

On September 11, 2020, SFPD published Written Directive's Unit Order 20-03, "Collaboration with DPA During Policy Development." The Written Directive's Unit is one of four components of the Professional Standards and Principled Policing Bureau. Under the Order, the Written Directives Unit tracks the development of new and existing policies, manages communications on behalf of the Department regarding policy development, drafts the Sparks Meeting agenda, facilitates the Sparks Meetings, takes meeting minutes, and facilitates the concurrence process for policy development. The Professional Standards Bureau also presents reports of progress to the Police Commission.

The Order also codifies the practice of monthly meetings, establishes policy and procedure for Sparks Meetings, and directs the use of a recommendation grid to track DPA recommendations and SFPD responses. Additionally, the Order details the SFPD annual revision plan for Department General Orders in collaboration with DPA. Finally, the Order explains how any policy disagreements can be escalated to the Chief of Police, and ultimately the Police Commission at public meetings.

At the monthly Sparks Meetings, SFPD provides DPA with a status report on DPA's proposed recommendations. The status report includes whether SFPD supports or does not support DPA's recommended policy changes and an explanation. Additionally, SFPD provides DPA with the revision status on Department Bulletins and General Orders, and agreed-upon DPA recommendations are moved into the process for inclusion into policy. These actions are tracked with the recommendation grid.

Based upon all of the above, the California 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. Thank you.

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Finding # 66:

The SFPD is not required to take action on the recommendations put forth in the Office of Citizen Complaints Sparks Report. OCC provides the Sparks Report quarterly to the Police Commission. The Sparks Report provides recommendations on policy and revisions.

Recommendation # 66.2:

The SFPD should make it mandatory for the Professional Standards and Principled Policing Bureau to review the Sparks Report and direct action where appropriate.

Response Date: 09/01/20

Executive Summary:

The San Francisco Police Department is committed to long term strategic planning with community input. To that end, the Department will improve its responsiveness by keeping the DPA informed in an unbiased and procedurally just way and seek resolutions through collaborative efforts.

Although the SFPD and DPA initially met quarterly, monthly meetings began in September 2018. Beginning in November 2018 meeting minutes and agendas were kept and shared with the SFPD/DPA attendees prior to the meetings. The SFPD and DPA collaboratively create the agenda and topics for discussion for the upcoming meetings to review recommendations from DPA that inform the Sparks Report.

The Sparks Report and sharing of recommendations has changed considerably since the USDOJ first visited SFPD. The DPA recommendations housed in an ever-growing and overly cumbersome, centralized document are now tracked with individual Department General Orders (DGOs) or Bulletins, as they are revised or developed, and are relevant to that particular DGO or Bulletin.

Meetings between DPA and the Professional Standards and Principled Policing Unit represent the discussions that are recommended by Commission resolution #27-06. The content of those meetings and discussion are what comprise the updates to the Commission, in the form of a Sparks Report.

Compliance Measures:

1) Establish PSPPB policy and procedure requiring review of Sparks Report

- On 4/6/06, Police Commission approved resolution #27-06 (see attachment #1) which mandates Sparks report discussions between the SFPD and DPA. Additionally, Unit Order 17-01 "Professional Standards and Department of Police Accountability Compliance with Department of Justice Task 66.1, 66.2, 66.3, 64.2" was issued on



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3/22/17 mandating that DPA and SFPD meet regularly to review the Sparks Report.
(see attachment #2)

On 08/25/20, the Strategic Management Bureau superseded Unit Order 17-001 with Unit Order 20-01. SMB updated the policy and procedures of the Sparks Report Meetings by issuing Unit Order 20-01 "Collaboration with DPA During Policy Development" which established regular meetings with DPA to review the Sparks Report (see attachment #3).

Unit Order 20-01 "Collaboration with DPA During Policy Development":

Section - Sparks' Meetings – Meeting Dates states:

"Sparks' meetings should occur approximately every month, with exceptions for holidays or occasions when necessary parties cannot attend and additions of meeting as necessary to address workload."

Section - Sparks' Meetings – Agenda states:

"The Commanding Officer of the WDU Unit or designee will send a draft agenda to DPA for review and potential revision ahead of the meeting. SFPD and DPA will only discuss DPA policy recommendations where recommendation grids have been provided to the Department by DPA.

