

Recommendation 55.2

Tanya Koshy [REDACTED]

Sun 7/21/2024 7:04 PM

To: Scott, William (POL) [REDACTED] McGuire, Catherine (POL) [REDACTED]
[REDACTED]

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Dear Chief Scott,

Our office has completed its review of the materials submitted by SFPD to demonstrate substantial compliance with Recommendation 55.2: Consistent with the current practice on Early Intervention System data, the SFPD should develop and report aggregate data regarding complaints against Department members, their outcome, and trends in complaints and misconduct for both internal and external publication.

For the following reasons, the Department of Justice finds that SFPD is in substantial compliance with this recommendation.

SFPD's Internal Affairs Division (IAD) issued an Order (23-01) requiring the IAD to prepare a quarterly and annual report that includes aggregate data on complaints against SFPD members, including outcomes of those complaints and trends. SFPD provided an example of the quarterly report developed pursuant to Unit Order 23-01. While SFPD produced just one example, the DOJ reviewed SFPD's website and identified that it has continued to issue these quarterly reports as well as the annual report in 2023. The report for the first quarter of 2024 includes aggregate data and section on trends, comparing data from quarter 1 of 2023 through quarter 1 of 2024. SFPD has thus demonstrated substantial compliance with this recommendation. Although not required by this recommendation, SFPD should also consider providing the public information as to how it would address or has addressed concerning trends in its annual reports.

If you have any questions, please do not hesitate to reach out.

Thank you,

Tanya Koshy

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Finding # 55	The SFPD is not transparent around officer discipline practices. During the community listening sessions and interviews with community members, there was a consistently stated belief, especially in the African-American and Hispanic communities, that officers are not held accountable for misconduct.
Recommendation # 55.2	Consistent with the current practice on Early Intervention System data, the SFPD should develop and report aggregate data regarding complaints against Department members, their outcome, and trends in complaints and misconduct for both internal and external publication.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

The San Francisco Police Department finalized the work on this recommendation as of December 2023. This recommendation addresses the need for transparent, easily understood information relative to personnel complaints. In the last year, SFPD worked diligently to develop report standards. They hired an analyst to help clean and organize the data to ensure consistency. Internally, working with the Discipline Review Board (DRB) and the IA and command staff, they developed a quarterly report that is posted on the website and used internally.

The report consists of a range of data factors that are measured across quarters. The first annual report has not been published as of this review but it is identified that it will follow a format consistent with the reporting for the prior quarters, including Q2 & Q3 2023. The exhibits supplied by SFPD identify the range of data, including breakdowns by demographics for officers and classifications for complaints.

Compliance Measure #1 – SFPD demonstrates compliance through publication of unit order that defines the data to be collection.

Compliance Measure #2 - compliance is demonstrated by the examples as provided in the attachments, specifically Attachment #5, which depict the published reports.

Compliance Measure #3 - compliance is demonstrated by the submission of the report and its publication internally, as demonstrated through release to the DRB, and on the SFPD website.

Based upon our observations and the evidence supported, we determine that SFPD has achieved substantial compliance with this outstanding recommendation.

Compliance Measures	Status/Measure Met
1 Develop report standards.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2 Populate report with aggregate data, including trends and outcomes with	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

	respect to complaints and misconduct.	
3	Publish report for internal and external publication.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



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Finding # 55:

The SFPD is not transparent around officer discipline practices. During the community listening sessions and interviews with community members, there was a consistently stated belief, especially in the African-American and Hispanic communities, that officers are not held accountable for misconduct.

Recommendation # 55.2

Consistent with the current practice on Early Intervention System data, the SFPD should develop and report aggregate data regarding complaints against Department members, their outcome and trends in complaints and misconduct for both internal and external publication.

Response Date: November 1, 2023

Executive Summary:

While the San Francisco Police Department continues to apply 21st Century Policing practices, the Department has made concerted efforts promoting transparency to build trust between the Police Department and the communities they are sworn to protect. The San Francisco Police Department strives to foster positive relationships with all communities, which will help the Department meet society's evolving needs and expectations. The San Francisco Police Department has grown positively by incorporating training and education surrounding the 21st Century Policing Initiatives.

