



## Recommendation 28.7

Tanya Koshy [Redacted]

Thu 1/7/2021 3:38 PM

To: McGuire, Catherine (POL) [Redacted]; Scott, William (POL) [Redacted]  
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[Redacted] Altorfer, Eric (POL)  
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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 28.7 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 28.7:

The SFPD needs to encourage all personnel to report biased behavior to the appropriate officials.

### Response to Recommendation 28.7:

SFPD has two policies that requires members to report bias-based policing. First, Department General Order (DGO) 5.17 (Bias-Free Policing Policy) requires "[a]ny member who becomes aware of biased policing . . . or any other violation of this policy shall report it in accordance with established procedure." Second, DGO 11.07 addresses the Department's policy on discrimination, harassment, and retaliation within the Department and states that "members shall report discriminatory, harassing or retaliatory behavior, whether directed at themselves or coworkers." Complementing these two policies is a Not On My Watch pledge spearheaded in late 2015 by then Chief Greg Suhr through Department Bulletin (DB) 15-249. The Not On My Watch pledge commits the person who signs it to, among other promises, not "tolerate hate or bigotry in our community or from my fellow officers" and to "confront intolerance and report any such conduct without question or pause." DB 15-249 explained that the purpose of the pledge was to rebuild trust in the community. The idea of a pledge arose among rank-and-file members following the 2015 FBI investigation into racist and biased text messages exchanged among officers.

Recently, the Department issued two roll call trainings on DGOs 5.17 and 11.07. Both trainings include provisions reminding officers of their duty to report biased behavior. The roll call training on DGO 5.17 also includes suggested discussion topics for a sergeant, which include asking members why they have a duty to act and report bias-based behavior. The answers that sergeants are supposed to draw out are that there is an obligation to report because bias-based behavior "deteriorates public trust . . . [and] trust within the work place" and because "[t]here is no place in law enforcement for explicit bias." These discussion topics reinforce the reasons why reporting bias-based behavior is important to the Department.

Though the roll call trainings are sufficient for substantial compliance with this recommendation, the California Department of Justice believes that SFPD's existing bias-related trainings ( for example the 8-hour Principled Policing: Procedural Justice and Implicit Bias training) should be updated to include a component reminding members of their obligation to report bias-based behavior, how to report, and why such reporting is important for the Department. The California Department of Justice encourages SFPD to consider adding this component to future trainings.

1/7/2021

[REDACTED]

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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## Collaborative Reform Completion Memorandum

**Finding # 28:** The SFPD's failure to fully and adequately address incidents of biased misconduct contributed to a perception of institutional bias in the department.

**Recommendation # 28.7 :** The SFPD needs to encourage all personnel to report biased behavior to the appropriate officials.

**Response Date: 12/17/2020**

### Executive Summary:

The process to encourage all personnel to report biased behavior began approximately 5 years ago in 2015; with the Department acknowledging the role of implicit bias and the importance of reporting biased behavior (see Attachment #1 – SFPD DB 15-249, “Not on My Watch” pledge). Incorporated within the pledge is a commitment to confront intolerance and report such conduct without pause.

The Department further expanded its acknowledgment of Implicit Bias in 2016 by partnering with the Department of Human Resources to provide Bias Awareness Training to Captains and Lieutenants (see Attachment #2 – SFPD Memo: Implicit Bias Awareness Training). Additional engagement, both internal and external to the Department, was clarified with direction from the Chief of Police. Also distributed was a Chief's Directive regarding Investigations of Allegations of Bias (see Attachment #3a – SFPD Memo: DOJ/COPS Rec 28.7 and Attachment #3b – SFPD Memo: Chief's Directive).

