

Recommendation 36.3

TK

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Fri 5/28/2021 2:57 PM

+8 others

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Dear Acting Captain Altorfer:

Our office has completed its review of the materials related to Recommendation 36.3 that have been submitted to us as part of the collaborative reform process. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 36.3: The SFPD should review all of its policies, procedures, manuals, training curricula, forms, and other materials to eliminate the use of archaic or biased language. For example, the SFPD should review the use of the word 'citizen' in policies and forms, such as the Citizen Complaint Form (SFPD/OCC 293). This assessment should be completed within 120 days of the issuance of this report.

Response to Recommendation 36.3:

In 2019, SFPD formed a working group, consisting of representatives from the District Attorney's Office, the Public Defender's Office, the Department of Police Accountability, and the Human Rights Commission (HRC). The working group reviewed Department materials, including Department General Orders, Department Bulletins, and Unit Orders and identified words that are archaic or biased. From this meeting, the HRC Executive Director identified several changes to SFPD policies that would remove archaic or biased language. The HRC Executive Director also generated a list of "problematic" terms (that is, terms that are biased or archaic) and a list of "preferred" terms to use in place of the problematic ones.

In late December 2020, SFPD issued a Written Directives Unit (WDU) Order (20-05) directing the WDU to maintain the preferred language list provided by the HRC. At least once every five years, the WDU must work with the HRC to update the list.

The Unit Order also requires the WDU to ensure that any new policy going forward (including updates to existing policies) does not include archaic terms and is consistent

with the HRC preferred language list. To facilitate this process, the WDU may provide subject matter experts assigned to draft or update a policy with the preferred language list as a reference. SFPD provided an example of its update of two policies, where it replaced the use of “he/she” to the singular “they,” among other changes.

When any policy is up for review according to the broader policy to update policy on a five-year cycle, the WDU is also tasked with ensuring that the policy is updated to remove any archaic or biased language.

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 these further.

Tanya

Hillard Heintze File Review Recommendation # 36.3

Finding # 36

The SFPD does not have an organizational performance approach to evaluating the impact of policies, practices, and procedures aimed at reducing bias within the department.

Recommendation # 36.3

The SFPD should review all of its policies, procedures, manuals, training curricula, forms, and other materials to eliminate the use of archaic or biased language. For example, the SFPD should review the use of the word "citizen" in policies and forms, such as the Citizen Complaint Form (SFPD/OCC 293). This assessment should be completed within 120 days of the issuance of this report.

Recommendation Status

Complete

Partially Complete

In Progress

Not Started

No Assessment

Summary

SFPD tasked a working group to meet the terms of this recommendation. The working group comprised of stakeholders that included the Human Rights Commission, the Department of Police Accountability and the District Attorney's Office of the City and County of San Francisco, developed a plan to ensure archaic or biased words are not used in documents that are issued currently and removed from department general orders and bulletins at their time of renewal. Written communications on inclusivity from the Mayor and Chief of Police support the department's plan to use inclusive and remove archaic language or words from department written communications. A Written Directives Unit Order and DGO 3.01 Written Communications Systems, when modified, will include language specifying the process of monitoring and reviewing written communications to ensure archaic or biased words have been removed.

Prior to submitting to the California Department of Justice for status review, the Department will need to add the completed and approved working group action plan and the Written Directives Unit Order to the supporting documents for this recommendation.

Compliance Measures

Status/Measure Met

- | | | |
|---|---|--|
| 1 | Develop a plan for review of all SFPD documents to identify and remove archaic and biased language. This should include the specific terms to be removed. | √ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 2 | Develop the timeline and action plan. | √ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 3 | Conduct assessment/review all policies and supporting documents for the use of biased language. | √ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 4 | Confirm removal of language has occurred. | √ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

Administrative Issues

Compliance Issues

Note the update needed to the supporting documentation on this recommendation's file in order to move forward for determination of substantial compliance by the California Department of Justice.



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Finding # 36: The SFPD does not have an organizational performance approach to evaluating the impact of policies, practices and procedures aimed at reducing bias within the department.

Recommendation # 36.3

The SFPD should review all of its policies, procedures, manuals, training curricula, forms, and other materials to eliminate the use of archaic or biased language. For example, the SFPD should review the use of the word "citizen" in policies and forms, such as the Citizen Complaint Form (SFPD/OCC 293). This assessment should be completed within 120 days of the issuance of this report.