With the San Francisco Police Department's goal to strengthen the relationship and trust between law enforcement and all communities, in 2015-2016, the Department and City Leaders voluntarily welcomed the U.S. Department of Justice to review the Police Department's practices and policies. In sum, the U.S. DOJ made 94 findings and 272 recommendations for improvement ([Attachment #1, SFPD CRI website](#)). In 2023, it is reassuring to see the commitment, hard work, and progress that the San Francisco Police Department has displayed surrounding the implementation of the initial 272 recommendations set forth by the U.S. DOJ's COPS Office ("Community Oriented Policing Services").

While the San Francisco Police Department is approaching its end goal of fulfilling and implementing all recommendations, there is still work to be done. The San Francisco Police Department continues to show growth by answering and implementing the remaining recommendations. The San Francisco Police Department has responded to recommendation 55.2 by developing and publishing reports on transparency regarding complaints against Department members, their outcomes, and trends in complaints and misconduct.



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According to Collaborative Reform Initiative (Finding 55), it was expressed by community members, in particular the African-American and Hispanic community, through community listening sessions and community interviews that the Department needed to regain the trust and support of all communities by being transparent in holding officers accountable for misconduct.

More specifically, the U.S. DOJ's COPS Office recommended in recommendation 55.2 and the associated compliance measures that the San Francisco Police Department develop and report aggregate data regarding complaints against Department members, their outcomes, and trends in complaints and misconduct for internal and external publication.

The San Francisco Police Department heard the concerns and answered the task. Through the Collaborative Reform Initiative project, the Department demonstrated commitment to reassure all communities that the San Francisco Police Department stands for transparency and accountability, reinforced by 21st Century Policing practices.

The San Francisco Police Department established a team of members from the Internal Affairs Division to the Professional Standards & Principled Policing Unit to evaluate the recommendations found during a department assessment by the U.S. DOJ's COPS Office. With professional staff's technical support and guidance, the San Francisco Police Department team developed a strategy to capture and report all data necessary to promote transparency and accountability, focusing on complaints and misconduct. A healthy working relationship cultivated as meetings between the Internal Affairs Division and the Professional Standards Unit helped provide guidance and clarity in fulfilling the above recommendation. Please refer to meeting agendas/calendar outlook for additional stakeholder information ([Attachment #2, Agenda/Outlook calendar](#)).

It was established before this recommendation that the Internal Affairs Division produced quarterly reports for the Police Commission on open and closed cases regarding officer misconduct ([Attachment #3, 2022 IAD Quarterly Report](#)). Working off the already established IAD quarterly report, the Internal Affairs Division and IAD Principal Analyst expanded upon specific elements that contributed to answering the above recommendation. The following additions were made to the current report:

- The report now incorporates complaint summaries, which describe the cases and new allegations that are received and enable readers to understand additional details and context under which an investigation has been opened.
- The report expands upon demographics (i.e., Race/ Ethnicity, Gender, Age Range, Bureau Assignment, Sworn vs. Professional, Time in the Department) when extracting, displaying, and comparing aggregate data.



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- The report offers more layers within the allegation/complaint categories, allowing viewers to see data on a granular, detailed scale or a larger scale encompassing more types of allegations.
- The report improved visual aids, such as new pie charts and bar graphs, further illustrating the aggregate data on open and closed cases surrounding officer complaints, misconduct, and discipline.
- The report offers trend analysis provided by the SFPD IAD Principal Analyst. The IAD Analyst compares and examines aggregate datasets surrounding complaints, misconduct, and discipline over a period of time, allowing for the discerning of recurring patterns, anomalies, and correlations. This analysis outlines trends in the aggregate data collected but also provides relevant information for SFPD to address and mitigate instances of trends in misconduct/complaints and discipline effectively.

Given the workload and heavy lifting of identifying, extracting, and organizing aggregate data, the Department ensured the Internal Affairs Division had the necessary resources to accomplish the task. The San Francisco Police Department appointed a full-time Principal Analyst to the Internal Affairs Division. The Principal Analyst was essential in creating the required report(s) to demonstrate accountability and transparency surrounding officer misconduct and complaints while highlighting trends in complaints and misconduct data. The report uses aggregate data to document complaints against Department Members the Internal Affairs Division investigated, the complaint outcomes, the discipline imposed, and any trends identified from the aggregate data. Please refer to the most recently produced IAD quarterly Report ([Attachment #5, 2023 IAD Quarterly Report](#)). This report compares the current quarter's aggregate data with the previous quarters. The report is created quarterly and posted on the San Francisco Police website under the "Published Documents" section ([Attachment #6, website link](#)). The report is published for internal and external publication.

