

[REDACTED]

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**From:** Gabriel Martinez [REDACTED]  
**Sent:** Wednesday, April 14, 2021 7:02 PM  
**To:** [REDACTED]  
**Subject:** Recommendation 56.3

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 56.3 that were submitted to us as part of the collaborative reform process. This package focused on SFPD working with DPA regarding public outreach regarding complaints and the complaint process. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 56.3: The SFPD should work with the DPA to facilitate the same actions and outreach to the community as best suits the independence of the DPA.

Response to 56.3: On May 15, 2019, SFPD published Department General Order (DGO) 2.04, "Complaints Against Officers." The DGO had not been updated since 1994. The revised DGO added procedures for increasing public access in the complaint process, including requiring SFPD district stations to display of Department of Police Accountability (DPA) complaint form and brochure on the complaint process in multiple languages, requiring officers to provide DPA contact information to members of the public on request, and requiring officers to assist in the preparation of a complaint form if requested by the complainant. SFPD and DPA worked together to translate the complaint form into several languages, and SFPD and DPA have established a process under Department Bulletin 19-195 to ensure DPA receives a daily email log of all complaints received.

DGO 2.04 also established a Disciplinary Review Board to ensure that SFPD works with both the DPA and the Police Commission to review aggregate trends of complaints and specific sustained complaints to identify policy and training failures and make written recommendations. The DRB consists of the SFPD Assistant Chief of Staff, Deputy Chief of the Administration Bureau, a member of the Police Commission, and the Director of the Department of Police Accountability. The DRB reports quarterly to the public and to the Commission on its recommendations and regarding the success or failure of any implemented recommendations.

The first DRB meeting was held on February 11, 2020, and, after a hiatus due to COVID-19

restrictions, DRB meetings resumed in October 2020. For the Fourth Quarter Disciplinary Review Board Meeting in 2020, the DRB composed a memorandum with nine recommendations. These included recommendations on DPA adding specificity in failure-to-supervise findings, providing the public specific numbers of IAD and DPA cases in addition to trend data, and adding a requirement that officers who receive a sustained discourtesy complaint go to specific training to address discourtesy. (December 28, 2020 memo from Assistant Chief Moser to Chief Scott).

Additionally, on December 2, 2020, representatives of SFPD, DPA, and the Police Commission met to discuss strategies to improve communications with the public regarding the complaint process. The group recommended the development of a common SharePoint communications system for the DRB, additional public educational sessions on the complaint process held at District stations (including each agency publicizing the sessions on their websites), and reviewing the finding letter template for possible additional information. On January 16, 2020, DPA and IAD piloted a presentation to Central Station regarding the complaint process and intend to roll out the presentation to other district stations as Covid restrictions ease.

SFPD and DPA also conduct monthly meetings on policy recommendations called “Sparks Meetings.” These meetings, required by the city charter, Police Commission Resolution 27-06, and SFPD Policy (see e.g., Written Directive’s Unit Order 20-03, "Collaboration with DPA During Policy Development"), are a forum for issues arising between SFPD and DPA, which have included resolving issues in the complaint process. For example, the August 2020 Sparks Meeting included a discussion on complaint log email troubleshooting.

Regarding publicly available information, DPA publishes monthly “Openness Reports” on the DPA website. The reports include information regarding the complaints DPA received each month, including a summary of each allegation and DPA’s findings. SFPD links to the DPA website and its published reports on the SFPD website ([https://avanan.url-protection.com/v1/url?o=https%3A//sfgov.org/policecommission/iad-sustained-complaints-chiefs-decision-0&g=ZGJhOWE5M2UzNmMqWnJY5Mg==&h=OWI2OTRjNzg5ZjI3OWIwMGVjNmU1MwI5ZGFIYTk2MzRiMDhhYmIwZmY4NzY4ZmUwZGZhOnYx](https://avanan.url-protection.com/v1/url?o=https%3A//sfgov.org/dpa/sites/default/files/DPA_Statistical_Overview_19.pdf%29.%26nbsp&g=YWYyZjBlZGMzZW50NzU4ZmUwOGU4NjY4MTk1MGRkZWJiNjIxM2M5MDExNDNhYmViNTJjOWU4OTRjYmIwMQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvOmFjMmU2OTg5NzBmN2IxY2U3Yzc5YkZiZDI3ZmUwZGZhOnYx; Additionally, SFPD provides a quarterly IAD report to the Police Commission with the number and type of IAD investigations initiated during the quarter, which is also available on the Police Commission’s website (<a href=)).