Section IV. Sparks' Meetings – Meetings states:

"Meetings shall be structured to first address pressing items (e.g., DGOs, DBs, topics identified in latest Sparks' Report), followed by a review of DGOs in accordance with the annually published schedule. If approved by a Commanding Officer, an SFPD Sworn SME/Assigned member may be in attendance to address each policy item. WDU OIC should consider restricting the number of meetings dedicated to exchanging views on one particular SFPD policy item."

2) Identify follow through requirements for SFPD, where appropriate

-Unit Order 17-001 was issued on 3/22/17. 17-001 established a formalized policy and procedure for the ongoing collaboration between SFPD and DPA. Unit Order 20-01 superseded 17-01. Through the direction of Unit Order 20-01, this is tracked with the recommendation grid. The grid is a tracking method for which both the SFPD and DPA can track recommendations and responses to those recommendations. When a DPA recommendation is included in a revised bulletin or DGO, DPA is provided with a copy after the document completes either the drafting stage or the concurrence stage of the DGO review process. The DPA recommendation is also memorialized within PowerDMS with the related policy.



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An example of the recommendation grid being used is Department Bulletin 19-125 New Requirements When Members Interrogate or Question Youth 17-Years Old or Younger. (see attachment #4) The SFPD and DPA realized a need for a better tracking and response method for the policy development process. The grid allows for DPA recommendations to be tracked with a SFPD response and if the discussion is open or closed.

Unit Order 20-01 "Collaboration with DPA During Policy Development":

Section - Sparks' Meetings – Proceedings states:

"The Commanding Officer of the WDU Unit or their designee should facilitate each meeting."

Section - Sparks' Meetings – Sparks' meeting attendees' states:

SFPD Strategic Management Bureau, WDU staff, DPA representative(s), if approved by chain of command, the SFPD SME/Assigned members or SME/Assigned member designee may also attend. A representative from the Police Commission Office (not a commissioner) may attend as an observer. The Commander of the Chief of Staff will attend one meeting a quarter.

The Police Commission's roll is to select a representative from the Police Commission Office (not a commissioner) to attend as an observer. The Commander of the Chief of Staff will attend one meeting a quarter

3) Evidence of PSPPB direction to address Sparks Report

-Evidence of direction to address the Sparks Report is through a Unit Order 20-01, Chiefs directives, and Police Commission resolution. SFPD responses are maintained through meeting minutes. The Sparks report is also presented to the Police Commission on a quarterly basis. The Police Commission maintains the supporting documents.

Prior to the implementation of the recommendation grid DPA would provide SFPD with a recommendation letter. This letter would contain policy recommendations that would be discussed at Sparks meetings between SFPD and DPA. An example of action resulting from a Sparks Report meeting is Department Notice 19-175 "Sexual Assault Survivors at District Stations". DPA recommended that the department establish guidelines for sexual assault survivors when they enter a district station based on DPA's findings. The department in response drafted the department notice using DPA's recommendations as a reference to draft the notice. (see attachment # 5)



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SFPD and DPA have developed a more thorough process for submitting and responding to recommendations. The recommendation grid was created in response to DPA recommendations on Department Bulletin 19-125 New Requirements When Members Interrogate or Question Youth 17-Years Old or Younger. The SFPD and DPA realized a need for a better tracking and response method for the policy development process. The grid allows for DPA recommendations to be tracked with a SFPD response and if the discussion is open or closed.

Unit Order 20-01 "Collaboration with DPA During Policy Development":

Section II. POLICY states:

DGO 3.01, adopted in August 2019, outlines the SFPD Policy development process. In January 2020, DPA and SFPD agreed that DPA will no longer redline draft policy documents and will instead provide SFPD with policy and procedural recommendations via a "**Recommendation Grid**," (RG), which will serve as the tool to track DPA recommendations and SFPD responses.

The RG and Sparks Meetings will facilitate and satisfy the "exchange of views" between SFPD and DPA as defined in DGO 3.01. SFPD will provide all Recommendation Grids and the draft DGO to the Police Commission at the time of Commission review to provide transparency and track accountability. The Police Commission commended this agreement at the January 8, 2020 commission meeting.

DPA has the opportunity to generate or add to the RG several times in the course of the development or revision of DGO's. See the following sections of DGO 3.01:

- 3.01.01 (F) 4 – grid submitted
- 3.01.01 (F) 5 – grid submitted
- 3.01.03
- 3.01.10 (paragraph beginning, "During the concurrence process..." through the section referencing the Chief's meeting).

