

Recommendation 67.1

TK

Tanya Koshy [REDACTED]
Mon 6/21/2021 7:09 PM

To:

- [REDACTED]
- McGuire, Catherine (POL);
- Scott, William (POL)

+8 others

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Dear Acting Captain Altorfer:

Our office has completed its review of the materials related to Recommendation 67.1 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 67.1: The SFPD must work to develop practices that measure, analyze, and assess trends in public complaints and employee misconduct.

Response to Recommendation 67.1:

In February 2019, the Department of Police Accountability (DPA) began to submit to SFPD a weekly report of civilian complaints, which includes the District/Unit of the underlying allegation of misconduct, a summary of the complaint including the allegations of misconduct, and the officer(s) involved (if identified). This report is called the Henderson Report.

In late April 2020, upon SFPD's request, DPA also began to send SFPD a quarterly version of the Henderson Report. SFPD Captains receive the portion of the report concerning members under their command and Command staff receive the full report. The DPA also provides the underlying data on civilian complaints in an Excel spreadsheet. The SFPD's Business Intelligence Unit (BIU) uses the data in the Excel spreadsheet to create a quarterly trend analysis report (the "Henderson Trends Report"). The Henderson Trends Report visually breaks down the DPA civilian complaint data by watch, district, quarter, and underlying allegation. The BIU then forwards the Henderson Trends Report to the Officer in Charge (OIC) of the Internal Affairs Division (IAD) who is tasked with forwarding it to the Deputy Chief of the Field Operations Bureau (FOB). SFPD codified the quarterly trends analysis reporting process in Internal Affairs Division Unit Order 20-06.

The FOB Deputy Chief facilitates a quarterly Captains meeting, which is attended by the Commanders of Metro and Golden Gate Divisions along with the District Station Captains. The meeting attendees must discuss, among other topics, the Henderson Trends Report. Meeting attendees use the report to identify trends, reoccurring themes, potential underlying causes, remedies, and to evaluate successes of any of those remedies. This process is codified in FOB Bureau Order 20-05.

Captains are tasked with addressing issues emerging from the civilian complaints within their commands and must document the actions they take to address those issues in a quarterly Captain's Report. The FOB OIC must maintain a log of quarterly reports Captain's Report and conduct an audit and review of the quarterly reports in December of each year. The FOB OIC must furnish their review to the FOB Deputy Chief. SFPD provided further details about this process in the packages for Recommendations 65.1 and 65.2. Those two packages also provide additional related details on SFPD's meetings with DPA to discuss the complaint and disciplinary process

As the above reflects, SFPD's civilian complaint analysis process, while promising, is fairly new. DPA started to provide SFPD with data in a searchable format starting in April 2020, and SFPD began to analyze that data in September 2020. SFPD provided evidence that the Henderson Trends Report has been discussed in two quarterly Captains meetings (November 2020 and March 2021). Therefore, while the California Department of Justice finds SFPD in substantial compliance with this recommendation based on all of the above, this recommendation requires ongoing review to ensure sustained compliance and consistent analysis of civilian complaint information. Additionally, the California Department of Justice agrees with Hillard Heintze that SFPD should also consider examining IAD data as well.

Finally, the California Department of Justice recommends that SFPD provide more details in the minutes of its Captains meetings on specific trends from civilian complaint data that are identified in the meetings and to specifically place an item of the meeting agenda that addresses a comparison of past data with current data to identify positive and negative trends. These changes will ensure that SFPD can keep better track of whether their policing has improved as a result of evaluating civilian complaint data. Please let us know if you have any questions or would like to discuss these further.