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.

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<b>Finding # 56</b>	<b>The SFPD does not engage in community outreach and information regarding the discipline process and rights of the community.</b>
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<b>Recommendation # 56.3</b>	The SFPD should work with the DPA to facilitate the same actions and outreach to the community as best suits the independence of the DPA.
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<b>Recommendation Status</b>	<table border="0"> <tr> <td style="background-color: #ffff00; padding: 2px;"><b>Complete</b></td> <td style="padding: 2px;">Partially Complete</td> <td style="padding: 2px;">In Progress</td> </tr> <tr> <td style="padding: 2px;">Not Started</td> <td style="padding: 2px;">No Assessment</td> <td></td> </tr> </table>	<b>Complete</b>	Partially Complete	In Progress	Not Started	No Assessment	
<b>Complete</b>	Partially Complete	In Progress					
Not Started	No Assessment						

**Summary**

The SFPD has engaged in a focused manner with the DPA since the initial assessment to overall improved engagement between the two departments. The purpose of this series of recommendations was to encourage the engagement of the public by both the SFPD and the DPA. There has been improvement over the years by both agencies, but this initiative is focused on SFPD action.

As for compliance measure #1, the actions supporting 56.1 have been reviewed and are supportive of this recommendation. The SFPD has provided evidence of ongoing engagement and discussion with the DPA including a Memorandum of Agreement and a new SFPD DGO that defines responsibilities for agencies. Additional reporting measures are now required for the Police Commission meetings and both agencies have increased visibility around their practices within the community. The department identifies the Police Commission meetings as the primary public vehicle for information on discipline matters for both the SFPD and DPA. The SFPD has identified an IAD public service protocol. The IAD has specifically tasked investigators with complainant outreach that will be ongoing during the pendency of the investigation. This order is new, and it is the CRI team’s expectation that the actions under this directive will be reviewed as part of the audit or other such formal review. The department references a workshop held in February 2020 as evidence of a joined up approach. While this approach has been delayed due to COVID, the department confirms additional events will be planned once things begin to open. Finally, there is information available about a range of issues on both the SFPD and DPA website that were not available at the time of the assessment.

For compliance measure #2, the SFPD provides evidence from a December 2020 meeting in which a strategy and framework for better community engagement was discussed. COVID has delayed some of the engagement. However, the SFPD and DPA have engaged to identify methods of increasing transparency, such as the websites, the refinement of classifications and development of materials to inform the public. As with compliance measure #1, there are materials submitted that are not on point with the recommendation, however they demonstrate an overarching approach to improving outreach to the community which is an applicable theme for this recommendation. The approach specific under this direction is more fully defined under Recommendation 56.5 and includes DPA’s “Openness Reports” and [publication of statistics](#) on its website. The DPA website is more community friendly than in the past. The department started joint engagement at the district based community meetings, but this has not gained traction due to pandemic concerns. Consideration should be given to branching out to virtual community meetings as a means to better engage during a time of isolation.

2020 has been challenging from a perspective of community engagement, however the SFPD has demonstrated actions and commitment that further the transparency and engagement. While there are actions that need to be taken – including more direct touch of the community with both SFPD and DPA – this recommendation is marked complete.

Compliance Measures		Status/Measure Met
1	Evidence of the support for the actions in Rec 56.1 and ongoing meetings to discuss the best way in which to facilitate communications regarding officer discipline matters.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Encourage DPA to establish a protocol for outreach to communities to provide transparency around officer discipline.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

### Administrative Issues

Ideally, the supporting materials become more direct to the recommendation rather than a packaging of all potentially relevant materials.

