Recommendation 70.3

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Mon 4/5/2021 1:36 PM
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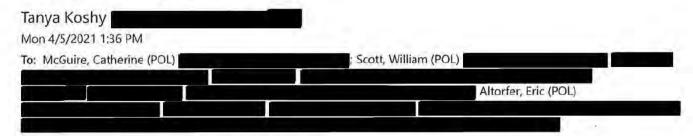
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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 70.3 that were 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 70.3: Prior to promulgation of policies and procedures, the SFPD should ensure that comments are sought from members and units most affected by any practice, policy, or procedure during the initial stages of development.

Response to 70.3:

SFPD has developed a process that ensures that it obtains the input of members and units that are most affected by any policy or procedure in development. Consistent with Department General Order 3.01 (Written Communication System), the Written Directives Unit (WDU) issued Unit Order 19-01, which provides details on this process. As part of the process, the Deputy Chief in charge of the particular division, bureau, or unit most affected by a department general order (DGO) under development will assign a SFPD member to serve as the subject matter expert (SME).

The SME is in charge of revising the DGO to ensure it address any key issues, community expectations, and best practices. To that end, the WDU provides guidance to the SME on any relevant deadlines, how to update a DGO, and where to find information on best practices for that DGO. SFPD included in the package the matrix of the policies that under currently under development and the SME assigned to oversee development of each policy.

Under DGO 3.01.01(F)(2), the SME will also "[s]olicit review by Commanding Officers, who shall seek input from their respective members, in units most affected by the proposed policy." Further, the SME will meet and confer with the Department of Police Accountability to go over the policy and resolve any differences. DGO 3.01.01(F)(5). Finally, the SME must review any recommendations provided by stakeholders, such as community members and the Police Commission. DGO 3.01.01(F)(4).

To keep track of input received, the SME must complete a Policy Input Log, and attach it to the initial draft of the policy that is submitted for concurrence. In the log, the SME lists the units and/or members most affected by the policy in development and identifies any person who provided input, and summarizes the input received. The WDU staff will input the contents of the log into SFPD's cloud-based system that stores all policies.

WDU also keeps track of input by maintaining minutes of each meeting in which Executive Command reviews a policy in development. SFPD provided an example of those minutes which show each commanding officer's edits to a policy in development.

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 further. Thank you.

Tanya

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Finding # 70	The process to update Department General Orders is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues.
Recommendation # 70.3	Prior to promulgation of policies and procedures, the SFPD should ensure that comments are sought from members and units most affected by any practice, policy, or procedure during the initial stages of development.

Recommendation Status	Complete Partially Complete In Progress Not Started No Assessment

Summary
The San Francisco Police Department enacted a Department General Order (DGO) that defines the policy development requirements for the department. This includes the requirement that expert input is sought. Under the policy, the Bureau most directly impacted is responsible for assigning a subject matter expert (SME). This role then is responsible for providing the insight and coordinating comments from within the affected bureau. The practice and work aligned is aligned to compliance measure number one. Under compliance measure number 2, there are various processes that assist in tracking the work of SMEs both at the unit level and within the PSPP's Written Directives Unit (WDU). The WDU follows a Policy Input Log, SFPD Form 582. This tracks and reconciles expert input. PowerDMS is used to support tracking. During SFPD concurrence, inclusive of the expert review, WDU maintains "minutes" of each meeting as a tool to capture the topics for reconciliation and discussion for future meetings.

Compliance Measures		Status/Measure Met
1	Identify unit level experts for opinion and input in the development of DGOs.	√ Yes ☐ No ☐ N/A
2	Develop a tracking system to log and reconcile expert input.	√ Yes ☐ No ☐ N/A

Administrative Issues

Compliance Issues

Collaborative Reform Completion Memorandum

Finding # 70: The process to update Department General Orders is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues.

Recommendation # 70.3: Prior to promulgation of policies and procedures, the SFPD should ensure that comments are sought from members and units most affected by any practice, policy, or procedure during the initial stages of development.

Response Date: 01/04/2021

Executive Summary:

General Oder 3.01 (Attachment #1) was adopted by the Police Commission on August 07, 2019. General Order 3.01.01 details the policy development steps the SFPD follows in initiating or amending DGO's, ensuring input is sought at an early stage from members and units most affected by any practice or policy.

On Thursday, January 7, 2021, 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 thought that this recommendation looked good, but it would be helpful to identify that there have been ongoing processes that are now being formalized so that it does not give the false impression that SFPD was not engaged in the processes prior to the newly enacted policies. Cal DOJ agreed.

This practice of developing and updating policy was reaffirmed by *Resolution 27-06* dated on April 5, 2006. (Attachment #2) This Resolution insured that the SFPD and The Department of Police Accountability were to submit quarterly reports to the Police Commission regarding policy proposals.