Compliance Measures:

1) Develop report standards.

To lay the foundation for policy and procedures, the Internal Affairs Division composed a Unit Order titled "*Internal Affairs Division Misconduct Complaints, Disciplinary Findings and Recommended Actions Against SFPD Members - Outcomes and Trends Report*" that explains the process of building the IAD Quarterly Report ([Attachment #4, IAD Unit Order, 23-01](#)). This unit order captures and documents the duties/obligations related to recommendation 55.2, which explains the following categories listed below:



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Purpose- The purpose of this order is to set forth a policy that directs the Internal Affairs Division to create a report quarterly and annually that includes aggregate data regarding complaints against Department members and their outcomes as well as any trends in misconduct complaints and discipline outcomes for both internal and external publication.

Policy- The Internal Affairs Division has developed a report that compiles aggregate data regarding complaints against Department members and their outcomes as well as any trends in misconduct complaints and discipline for both internal and external publication. This report will be shared with the SFPD Office of Equity and Inclusion in order to facilitate review of equity in the employee discipline process.

Procedure- The Internal Affairs Division will create reports on a quarterly basis for Q1 through Q3 of each calendar year, and an annual report will be produced following Q4. The report will use aggregate data to depict any trends identified related to misconduct and discipline.

Among other data points, this report will compare the aggregate data from the current quarter or year with the aggregate data from the previous quarter or year for opened and closed cases, and the allegations in the opened cases.

The report will include employee demographics for opened cases, type of employee (sworn and professional staff), and employee tenure.

The report will include the findings in closed cases, broken down by employee demographics and tenure.

The report will show disciplinary actions in closed cases broken down by employee demographics and tenure.

The annual report shall contain a review of the disciplinary history for employees which will be presented by employee demographics and tenure. This data will be presented in an aggregate fashion, in accordance with CA Penal Code 832.7(d), and not presented with identifying information related to specific individuals or cases.

Administration- The Officer in Charge of the Internal Affairs Division (IAD) shall ensure that a member of IAD is identified and tasked with the production of the report. The report shall be completed and reviewed by the Officer in Charge of the Internal Affairs Division or the Commanding Officer of the Risk Management Office.

Reporting-

The report will be provided to the Officer in Charge of the SFPD Office of Equity and Inclusion and to the Discipline Review Board no later than one week prior to the Discipline Review Board quarterly meeting by a member of IAD who shall be designated by the Officer in Charge of the IAD (See DGO 2.04). IAD personnel shall be designated



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by the Officer in Charge to receive and respond to any feedback from the SFPD Office of Equity and Inclusion and the Discipline Review Board and incorporate identified improvements to the quarterly and annual reports, or provide additional ad hoc analysis for collaboration and review when appropriate. Upon completion of the review, the Officer in Charge of IAD will designate a member of IAD to send the report or a hyperlink to the report to the Police Commission, and coordinate/facilitate posting to the SFPD website.

By creating a Unit order, the responsibilities and report standards have been documented in a format that guides all department members looking for clarification or direction related to this recommendation.

In our prescreen meeting on 9/19/2023 with Jensen Hughes/ Cal DOJ,, the following was documented by Cal DOJ in the working session notes, "Cal DOJ and SFPD thought that the write-up looked like it was on the right track and asked to review completed drafts of policies for the site visit. The data set looked comprehensive."

2) Populate report with aggregate data, including trends and outcomes with respect to complaints and misconduct.