### Compliance Issues

The file for this recommendation should have been more centered on the key aspect of the recommendation – the work on engaging the public.



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**Finding # 56:** The SFPD does not engage in community outreach and information regarding the discipline process and rights of the community.

**Recommendation # 56.3** The SFPD should work with the DPA to facilitate the same actions and outreach to the community as best suits the independence of the DPA.

Response Date: 12/18/2020

### Executive Summary:

The San Francisco Police Department (SFPD), like many police departments nationwide rely on structural forms and management processes to maintain accountability. For years, SFPD has worked with the Department of Police Accountability (DPA) to facilitate outreach to all communities in San Francisco. Community outreach is key to increase community member information of police services, crime trends and concerns, and officer complaint and follow-up investigation process.

### **Compliance Measures:**

- 1. Evidence of the support for the actions in Rec 56.1 and ongoing meetings to discuss the best way in which to facilitate communications regarding officer discipline matters.**

The San Francisco Police Department engages in routine meetings with the DPA and the Police Commission to improve communications with the public, facilitate relationships and advance policies at the interagency level, and to improve communications specifically related to disciplinary matters.

With respect to public meetings, the Department convenes with DPA at each meeting of the Police Commission (current Police Commissioners, the Chief of Police, and the Director of the DPA attend each Police Commission meeting). Police Commission meetings are held in a public forum and opportunities for citizen comments are built into the agenda. In addition, Police Commission meetings are broadcasted live on SFGovTV. A link to access SFGovTV is published on the Police Commissions website at [http://sanfrancisco.granicus.com/ViewPublisher.php?view\\_id=21](http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=21)

Many other routine meetings between Department members and representatives of the DPA occur in the course of regular business. For example, Department members meet with DPA regarding policy matters at monthly Sparks' report meetings. (Attachment #1) provides an example of minutes from the Sparks' meetings). As stated in Recommendation 56.1, also requires that the SFPD work with DPA to minimize obstacles for transparency as allowed by law. (Attachment #2) shows proof of the opened communications through conference calls and formal letter requests in order to achieve transparency. These efforts resulted in an ongoing



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and productive series of discussions between the Department and DPA on the topic of information sharing, which will result in improved communication with the public regarding disciplinary and other matters.

With respect to disciplinary matters, the Department and DPA established a formal process to review pending cases of mutual interest. DGO 2.04, specifically section 2.04.08 – Disciplinary Review Board—established a mechanism to ensure that the SFPD works with both the DPA and the Police Commission to minimize obstacles to transparency, improve communications to complainants and the public regarding investigation status, timelines, depositions and outcomes. (Attachment #3).

The DRB consists of the Assistant Chief of Staff, Deputy Chief of the Administration Bureau, a member of the Police Commission (advisory) and the Director of the Department of Police Accountability (advisory). The Disciplinary Review Board reviews and discusses:

- Aggregate trends related to DPA and Internal Affairs Division complaints, both alleged and sustained.
- Policy failure or training failure cases closed in the prior quarter.
- Select sustained cases from the previous quarter to determine the need for training or policy changes.
- SFPD and DPA Recommendations.

The DRB considers whether any policy, procedure or training needs to be revised, added, or re-issued if it relates to the subject matter reviewed. The DRB may make written recommendations that include the manner in which the recommendations shall be implemented and a timeline for completion based upon identified priority level and complexity of recommendation. The DRB reports quarterly to the public and to the Commission those policy and training changes it recommends, and the measure of the success or failure of each change, in a manner consistent with individual police officer privacy rights. The DRB thus provides the public with a window into the disciplinary process and publicly highlights any changes—made with the goal of increased transparency and accountability in mind—that the Board recommends.