Tanya

Tanya S. Koshy (she/her)
Deputy Attorney General
Civil Rights Enforcement Section
California Department of Justice
1515 Clay Street, Suite 2100
Oakland, CA 94612



Finding # 67	The SFPD does not analyze trends in complaints, situations that give rise to complaints, or variations between units or peer groups in relation to complaints and misconduct.
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Recommendation # 67.1	The SFPD must work to develop practices that measure, analyze, and assess trends in public complaints and employee misconduct.
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Recommendation Status	Complete Partially Complete In Progress Not Started No Assessment
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Summary

In fall of 2020, the SFPD developed the capacity to share complaint data trends analysis. It relies upon data provided by the DPA and does not use SFPD IA data. The Business Intelligence Unit (BIU) provides trend analysis for command staff and district captains. While a specific plan was not presented, the data evolution demonstrates a focus and approach on identifying available data and sharing it more broadly across the department. Use of the BIU to provide graphical analysis, as well as bureau orders to share the data among patrol captains and for analysis subsequently sufficiently supports a vision that the data was to be packaged and shared to support analysis. It should be noted that the SFPD, while using DPA data, also needs to continue to examine internal IA data to support the overall process.

Compliance Measure # 2 is supported through the process identified under the Operations Bureau Order implemented on December 8, 2020. SFPD has shared its initial development of the trend analysis and the process for review. While not contained in this review folder, under Recommendation 65.1 and 65.2 the department demonstrated the processes that support the data and trend analysis, including the use of BIU, the Disciplinary Review Board and the Captain's quarterly meeting.

For compliance measure three, the department updated the file to include the recent actions involving the FOB order on the Quarterly Captain's meeting and data sharing and tasking in response to trends identified. The information and trend analysis shared with the DPA as the result of another action, the Discipline Review Board – as submitted in 65.1 and 65.2 - support this review.

As the department moves forward, the analysis of internal discipline data needs to be just as robust. Various reporting mechanisms exist but they are not sufficiently joined up to provide a clear picture analysis of misconduct and complaints against misconduct as a whole.

Finally, in the notes the department raises concerns about compliance with compliance measure two as it relates to obligatory acts by Captains. This is the goal of the compliance measure – to address increase/decrease in trends. A punitive action is not envisioned, but rather strategic analysis about drivers and outcomes. The link to CompStat was intended for SFPD executives and captains to align to a similar thought process to better understand what is driving complaints and to identify solutions to help decrease complaints and share success stories and strategies – it is not about discipline. Using traditional problem-solving tools to identify sources and reasons will allow for better resolution on the factors that drive complaints. Some will be the direct outcome of specific officer misconduct – the disciplinary system addresses that.

Compliance Measures		Status/Measure Met
1	Concurrent with the actions under Finding 65, the SFPD should establish a data collection and analysis plan for complaints. The analysis should meet the	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

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	same analytical threshold as other department analyses.	
2	Trend analysis information should be measured and shared at quarterly CompStat meetings.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Evidence of data analysis and sharing.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues



Collaborative Reform Completion Memorandum

Finding # 67: The SFPD does not analyze trends in complaints, situations that give rise to complaints, or variations between units or peer groups in relation to complaints and misconduct. In part, this is because the SFPD does not have appropriate data systems to allow for data-led management and policing decisions.

Recommendation # 67.1 The SFPD must work to develop practices that measure, analyze, and assess trends in public complaints and employee misconduct.

Response Date: 03/22/2021

Executive Summary:

On Thursday March 4, 2021, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Hillard Heintze discussed the recommendations jointly and had three main questions for SFPD about these recommendations:

(1) how the department came to its plan regarding Henderson data

(2) how SFPD acted upon the data since 2017

*(3) whether the captains' quarterly meeting scheduled for today is occurring. SFPD responded by explaining the evolution from the Morning Report to the Henderson Report and how SFPD continually reviewed and improved the process. Hillard Heintze thought the explanation was helpful and also asked that SFPD include in the Form 2001 limitations SFPD has recognized and is working on. SFPD also verified that the captains' quarterly meeting is occurring today. For continuously improving the data that is reviewed, SFPD would like to add more context (for example, how protests in a district might effect the data). SFPD plans to gather the supporting documents for inclusion in the packages over the next week (3) **Is answered on pg6 in CM #3***

Prior to February 2019, the DPA had been providing the department with scanned copies of recent complaints on CD-ROMs (The Morning Report). The information on the CD-ROMs was not searchable and there was no data to extract for analysis.