4) Audit and/or review loop as to unit actions in response

- At the SFPD/DPA monthly meetings, SFPD provides status of DPA's proposed recommendations to SFPD policies and procedures. The status report includes the Department's position to support or not support DPA's recommendation and any discussion. SFPD also provides the DPA with the revision status on department bulletins and DGOs. All supported DPA recommendations are forwarded to the appropriate SFPD SME for discussions and/or inclusion into the policy. This is tracked with the recommendation grid. The grid is a tracking method for which both the SFPD and DPA can track recommendations and responses to those recommendations. When



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a DPA recommendation is included in a revised bulletin or DGO, DPA is provided with a copy after the document completes the concurrence process. The DPA recommendation is also memorialized within PowerDMS with the related policy.

The monthly meeting minutes and agenda are electronically stored with the Professional Standards Unit. This is the current audit loop in place.

HH RFI: Provide additional documentation/evidence of the level of engagement as required under this recommendation including:

- The meeting minutes and agendas for the 2017 scheduled meetings as identified in the documents provided.
- Same documentation for any quarterly meetings occurring in 2018
- Explanation of what the 2018 PowerPoint in the file was used for and to whom it was presented.
- Evidence of any review of Sparks Report issues and subsequent directed action- if any.

Response: Meeting minutes were not kept in 2017. Bulletins and DGO's up for renewal were shared in those meetings. The 2017 quarterly summaries are attached.

Meeting agendas and minutes began in November 2018. SFPD and DPA began meeting monthly instead of quarterly. The meeting minutes are reviewed and approved by both parties. Attached are monthly meeting agendas (see attachment # 6) spanning from February 11, 2019 through August 25, 2020. There were no meetings between January 1, 2020 through May 21, 2020. This was due to mutual cancellations and the COVID-19 pandemic.

The 2018 PowerPoint in the old documents portion of the file was used to present to the Police Commission on July 18, 2018. The PowerPoint was used to update the Police Commission on what bulletins and DGO's were issued during that quarter. In addition, the updated packet contains the most recent (Quarter 2) Spark's PowerPoint (see attachment # 7) report that was presented to the Police Commission on September 2, 2020 and the Quarter 2 – Summary Report that was presented to DPA (see attachment # 8).

In addition, SFPD unit order 20-01 establishes the convening of the Sparks report meetings. Attendees include SFPD Strategic Management Bureau, Written Directives, SFPD subject matter experts (SMEs) for any and all documents under consideration at each meeting, a DPA representative, and an attendee from the Police Commission. The Commander of the Chief of Staff will attend one meeting a quarter. The Commanding Officer of the WDU Unit or designee will send a draft agenda to DPA for review and potential revision ahead of the meeting. SFPD and DPA will only discuss DPA policy recommendations where recommendation grids have been provided to the Department by DPA. Agenda and minutes document any action taken.



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The Sparks report issues are raised in a public forum at the Police Commission. They are televised and recorded on sfgov.tv which is a local government television channel. Additional, evidence of review is discussed within the SFPD and DPA monthly meetings and captured in the meeting minutes.

On Thursday, June 11, 2020, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, CalDOJ confirmed that the recommendation, upon review, was complete.

Prior to submitting the recommendation to external validation for formal review, the SFPD restructured the Spark's Meeting procedures. Specifically, the Spark's Meeting Facilitator and Spark's Meeting Attendees. The initial unit order called for a member of the Police Commission to facilitate the meeting. The new Unit Order calls for the Commanding Officer or designee of the Professional Standards & Principled Policing Bureau to facilitate the meeting. A representative from the Police Commission (not a Commissioner) may attend as an observer.

The Unit Order also reflects upon an agreement between DPA and the SFPD in January 2020 – which was an agreement that DPA would no longer “red line” draft policy documents; instead, using the recommendation grid that was agreed upon by the DPA and SFPD. (see attachment #3)

In addition, the newly revised Unit Order (see attachment #3) expands upon the policy and procedures as it relates to document review, final collaboration, and the procedures for escalation in deemed necessary.

In accordance with the newly revised Unit Order, the SFPD created new Working Group and Documents Review Flowcharts that describe the process step by step and have been added as attachments to the newly revised Unit Order.