The first DRB met on February 11, 2020 and, after a hiatus due to COVID-19 restrictions, resumed regular meetings in October 2020. At the most recent meeting, on November 12, 2020 (Attachment #4), attendees decided to hold a separate discussion covering outreach strategies (discussed further below). DRB meetings act as a forum to identify discipline trends and communicate about areas of common concern and interest. Ultimately, the board reports out to the Commission, which allows the public to gain an understanding of the most pressing issues and developments occurring in the city with respect to officer complaints and discipline.



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The combination of regular police Commission meetings, routine meetings on policy and procedural matters, and a formal mechanism for Disciplinary review informs DPA, the Department, and the Police Commission on matters of mutual interest and facilitates clear communication to the public about the joint operations of these organizations.

San Francisco Police Department (SFPD) shall hold quarterly meetings, as required by Police Commission Resolution 97-04, the Department provides the Police Commission with a quarterly report that reflects the number and type of IAD investigations initiated during each reporting period. (Attachment #5) This report includes the number of cases sustained, disciplinary action taken, dismissed cases, and the current number of active IAD investigations. IAD and DPA will discuss trends observed on quarterly reports. The IAD Quarterly report is presented to and published on the Police Commission's website for public viewing.

The guidelines for the report are contained within the MOU between SFPD and DPA. (Attachment #6) The Memorandum of Understanding (MOU) between DPA and SFPD regarding complaints against officers reflects the transparency between both agencies.

Also outlined in the MOU the DPA Morning Reports. Which instructs the DPA to transmit a Morning Report that will document the number and types of complaints, the district of occurrence, and officer information and if available identification of specific officer(s) involved. The Morning Report which is now referred to as the Henderson Report has summaries of the incident and is sent weekly to IAD for review and analysis. (Attachment #7) Henderson Report

On October 14, 2020 DPA and the San Francisco Police Department were part of an Information Sharing Meeting. This meeting was facilitated by A/C Robert Moser, SFPD and Sharon Woo of the DPA. At this meeting, the two Departments discussed DPA having access to certain Department files, PowerDMS, HRMS, Discipline tracking and BWC access. One of the highlights of this meeting was DPA and the Police Department agreed to create a Sharepoint document where both Department can track the status of discipline cases. (Attachment #8)

A memorandum (Attachment #9) was written and approved for quarterly meetings with the Commander of Risk Management and a DPA representative to discuss various topics such as discipline, concurrent investigations, trends, policy/training issues and other related matters. The Commander of Risk Management oversees the Internal Affairs Division and will disseminate the pertinent information through the chain of command to the Officer in Charge of the Internal Affairs Division.

In addition, the Officer in Charge of IAD may attend the quarterly meetings should the need arise to discuss trends and/or issues related to investigative practices and/or concurrent investigations. The Commander of RMO has reached out to DPA Chief of Staff and scheduled the first meeting date for December 17, 2020. The outcome of the meeting and minutes will be discussed in detail, at the completion of Recommendation 64.3.





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### **2. Encourage the DPA to establish a protocol for outreach to communities to provide transparency about officer discipline.**

The San Francisco Police Department and the Department of Police Accountability endeavor to provide timely and relevant information to all members of the public regarding the progress and conclusions of their investigations. While information related to ongoing investigations is often restricted, both SFPD and DPA recognized the need to develop strategies to increase public awareness of both the general investigative process and also details, as permitted by law, related to specific cases.

On December 2, 2020, representatives of SFPD, DPA and the Police Commission met to discuss strategies to improve communications with the public regarding progress and conclusion of investigations, including outcomes (**Attachment #10**). The group recognized that a number of steps had already been taken to advance the issue, but that a strategic framework would be required to ensure that future steps taken tie back to an overall vision of improved communication with the public and complainants. The group discussed several different frameworks, and ultimately grouped their collective efforts into three categories:

1. Steps to improve communications with the public
2. Steps to improve communications with complainants
3. Steps to improve communications regarding investigative outcomes and results.