In February 2019, the DPA revised their format, which became the "Henderson Report". The Henderson Report was emailed weekly to SFPD Command Staff and Captains of the named members. The information within the Henderson Report was not formally acted upon by the department and there did not seem to be a clear explanation of what the Henderson Report was regarding and how it could be utilized. Also, at the time, DPA appeared to have used an outdated email distribution list that did not have current members of the Command Staff nor the appropriate Station/Unit Captains, this has been corrected.



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In March 2020, SFPD reached out to DPA and asked if they would be able to provide a Quarterly version of the Henderson Report as well as the underlying data (contained in an Excel spreadsheet). Although the data was limited in scope, SFPD believed it would be of use for rudimentary examination/analysis of complaint trends. DPA's categories of misconduct allegations were too broad and non-specific: e.g., Neglect of Duty could be used for numerous types of allegations.

On April 28, 2020, DPA was able to provide the SFPD with the underlying data from the new quarterly version. That data was then provided to SFPD's Business Intelligence Unit (BI) to evaluate for possible trends and graphical presentation ("Trend Analysis-Henderson Report")

The first presentation of the Q3 2020, Quarterly Trend Analysis Henderson Report occurred on November 5th, 2020 at the Field Operations Bureau (FOB) Quarterly Captains Meeting. Going forward, the Quarterly Trend Analysis Henderson Report shall be presented and discussed at all Quarterly Captains Meetings, facilitated by the Deputy Chief of FOB.

Per FOB Bureau Order 20-05, after the presentation of the Quarterly Trend Analysis Henderson Report Captains will be tasked with using the new report to compare statistics from the previous quarter. After completing their comparison, Captains must author a Quarterly Memorandum explaining their analysis, accounting for any changes in complaint trends, and detailing their plans to mitigate any problematic trends. This Memorandum is then submitted to the Deputy Chief of the Field Operations Bureau. The Lieutenant of FOB is responsible for maintaining a log of the Memorandums to ensure their timely completion, and in December of each year, the Lieutenant of FOB will perform an audit to ensure that the Memorandums include the necessary information detailed in FOB Bureau Order 20-05. Should the Lieutenant of FOB discover any deficiencies in the Memorandums, they will alert the Deputy Chief of the Field Operations Bureau, who will take corrective action as necessary.

Compliance Measures:

- 1) Concurrent with the actions under Finding 65, the SFPD should establish a data Collection and analysis plan for complaints. The analysis should meet the same analytical threshold as other department analyses.**

On December 21, 2020 SFPD Professional Standards Members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Cal DOJ gave comments that applied to recommendations 65.1, 65.2, and 67.1. Cal DOJ asked about its analysis of complaints, and SFPD explained that the Henderson Reports are the only information DPA gives to SFPD regarding in progress complaint investigations and that SFPD does not have access to any additional information. Cal DOJ requested that SFPD include that limitation, so the public is aware.



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The DPA compiles a list of the complaints it receives and creates a document called the Henderson Report in order to have a complete list of complaints and enable the identification of trends. The Henderson Report information is the only data the DPA provides to the Department regarding complaint trends.

Since February 2019, the DPA has disseminated the Henderson Report to the Command Staff and Captains of subject officers via email on a weekly basis. The Captains only receive the portion of the report that is specific to accused members under their command. The Command Staff receives the full report of all accused SFPD members. (Attachment #1) *Example of weekly DPA Henderson Report (redacted)*)

To assist the SFPD in detecting emerging complaint trends and issues, DPA also completes a quarterly version of the Henderson Report. The quarterly version of the Henderson Report is emailed to SFPD in two versions: one formatted identically to the weekly version and a data only version to allow for graphing and analysis of the data. Risk Management (RMO) personnel are tasked with providing the data to the Business Intelligence Unit (BI) for trend analysis. (Attachment #2) *3rd Quarter 2020 Henderson Report*, and (Attachment #3) *IAD Unit Order 20-06*

After receiving the data-only version, the Business Intelligence Unit (BI) is tasked with creating a Quarterly Trend Analysis Henderson Report. The report includes categorizing and visualizing the complaint data to assist in identifying trends and potential issues. This report is divided by watch, district, and citywide categories and is distributed on a quarterly basis to the Command Staff and District Station Captains. The ability of the Department to generate the Trend Analysis report is new, as prior to upgrading the Department's data analysis system in September of 2020, the data provided by DPA could not be integrated into or analyzed by the Department's system.