Policies being updated are assigned to the Bureau most affected. The Deputy Chief assigns an SME within his/her Bureau. At this initial stage, the Written Directives Unit, per Unit Order 19-01 (Attachment #3), provides the subject matter expert general assistance, consisting of a DGO template, timeline guidance, and related policies from SFPD and outside agencies.

A group of DGO's has been assigned to each Bureau and its respective Deputy Chief, and the DC has assigned an SME to update each policy (Attachment #4) *Assignment of SME's 2019-2020.* A review of the attached spreadsheet - showing DGO's and assigned SME's - indicates that this process is functioning well as the SME for each DGO is a member who works closely with the policy.

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Collaborative Reform Completion Memorandum

Another advancement has been made in ensuring input is sought during the initial stages of policy development from the members and units most affected. The PIL makes the SME accountable for identifying the members and units most affected by a policy and summarizing the input received. The WDU shall also provide the SME with a **Policy Input Log**, SFPD Form 582 (Attachment #5), which the SME will use to document their steps in identifying the Units and members most affected by the policy and summarizing the input received from them.

Compliance Measures:

1) Identify unit level experts for opinion and input in the development of DGOs.

DGO 3.01.01.F General Order Development Process
States that is the responsibility of the Deputy Chief or Director of the Bureau most affected by the directive to assign a member (subject matter expert, SME) to review and amend policy. The Deputy Chief of each Bureau is responsible for identifying and selecting a knowledgeable and experienced member in his/her Bureau to lead the update of specific policies. For example, if the Deputy Chief is selecting an SME to update traffic enforcement policies, the Deputy Chief will select an SME who is extremely familiar with traffic enforcement policy. The selected SME, in order to ensure the updated policy is comprehensive and inclusive, will seek input from the members and units most affected by the policy.

DGO 3.01.01 F Sec 2, states that the assigned member, "*Solicit review by Commanding Officers, who shall seek input from their respective members, in units most affected by the proposed policy.* To ensure and catalogue that this critical step is followed, the SME shall complete and submit the Policy Input Log to WDU when submitting the initial draft, per Written Directives Unit Order 21-01, *Ensuring Input is Sought During the Initial Stages of Policy Development from the Members and Units Most Affected* (Attachment #6).

Part I of the Policy Input Log details who is an affected party for that policy. Part II of the log summarizes the input received and who it was received by.

Once the initial draft and Policy Input Log are submitted for concurrence, the draft is reviewed by DPA and a chain of department members (per DGO 3.01) that includes members from each rank of the organization, ensuring that a broad perspective of input is achieved for each policy.

Finally, the Police commission provides another layer of expertise and perspective in the policy development process, per DGO 3.01.01, F, Sec 4. *Review stakeholder(s) recommendation(s) (e.g., Community, Police Commission, Firearm Discharge Review Board, Risk Management Office, City Attorney, Department of Police Accountability) on training, law, community expectation or law enforcement best practices.*

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2) Develop a tracking system to log and reconcile expert input.

A comprehensive tracking system is integral to ensuring that expert input is documented and reconciled for each policy. The supervisor of Written Directives oversees this process and ensures the chronology log in PowerDMS is updated in an accurate and timely manner.

The Written Directives Unit (WDU) is responsible for tracking the development process of DGO's - from the assignment of an SME to a policy's publication. PowerDMS is the software program that Written Directives uses, creating a chronology log for each step of the development process. For example, DGO 1.08 which is in its final steps of concurrence and awaiting approval with the Police Commission, has gone through the internal process, and documented in PowerDMS. (Attachment #7).

PowerDMS is used to track everything from the receiving of a recommendation grid from DPA, to the edit requests from Deputy Chiefs. In addition to the Deputy Chiefs, all members of the Command Staff from the Assistant Chiefs, Commanders, and members most impacted by the new policy have access to view the progression of the order through PowerDMS. For example, Written Directives staff enters the contents of each Policy Input Log submitted by an SME into PowerDMS, documenting the input received from the members and units most affected.

In addition to PowerDMS being used as a tracking system, WDU maintains a record of SFPD concurrence using additional tracking tools. During SFPD concurrence, the Executive Command staff meets and reviews each DGO. WDU maintains "*minutes*" of each meeting (Attachment #8) as a tool to capture the topics for reconciliation and discussion for future meetings. These reconciliation issues are listed as "agenda items" (Attachment #9) *DGO Weekly Executive Command Staff & Select SME's* and distributed to the command staff prior to meetings to provide structure, organization, and the opportunity to prepare. Additionally, organizing review meetings by agenda items facilitates an efficient and recordable process, whereby decisions are readily made and the process advances.

In the end, a historical file is maintained by Written Directives that encompasses all the above material (PowerDMS chronological log, Minutes and Agenda Items) for each DGO. Often the Police Commission, when considering a policy for adoption, requests the complete historical file as a pre-requisite for review of a draft DGO. They want to see what issues the SFPD discussed and how they were reconciled.