During the meeting, it was noted that many steps already taken fit into this framework. By line of effort:

1. Steps to improve communications with the public
  - DGO 1.08 Revision
  - Community Policing Strategic Plan
  - SFPD/DPA/Commission Staff briefings at District station meetings
2. Steps to improve communications with complainants
  - DGO 2.04 Revision
  - DGO 1.08 Revision
  - Translation of Complaint Form 293
  - DB 17-255
  - DB 19-195
3. Steps to improve communications regarding investigative outcomes and results
  - IAD Customer Service Protocol



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This strategic framework will also provide guidance to the Department, DPA and the Police Commission regarding future efforts. These will include the development of a common sharepoint communications system for the Disciplinary Review Board, additional public educational sessions held at District stations, and updates to the Department website.

Additional details regarding past achievements, organized by General Orders, Department Bulletin / Form updates, and the Internal Affairs Division Customer Service Protocol are included below:

### DGOs

In May of 2019, the San Francisco Police Commission passed a revised version of DGO 2.04, "Complaints Against Officers," which outlines for officers and the public precisely how complaints are processed (Attachment #3). The document, which had not been updated since 1994, was updated to include additional procedures for increasing public awareness about the complaint process such as mandating the display of DPA brochures at each station and requiring officers to provide DPA contact information to members of the public on request. The updated DGO also established the Discipline Review Board, clarified which entity (i.e. SFPD/IAD or DPA) handles which types of complaints, and included a Memorandum of Understanding that outlines the reporting requirements for each organization. These updates help inform the public and police officers about the steps taken after a complaint is filed, and the reporting requirements and DRB help communicate the outcomes of investigations in a timely and fair manner.

More recently, the Department finalized, and the Commission approved an updated version of DGO 1.08, "Community Policing." Transparency, accessibility, and improved communication served as guiding principles throughout the revision process, which included significant input from community stakeholders (Attachment #11). The revised DGO reinforces the Department's commitment to engage in community outreach and provide information regarding the discipline process and rights of the community by providing honest and transparent communications with the public. In addition, DGO 1.08 emphasizes that the SFPD will take responsibility and hold all members accountable for their actions while creating a diverse set of communication channels between the SFPD and the community where conversations, input, and collaboration is solicited and publicly shared.

These themes were expanded upon in the Community Policing Strategic Plan, which sets the direction for how the Department approaches community policing at the Department, Bureau, and Unit levels (Attachment #12) and is coupled to DGO 1.08. The first goal of the Community Policing Strategic Plan is communication, which is described in Objective 1.1:

*Create a diverse set of communication channels between the SFPD and community. The SFPD is available to share and receive information and*



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*feedback across a range of communications channels that are equally accessible to all community members. Existing tools are widely promoted, and new ones developed in conjunction with the community to meet all their needs.*

The Strategic Plan further calls on individual officers and supervisors to take personal responsibility for their actions—whether positive or negative. This not only helps increase trust with the community that SFPD serves, but, when considered in conjunction with DGO 2.04, requires officers to improve communications and supervisors to take responsibility for identifying misconduct at the earliest opportunity. Under objective 5 – SFPD Organization, specifically section 5.10, the policy states:

*Hold officers accountable for their actions and embodying community policing tenets. Every member of the SFPD should feel responsible for the work they do, including both recognition for the positive and accountability for the negative. Ownership for the Department's actions goes a long way towards earning the trust and respect of the San Francisco community, and lays the foundation for open and lasting relationships.*

### Considerations:

- Accountability and responsibility are for both positive and negative actions – officers should know they'll get credit when they do something good, and that the onus is on them for inappropriate conduct.

### Strategies:

- Make public apologies and own up to shortcomings when relevant, and then correct them
- Train supervisors to identify misconduct and intervene.

### Department Bulletins

In addition to updating Department General Orders, SFPD has also published Bulletins to improve communications regarding discipline matters with the public generally and DPA specifically. The issuance of Department Bulletins and notices compliments the revisions made to DGOs 2.04 and 1.08 in that they allow the Department to respond to gaps and challenges as they emerge.