Response Date: 04/19/2021

Executive Summary:

The San Francisco Police Department recognizes that the use of archaic and biased language impedes its ability to provide safety with respect to all residents of and visitors to San Francisco. Since 2017, the Department and other City agencies have taken a number of steps to ensure that such language is no longer used in official communications such as policies, procedures, training curricula, and forms. These steps include the development of a plan, a timeline, and procedures for the removal of archaic language from policies as they are updated and for ensuring that archaic language is not used in future Department publications.

Using the Mayor's Directive, the Department developed a method for updating the language it uses in official documents. Next, the Department worked with citywide stakeholders to identify instances of archaic language in SFPD policies and to develop a list of problematic and preferred terms. To support the use of this list, the Department then issued three supplemental products which gave general guidance to all Department members on the use of archaic language and gave specific guidance to working groups and the Written Directives Unit.

Moving forward, all new Written Directives will be reviewed prior to publication to ensure that archaic language is not used. Over time the Department will remove all archaic language from its policies, notices, and orders as revisions of policies and procedures is ongoing. Centralizing responsibility for language use with the WDU will allow the Department to update and adapt its list of preferred and non-preferred terms as the use of language evolves.

Compliance Measures:

- 1) Develop a plan for review of all SFPD documents to identify and remove archaic and biased language. This should include the specific terms to be removed.**



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The Department has developed a four step approach to removing archaic language from all documents and ensuring that new and newly-reviewed documents reflect updated terminology:

1. **Lay Groundwork**
2. **Convene Working Group, obtain list, refresh list as needed**
3. **Issue Department-wide notice**
4. **Support notice with specific guidance for working groups and Written Directives Unit**

1. **Lay Groundwork.** From 2017-2018, the Department and the City laid foundations to shift away the use of archaic language. In 2017, SFPD/DPA Form 293 (**attachment 1, updated Form 293**), which is used to issue complaints, was revised, as was the name of SFPD's civilian oversight agency (from the Office of Citizen Complaints to the Department of Police Accountability). This revision was specifically called for in CRI recommendation 36.3. In addition, the revised form was translated into Spanish, Chinese, Russian, Tagalog, and Vietnamese.

In October, 2018, Mayor London Breed issued Executive Directive 18-03: Recognition, Expansion and reaffirmation of Inclusive Gender Identities, which provided the Department an opportunity to update policies related to transgender, gender non-conforming, and nonbinary (TGN) individuals with an eye toward inclusive language. The Department immediately implemented the Executive Order by releasing a Department Bulletin on the topic that announced the issuance of DGO 5.22, "Interacting with Transgender, Gender-Variant, and Nonbinary Individuals" (**attachments 2 & 3: Department Bulletin 18-195, DGO 5.22**). These policies updated the terminology used when referencing TGN individuals and also provided nation-leading guidance for officer interaction with them. A guide was produced to help Written Directives conform with these new standards (**attachment 4, "Guide to Identify and Modify Forms and Applications to Conform to Executive Directive 18-03- Recognition, Expansion and Reaffirmation of Inclusive Gender Identities"**). These two projects provided a roadmap for the future creation and revision of Department materials.

2. **Convene Working Group, Obtain List.** In 2019, the Department formed a working group which included District Attorney's Office, the Public Defender's Office, the Department of Police Accountability, and the Human Right's Commission, (**attachment 5, e-mails for invitations to prospective group members**). The group reviewed DGOs, Department Bulletins, Unit Orders, Forms as well as other Department-materials. A majority of identified problematic words were gender specific to either "His or Hers" or a specific "Sex: Male or Female" box. The specifics of where these words were located is outlined in an email from the Human Rights Commission (HRC) to the Department (**attachment 6: HRC e-mail outlining**



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instances of archaic language). Based on this exercise, HRC provided a comprehensive list of frequently-used archaic terms along with preferred language (attachment 7 – archaic and preferred terms list). This list, which will be managed and periodically updated by the Written Directives Unit with assistance of HRC, will serve as a reference point for all future DGOs, Bulletins and Notices.