The Trend Analysis Henderson Report allows Command Staff and District Captains to identify any aggregate trends in complaints and adjust policy and training as needed. The report is created within the same standards as other reports produced by BI. (Attachment #4) *Trend Analysis Henderson Report*

2) Trend analysis information should be measured and shared at quarterly CompStat meetings.

On December 21, 2020 SFPD Professional Standards Members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Cal DOJ and Hillard Heintze thought that using the quarterly meetings would work as a substitute for the CompStat meetings.



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Due to the discontinuance of CompStat, the presentation of the quarterly Trend Analysis Henderson Report is done at the Field Operations Bureau's (FOB) Quarterly Captains Meeting. The meeting is led by the Deputy Chief of FOB and attended by the Commanders of Metro and Golden Gate Divisions along with the District Station Captains. Captains are tasked with addressing issues affecting their commands and are to document the actions they take to address those issues in the Quarterly Captain's Report.

The "Trend Analysis Henderson Report" mandated by FOB Bureau Order 20-05 was presented for the first time at the FOB 3rd Quarter Captains meeting on November 5, 2020. (Attachment #5) FOB Bureau Order 20-05

3) Evidence of data analysis and sharing.

On December 21, 2020 SFPD Professional Standards Members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Hillard Heintze and Cal DOJ requested more information regarding what SFPD does with the information it receives in terms of concrete actions it has taken. SFPD explained that the process is new and that responsibilities are identified in the Bureau Order. SFPD will circle back with whether any actions were taken as a result of the last quarterly review.

Following the call, Cal DOJ realized that it had additional feedback to provide related to Bureau Order 20-05. Specifically, Cal DOJ notes that the Order states the Lieutenant "shall be responsible for accounting for and maintaining a log of Captains Quarterly Report." SFPD should spell out in this Bureau Order – or in whatever supplementary documentation makes sense to the Department – that the Captains are required to prepare a quarterly report that specifically addresses the quarterly discussions referenced in that Bureau Order. Further, the Bureau Order states that the Lieutenant "shall conduct an audit and review of the Captain's quarterly report in December of each year and furnish a report to the Deputy Chief of Field Operations Bureau on the outcome of the audit." SFPD should also make the scope of the audit clear (that is, what sort of deficiencies/issues is the Lieutenant looking for in their audit?).

On November 5, 2020, the DPA Complaint "Trend Analysis Henderson Report" was presented to the 3rd Quarter FOB Captains meeting for the first time. In the report, Central Station was shown to have higher volume of complaints compared to other stations, however complaints had decreased for the Department as a whole. In subsequent meetings, these figures and others will be compared to the next report by quarter and the success of steps taken to address them can be evaluated.

(Attachment #6) Third Quarter Captains Meeting Agenda

Due to the fact that the first presentation of the Trends Analysis Henderson Report occurred on 11/05/2020, there has not yet been an opportunity for quarterly comparisons to be made. After the next FOB Quarterly Captains Meeting, District Station Captains will begin quarterly



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comparisons based on trend analysis and author Memorandums documenting their corrective actions and findings. The next Quarterly Captains Meeting is scheduled for March 4th, 2021 (**Attachment #7**) *Calendar Screenshot of Scheduled March 2021 FOB Captains Meeting*)

The goal of identifying DPA complaint trends and presenting them at the FOB quarterly Captains meeting is to proactively remedy problem behavior and seek methods to eliminate such behavior in the future on an organizational level as well as by district.