To establish communication mechanisms that reflect the diversity of San Francisco, the Department and DPA worked together to translate complaint Form 293 (Attachment #13) into Spanish, Chinese, Russian, Tagalog and Vietnamese. DB 17-255 (Attachment #14) informs Officers where to locate the forms on their SFPD desktop and a link to access the forms from (Attachment #15) DPA's website. Whereas in the past, community members with limited



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English proficiency may have had to rely on interpreters to process a complaint, they can now do so directly in a language that suits them best.

Correct processing of complaints and prompt correction of problematic behavior relies on transparent and reliable communication between DPA and SFPD. To help expedite DPA notification of complaints received at SFPD stations, the Department issued DB 19-195 a directive to e-mail a log of all complaints received the prior day before 9am (Attachment #16). This log includes CAD numbers (which officers acquire upon complaint intake) and information regarding the urgency of the complaint, which helps DPA allocate resources in line with the gravity of the allegations made and improve response times to complainants.

### Internal Affairs Division Customer Service Protocol

In response to CRI recommendation 56.1, the SFPD Internal Affairs Division created a customer service protocol which provides guidelines for officers to provide status updates to complainants (Attachment #17). This protocol will serve as a key tool for increasing public awareness of investigations and outcomes moving forward.

The protocol requires that the assigned IAD Investigator will send the citizen complainant a form letter via certified mail within (5) working days indicating that the complaint has been received and is being internally investigated (Attachment #18). The aforementioned IAD Investigator shall remain in contact with the complainant in order to further the investigation as well as inform the complainant regarding the status of the investigation. At minimum, the IAD Investigator shall be in contact with the complainant on a monthly basis until the associated case has been adjudicated. All contact and attempted contacts will be memorialized in the IAD Investigators chronological report and referred to in the investigative report when appropriate.

At the conclusion of the investigation, the IAD clerk will mail out a form letter to the complainant with the Department's findings on the matter (Attachment #19). The timelines and touchpoints outlined in this protocol will ensure that the public remains updated about individual cases, and the chronology will serve as an additional point of accountability in the event that communications break down with individual complainants.

To provide a cross reference to members of the public who may be interested in aggregate information on complaints, the San Francisco Police Department established a link to the DPA website on its published reports page. This page contains DPA's reports, including openness reports and statistics. (<http://sanfranciscopolice.org/your-sfpd/published-reports>) (Attachment #20) DPA Quarterly report.

DPA also publishes monthly statics on their website that portray year to date statistics of cases received, how the complaints were received, and a summary of the allegations. In addition, DPA and the Police Commission publish a public calendar on its website which provide notice to the public of the date, time and location of public meetings (Attachment #21 & #22).



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The Department, DPA, and the Police Commission also published materials about the disciplinary process in accordance with the requirements of CRI recommendation 56.5, which calls on these organizations to hold community outreach events to educate the public about the disciplinary process (Attachment #23) PowerPoint presentations materials from Central Station workshop. A pilot event was held at Central Station in February 2020, and although the restrictions on gatherings due to COVID-19 temporarily impeded the convening of other workshops, additional community events on the topic will be held in the future.

SFPD has also published information related to its disciplinary communication strategies independently. In October 2018, for example, SFPD released and published the (reference (Attachment #12) Community Policing Strategic Plan, which can be obtained on the SFPD's website. Providing this information to the public will set expectations regarding communication and hold officers accountable to engage with the community on a wide variety of topics, including discipline.

The three-pronged strategy has been identified in 56.1 to articulate a framework for thinking about a number of pre-existing and future mechanisms for better communication and information sharing among the Police Commission, DPA, and the Department and with general public.

For its part, DPA publishes monthly "Openness Reports" (Attachment #24) on their website. The "Openness Reports" contain an in-depth report of all complaints received for that specific month. The report is broken down by:

1. Summary of Allegation
2. Category of Conduct
3. Finding
4. Department Action
5. Findings of Fact

DPA also publishes monthly statics on their website that portray year to date statistics of cases received, how the complaints were received, and a summary of the allegations.