has demonstrated strong commitment. Ensuring the appropriate resourcing and leadership support will be critical to ongoing success.

**Compliance Issues**



## Collaborative Reform Completion Memorandum

**Finding # 75:** The SFPD does not devote sufficient administrative or command-level resources to the process of creating, implementing, maintaining, and updating Department General Orders and Bulletins.

**Recommendation # 75.2:** The Written Directives Unit should be tasked to work with subject matter experts from DPA and the Police Commission to ensure policies are adopted in a timely manner and appropriately updated.

**Response Date:** 8/09/2019

**Executive Summary:** Past practice for reviewing and approval of DGO's has traditionally time consuming. There are numerous factors that contribute to this including that the San Francisco Police Commission is a volunteer entity of Commissioners who have professional commitments to a primary occupation. Accomplishment of the overwhelming task of maintaining significant and ordinary policy issues can significantly delayed due to the backlog that is created by this current process.

In current practice, reviewing a simple change within a DGO allows for the complete opening of the entire DGO for discussion and review by the Police Commission. Accordingly, simple changes and updates to DGO's do not happen on a timely basis due to the complicated process involved in opening an entire DGO for review each time a simple change is needed combined with the infrequent opportunity for the Police Commission to review these issues.

The mechanism by which this recommendation meets compliance is through the implantation of Department General Order 3.01- Written Communications.

### **Compliance Measures:**

**1) Task the WDU to support the recommendations in Finding 70 and 71 to facilitate timely update of DGOs.**

- The Written Directives Unit has supported the recommendations in Findings 70 and 71 to facilitate the timely update through the process listed below.

Department General Order 3.01 outlines the process for which the department communicates through its written directives, DGO's, bulletins, etc. and assigns this work to the Written Directives Unit. It also outlines the process required to update the various written communications, provides instruction for the internal concurrence process and final Police Commission approval. There is an understanding of the importance of following a logical sequence that places a priority on the policies that most directly impact the department's relationship with the community; use of force, bias, accountability, community policing, and recruitment and hiring. As such the



## Collaborative Reform Completion Memorandum

command staff within the Strategic Management Bureau has worked in conjunction with the Police Commission to establish a Refresh Matrix (attached) which sequences the order in which DGO's shall be reviewed in the context of their critical and operational need and their impact on our relationship with the community.

-DGO 3.01 outlines the timelines for submission, review and approval in section 3.01.01(f). Written Directives Unit shall notify the Deputy Chief or Director of the bureau, division or unit most affected by the directive. The Deputy Chief or Director shall assign a member to review and amend the General Order. The assigned member shall, as appropriate:

- 1) Coordinate and provide the Written Directives Unit with the status update on proposed modifications to the General Order within 60 days of assignment and every 60 days thereafter until the review process is completed.
  - 2) Solicit review by Commanding Officers, who shall seek input from their respective members, in units most affected by the proposed policy.
  - 3) Integrate any relevant Bulletins into the General Order, if applicable.
  - 4) Review stakeholder(s) recommendation(s) (e.g., Community, Police Commission, Firearm Discharge Review Board, Risk Management Office, City Attorney, Department of Police Accountability) on training, law, community expectation or law enforcement best practices.
  - 5) Meet with a representative of the Department of Police Accountability to exchange views on the proposed order and attempt to resolve any differences, as outlined in Police Commission Resolution 27-06.
  - 6) Submit the proposed General Order to the Written Directives Unit.
- Upon receiving the proposed General Order revision, the Written Directives Unit shall submit the amended order through the concurrence process.

The Written Directives Unit developed a General Order Matrix Schedule. This matrix establishes a schedule for continuous review of General Orders and when they are updated. This matrix was reviewed by the Police Commission President. This matrix also identifies the bureau that is most effected by the policy. The Deputy Chief of that bureau then identifies the



## Collaborative Reform Completion Memorandum

subject materials expert within that bureau to refresh the general order of key issues, national best practices, and community expectations.

Department General Order 3.01 outlines a process for which existing DGO's can be efficiently updated without review of the entire DGO.

The department will utilize a "General Order Change" form (attached) which will streamline the steps required to make updates to a DGO. The Written Directives Unit shall identify the specific section of a DGO for modification and possible amendment. The proposed modification shall be communicated as an "action item" with the Police Commission by means of the "General Order Change" form. The Police Commission, having received the calendared action item, will review for adoption only the specific proposed modification.

The Strategic Management Bureau, in collaboration with the Police Commission, has established a General Order Refresh Plan (attached) which, in conjunction with the adoption of DGO 3.01, establishes a clear task flow for submission, review and approval of DGO's in a timely manner. The task flow assigns specific timelines to each stage of the DGO refresh process.