The Department reissued the “Not on My Watch Pledge” (see Attachment #4 – SFPD DB 17-228, “Not on My Watch” pledge, reissue), published its Strategic Plan and posted it in all Department facilities (see Attachment #5 – SFPD DB-99, “San Francisco Police Department Strategic Plan 1.0 Rollout and First Steps”), reissued the “Not on My Watch Pledge” (see Attachment #6 – SFPD DB 19-240, “Not on My Watch” pledge, reissue) and ensured Members acknowledged and committed to the components of the pledge and Strategic Plan (see Attachment #7a-7c – SFPD Training Audits of DB 15-249, DB 17-228, and DB 18-99). Furthermore, the Department incorporated Implicit Bias training and the “Not on My Watch” pledge to every SFPD Police Academy recruit (see Attachment #7 – “Not on My Watch Pledge” signed forms from SFPD Academy Lateral Class 262).

Further clarification (including contemporary definitions) of bias were distributed to all Department Members in August 2020, as the Police Commission adopted DGO 5.17 (see Attachment #9 – SFPD DGO 5.17: Bias-Free Policing Policy).

As with any observed violation of Department policy, Members report suspected violations to their supervisor, who then initiate an administrative investigation (see Attachment #10 – SFPD DGO 1.06). If Members believe they are the subject of bias, they report the incident to a supervisor (see Attachment #11 – SFPD DGO 11.07: Prohibiting Discrimination, Harassment



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and Retaliation). Upon receipt of the initial notification, one of the supervisor's primary responsibilities is to take immediate corrective action to stop the conduct and provide some initial remedy (see Attachment #11 – SFPD DGO 11.07: Prohibiting Discrimination, Harassment and Retaliation). The Department clarified the investigation protocols related to complaints of officer misconduct in Internal Affairs Division Case Assignment and Prioritization Procedure Unit Order 17-02 (see Attachment #12 – Internal Affairs Division Case Assignment and Prioritization Procedure Unit Order 17-02).

Department Members were responsive to the Department's efforts to train employees about implicit bias beginning in 2015. Observed behavior believed to be biased was reported to the Department (see Attachment #13 – Investigation of Inappropriate Comments Incident/Redacted). The Department conducted an administrative investigation and (as the recommended discipline by the Chief of Police was termination of employment) forwarded the matter to the Police Commission for adjudication (see Attachment #14 - San Francisco Police Commission charges/Redacted). Additional, unrelated administrative investigations of officer misconduct referrals from the Chief of Police to the Police Commission are included for reference (see Attachment #15a – 15b – San Francisco Police Commission charges/Redacted).

As to training specifically related to the requirement to report bias, the Department provides content to support the ongoing training and education of Department Members in the form of updated Department Bulletins (see Attachment #16 – Department Bulletin 18-114, Equal Employment Opportunity (EEO) Policy), Roll Call trainings (see Attachment #17a - #17d – Roll Call Trainings 2017-2019), and material incorporated into mandated bi-annual Advanced Officer – Continued Professional Training (see Attachment #18 – CA POST Bias and Racial Profiling: Participant's Guide).

### Compliance Measures:

#### **1) Policy that requires officers to report bias-based behavior**

The San Francisco Police Department complied when the Police Commission updated and adopted DGO 11.07 on 5.20.2020 (see Attachment #11) and DGO 5.17 on 8.12.2020 (see Attachment #9). DGO 5.17 specifically states: "This policy establishes the San Francisco Police Department's commitment to just, transparent and bias-free policing...Any member who becomes aware of biased policing...or any other violation of this policy SHALL (emphasis added) report it in accordance with established procedure."

DGO 11.07 specifically states: "This General Order establishes the San Francisco Police Department's policy prohibiting discrimination, harassment, and retaliation..." DGO 11.07 further states: "All members are responsible for knowing and complying with this General Order to ensure that the Department maintains a work environment free of



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discrimination, harassment and retaliation...Members SHALL (emphasis added) report discriminatory, harassing or retaliatory behavior, whether directed at themselves or co-workers.”