3. **Issue Department-wide Notice.** With the list of preferred language and proven examples of language updates in hand, the Chief of Police was then prepared to issue a Department Notice on the use of Archaic Language (attachment 8 – draft DN on Archaic Language). While aimed at members involved in the production of Department publications and policies, the Department Notice (DN) serves as a reminder to all members of the importance of using inclusive language and solidifies the role of WDU in maintaining a list of preferred terminology. The DN also identifies the Written Directives Unit as the responsible unit for maintaining the list and for conducting a final review of materials to ensure compliance.
4. **Support Notice with additional directives.** Additional action items were deemed necessary to complete the Department's approach to inclusive language in official documents. These steps included extending the requirement to Department-led working groups via an update to the Chief's Directive on Working Groups (attachment 9 – Working Groups Directive [page 7]). By issuing this update, working group members, regardless of affiliation, are reminded to conform their work products with Department policies regarding the use of archaic language. In addition, the Written Directives Unit, as the custodian of the archaic and preferred language list, needed specific guidance regarding the list and its use. That guidance was provided via a Unit Order (attachment 10 – WDU Unit Order) that outlines when and how the list should be updated and provides procedural guidance for unit members to remove archaic language from DGOs, Bulletins, and Notices during the review process.

2) Develop the timeline and action plan.

The steps outlined above establish a new system for the removal of archaic language from all official SFPD documents. Moving forward, all new documents will be vetted against the WDU-maintained list of preferred and archaic language. Old documents will be revised to remove archaic language as part of the normal five-year review cycle (in the case of DGOs and Manuals) or upon update and re-issuance (for Department Bulletins and Notices). While this has already occurred on an ad hoc basis, such as during the reviews of DGOs 11.07, "Discrimination and Harassment" and 5.17, "Bias-Free Policing," (attachment 11: Comparison of 5.17 and 11.07 showing removal of archaic language) removing archaic language from old documents will take time as doing so will require re-issuance – a process that has many other inherent steps. As DGOs and Manuals undergo a review every five years, we estimate that it will take a similar amount of time to



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completely update the language contained within them. Archaic language will be removed from all Department Bulletins before re-issuance after their two-year expiration date, and all new Department Notices will conform to the new standard. Reviewing documents for archaic language could be further supported by an amendment to DGO 3.01, "Written Communication System," which the Department will keep in mind when that DGO is next updated.

3) Conduct assessment/review all policies and supporting documents for the use of biased language.

The Department working group conducted a review of all Department policies and their findings informed the list of preferred / problematic language provided to the Department by HRC. This foundational work allowed HRC to tailor their list to terms that are frequently used by the Department.

Moving forward, the preferred / problematic language and the five-year review cycle as mandated by DGO 3.01 represent two tools for the Department to continually improve and update official documents to remain consistent with Departmental goals of inclusivity. The list, which is centrally controlled by WDU, will be updated periodically with feedback from HRC, and WDU will work with HRC should it run into new instances of potentially problematic language in new publications in the future. The continual evolution and improvement of this document will then impact DGOs and Manuals each time that they are revised, which, per DGO 3.01, must occur at least every five years.

4) Confirm removal of language has occurred.

The working group's review of Departmental policies and forms identified specific areas that require updating to conform with the preferred language list, which will facilitate the review of each document. Although the Department reviews 20+ DGOs every year, it will take time, although no more than five years, for a complete revision to occur as over 100 DGOs must undergo the process outlined in DGO 3.01 before being re-issued. In the meantime, all Notices and Bulletins shall conform to the new language standards, and forms will be updated as problematic language is identified.

When the Department identifies archaic language in DGOs that have yet to undergo formal revision, it may amend the policy with a Department Bulletin. This occurred recently, when the Department identified gender-specific guidance regarding jewelry and ornamentation in DGO 10.02, "Grooming Standards." The Department issued DB 20-163 on November 24, 2020, which updated the guidance to apply to all members, regardless of gender (**Attachment 12: DB 20-**



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163). The Department will continue to use this technique when it identifies instances of archaic language, which allows for adaptation outside of the regular five-year review cycle.

The ESWG on Bias Strategic Plan further supports efforts to remove archaic language from SFPD communications ([Attachment 13: Draft Bias Strategic Plan](#)). For example, the bias by proxy subgroup identified the need to remove images, language, and references in public-facing documents that might perpetuate negative stereotypes (pg. 36), and the police perceptions of community subgroup made cultural competency education a foundation of its recommendations to improve officer awareness of the diverse population that SFPD serves (pgs. 21-22). By increasing awareness of the outlooks of multiple communities—including their preferences with respect to language and terminology—the plan aims to reduce the use of archaic language throughout the Department, thereby reducing the auditing and editorial workload on the Written Directives Unit.