FOB Unit Order 20-05 tasks Captains with addressing issues affecting their commands and documenting their actions in their Quarterly Captain's Memorandums. FOB Unit Order 20-05 was updated to conform to suggestions from the Cal DOJ and Hillard Heintze made during prescreen on 12/20/2020. (**Attachment #5**)

Moving forward, per FOB Unit Order 20-05, after they are furnished with the Trend Analysis Henderson Report at the Quarterly Captains meeting, Captains are to:

- a) Identify DPA complaint and allegation trends.
- b) Compare trends on a quarterly basis for a global perspective and any re-occurring themes.
- c) Explore the potential underlying causes behind the undesired behavior (ex: training issues and opportunities, supervisory or leadership deficiencies, etc.).
- d) Identify remedies and solutions to behavior.
- e) Implement solutions and document their effectiveness, or lack thereof, with new, goal-oriented outcomes in mind.
- f) Evaluate the success of measures taken at Quarterly Captains Meetings, and compare Trend-Analysis Henderson Reports on a quarterly basis.
- g) Ensure tracking mechanisms are enacted at the station level for follow-up audits and quarterly comparison review.
- h) Prepare a quarterly Memorandum to the Deputy Chief of Field Operations regarding the action plans that were put into place and account for any decreases or increases in DPA complaints for the prior quarter. The memorandum shall include the above listed topics (a-g).

Per FOB Unit Order 20-05, the Lieutenant of FOB shall be responsible for maintaining a log of the Captains' Quarterly Memorandums on the above issues and conducting an audit of the memorandums once a year in December. The audit will ensure:

- a) Quarterly memorandums depict specific strategies used and measure the effectiveness of those strategies
- b) Quarterly increases and decreases in complaints within the Captain's district are documented in the memorandum
- c) The items in Section II of the unit order (see above listed tasks) are considered and discussed in the memorandum



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If any issues are identified in the audit of the memorandums, the Deputy Chief of FOB will take appropriate corrective actions to rectify them.

On Thursday March 4, 2021, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

(3) whether the captains' quarterly meeting scheduled for today is occurring. SFPD responded by explaining the evolution from the Morning Report to the Henderson Report and how SFPD continually reviewed and improved the process. Hillard Heintze thought the explanation was helpful and also asked that SFPD include in the Form 2001 limitations SFPD has recognized and is working on. SFPD also verified that the captains' quarterly meeting is occurring today. For continuously improving the data that is reviewed, SFPD would like to add more context (for example, how protests in a district might effect the data). SFPD plans to gather the supporting documents for inclusion in the packages over the next week.

The first presentation of the Q3 2020, Quarterly Trend Analysis Henderson Report occurred on November 5th, 2020, the report was reviewed and reassessed for clarity and ease of understanding. On March 4, 2021, the revised report was provided to the Q1 2021 Captains Meeting. **(Attachment #8)** *Captain Quarterly Meeting Minutes*

Per FOB Bureau Order 20-05, after the presentation of the Quarterly Trend Analysis Henderson Report Captains will be tasked with using the new report to compare statistics from the previous quarter. **(Attachment #9)** *Henderson Report Q3 2020*

After completing their comparison, Captains must author a Quarterly Memorandum explaining their analysis, accounting for any changes in complaint trends, and detailing their plans to mitigate any problematic trends. The memorandum is then submitted to the Deputy Chief of the Field Operations Bureau. The Lieutenant of FOB is responsible for maintaining a log of the memorandums to ensure their timely completion, and in December of each year, the Lieutenant of FOB will perform an audit to ensure that the memorandums include the necessary information detailed in FOB Bureau Order 20-05. Should the Lieutenant of FOB discover any deficiencies in the memorandums, they will alert the Deputy Chief of the Field Operations Bureau, who will take corrective action, as necessary.

As a result of the March 4, 2021, Captains Meeting, District Station Captains completed and submitted their memos to the Deputy Chief of FOB, as outlined in FOB Bureau Order 20-05. **(Attachment #10)** *Captains Quarterly Meeting Memorandums*