Supplemental materials provided additional clarification when Department Bulletin 15-249 (Not on My Watch Pledge) was issued 12.3.2015, Department Bulletin 17-228 (Not on My Watch Pledge reissue) was issued on 11.18.2017, Department Bulletin 18-099 (Strategic Plan 1.0 Rollout and First Steps) was issued on 5.23.2018, and Department Bulletin 19-240 (Not on My Watch Pledge reissue) was issued 12.23.2019 (see Attachments #1, #4, #5, and #6).

For context, in 2015, as a result of an FBI investigation involving now-former San Francisco Police officers, a series of racially-charged text messages between the former officers was discovered. At the time, the text of DGO 5.17 related to policy violations vaguely stated: “...any violation of this policy may subject the member to disciplinary action. Supervisors shall ensure that all personnel members in their command know the content of this policy and operate in compliance with it.”

The San Francisco Police Department “Not On My Watch Pledge” emerged in late 2015 as the directive for the rank and file to affirm to the people of San Francisco that bigotry and intolerance will not be tolerated within or outside the San Francisco Police Department. The idea originated from the understanding that the Department’s relationship with the community is at the core of the Department’s effectiveness as a police agency. Language within the Pledge specifically states, “...I will confront intolerance and report any such conduct without questions or pause.”

Additional direction was provided with the rollout of the San Francisco Police Department Strategic Plan 1.0: a high-level, living document that incorporates the foundational philosophy of the Department’s commitment to public safety into actionable steps. The Strategy Statement specifically states, “...We will engage in just, transparent, unbiased, and responsive policing.”

### **2) Ongoing education as to the requirement to report and why it is valuable to the SFPD as a whole**

The San Francisco Police Department complied when DGO 5.17 was issued on 8.12.2020 (see Attachment #9). This policy mandates the San Francisco Police Department Training Division to develop and maintain contemporary training and education and specifically states: “...to foster mutual respect and cooperation between law enforcement and members of all racial, identity and cultural groups.” DGO 5.17 further states training should incorporate: “Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest, detention and incarceration rates, and wrongful convictions”... “Specific obligations of



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peace officers in preventing, reporting and responding to discriminatory or biased practices by fellow peace officers...”

In addition to the explicit language and reporting requirements outlined in DGO 5.17 and DGO 11.07, there are ongoing Department Bulletins that include specific language about the Department’s requirement to report all complaints of discrimination, harassment and retaliation (see Attachment #16).

Furthermore, educational materials specifically related to a Member’s obligation to report instances of biased policing, bias awareness and the benefits of reporting bias have been incorporated into SFPD Roll-Call Training curriculum. Contained within the content of the training materials are both the reiteration of the specific language articulating a Member’s responsibility to report in DGO 5.17 (including, “All members are responsible for knowing and complying with this this policy. Any member who becomes aware of biased policing...shall report it...” and “Supervisors: When you become aware of an incident involving bias you shall report to your Commanding Officer, document and stop such behavior if it is continuing, immediately.”) and DGO 11.07 as well as topical recommendations for supervisors to moderate conversations of value specific to individual shifts (see Attachment #17 and Attachment #18).

### **3) Ongoing evaluation loop and audit**

An audit for Department Bulletin 15-249 was conducted on 6.21.2017. Audits for Department Bulletins 18-99 and 17-228 were conducted on 9.6.2018. An audit for Department Bulletin 19-240 was conducted on 9.29.2020 ongoing (see Attachment #7a – 7d). The Strategy Statement (San Francisco Police Department Strategic Plan 1.0) is printed on a flyer and displayed at every police facility.

It is anticipated that an annual sign off of Department Bulletins related to the explicit language and reporting requirements outlined in DGO 5.17 as well as the “Not On My Watch Pledge” will be distributed to every Member beginning in 2021. Each Department Bulletin will require a Member to review and digitally sign to indicate they have reviewed the content of the Department Bulletin. Department Bulletins can be audited on a regular basis to ensure compliance.