Through the collaboration between sworn and professional personnel, the Internal Affairs Division and Principal Analyst created a quarterly report titled "**IAD Quarterly Report.**" This report uses aggregate data to detail complaints, complaint outcomes, discipline imposed, and trends identified from the aggregate data (**Attachment #5, 2023 IAD Quarterly Report**). The report documents the following:

- Compares the aggregate data from the current quarter with the aggregate data from the previous.
- Includes employee demographics for opened cases, type of employee (sworn and professional staff), and employee tenure.
- Includes the findings in closed cases, broken down by employee demographics and tenure.
- Shows disciplinary actions in closed cases broken down by employee demographics and tenure.
- Provides a general understanding of the nature of accused misconduct by grouping similar allegations. The number of cases received and completed over time gives a high-level overview of the workflow within the Internal Affairs Division. Aggregate data on findings indicates the rate of legitimacy of accusations, the intent of SFPD to hold its members accountable, and any gaps in training or policy.

SFPD IAD Analyst defined aggregate trends as such:

Aggregate trends may be defined as individual data points collected and categorized to depict the circumstances of misconduct within the San Francisco Police Department, such as the amount and types of allegations received, the number of cases investigated, and closed by the



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Internal Affairs Division, the findings rendered, and the disciplinary actions recommended for members with sustained allegations.

A quarterly report depicting aggregate trends may support a general understanding of the nature of accused misconduct by grouping similar types of allegations. The number of cases received and completed over time provides a high-level overview of the workflow within the Internal Affairs Division. Aggregate data on findings is indicative of the rate of legitimacy of accusations, the intent of SFPD to hold its members accountable, and any gaps in training or policy. Aggregate trends pertaining to disciplinary actions provide insight into matters of fairness and equitable treatment of SFPD employees of various demographic populations.

The value of analytical findings, including aggregate trends, in the context of IAD reporting to the Disciplinary Review Board may not be primarily derived from statistically significant data but information that is supportive of timely identification of issues that warrant updated guidance or which may be addressed by the Department to effect necessary changes or perform corrective action. To this end, there is an inherent value in the qualitative review and analysis of newly opened cases in order to understand and respond to emerging problems; however, with cognizance that the investigative process may yield the determination that an allegation is without merit. Furthermore, the analytical focus on trends in closed cases, while providing transparency and a requisite mechanism of determining equity in discipline, necessarily results in a review of past activity given that IAD cases may remain open for months or years through varying circumstances and phases of processing.

Trends related to the above recommendation are identified and documented by two methods. The first method is through the Disciplinary Review Board (DRB) quarterly meetings, and the second is through the IAD Analyst Report Trend Summaries.

As for the DRB quarterly meetings, per DGO 2.04.08, trends in complaints and misconduct are discussed between the San Francisco Police Department and the Department of Police Accountability (DPA) during the quarterly DRB meetings (Attachment #7, DGO 2.04.08). For example, the DRB will review and discuss aggregate trends related to DPA and IAD complaints, both alleged and sustained. The Department, in consultation with the DPA, will select sustained cases from the previous quarter for review to determine the need for training or policy changes. The DRB may make written recommendations that include the manner in which the recommendation shall be implemented and a timeline for completion based on the identified priority level and complexity of the recommendation. The DRB shall report quarterly to the public and to the Commission those policy and training changes it recommends and the measurement of the success or failure of each change in a manner consistent with individual police officer privacy rights (Attachment #8, DRB Letter to Police Commission). The guidelines for the report are contained within the MOU between SFPD and DPA.

As for the IAD Analyst Report Trend Summaries, the IAD Principal Analyst provides a trend analysis summary within the IAD Quarterly Report. The IAD Analyst compares and examines aggregate datasets surrounding complaints and misconduct over a period of time, allowing for discerning recurring patterns, anomalies, and correlations. This analysis outlines trends in the



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above-mentioned dataset but also provides relevant information for SFPD to address and mitigate instances of trends in misconduct/complaints effectively.

Due to the wide scope of data covered and the categories analyzed, it should be noted the report also covers data relating to officer discipline/disparities in recommendation 69.

3) Publish report for internal and external publication.

To facilitate the internal and external publication of the **"IAD Quarterly Report,"** the following steps have been taken:

- An Internal Affairs Division order was authored (Attachment #4, IAD Unit Order, 23-01), establishing the procedures for future report production.
- In addition, the order facilitates internal and external publishing by codifying cooperation between IAD and the Media Relations Unit.

To ensure Department transparency and communication, the San Francisco Police Department has generated a Department Notice announcing the creation of the report and the section of the Department's Website where the report is located (Attachment #9, Department Notice 23-199).