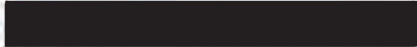




Recommendation 83.2

Tanya Koshy



Mon 1/11/2021 4:41 PM



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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 83.2 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 83.2:

The SFPD should continuously evaluate the PAT [physical ability test] process to ensure no unintended impact for any of the diverse candidates it seeks to hire.

Response to 83.2:

In 2017, SFPD established a SFPD/DHR Recruiting and Hiring Committee that would meet quarterly to assess current hiring practices and compare them to nationwide contemporary best practices. The Committee consists of the Officers-in-Charge of the Staff Services Division and the Basic Academy, the Sergeants of the Background Investigations and Recruitment Units, and the DHR Public Safety Team. SFPD notes that DHR was regularly providing the Committee with data on PAT, among other forms of data, up until the end of 2019. However, because of staffing and pandemic-related duty changes at DHR, DHR has not provided data on the PAT throughout 2020. Because PAT data is within the control of DHR, the Review Committee's inability to evaluate the data on a quarterly basis will not be weighed against SFPD for purposes of this review. Importantly, SFPD has provided evidence (i.e. meeting minutes) reflecting that the Review Committee nonetheless continues to evaluate the testing components on a quarterly basis, even without testing data.

SFPD provided a chart that indicates that the passage rate of the PAT differs significantly between men and women, but among women, there is not a significant difference in the passage rate among women of different races/ethnicities. Given this, SFPD has provided examples of ways it has evaluated the PAT specifically to address the gender disparity in passage rate.

First, SFPD determined that partly in response to the high failure rate of female applicants with the trigger pull test (a component of the PAT), DHR and SFPD hired a third-party entity to study whether DHR could replace the trigger pull test with the handgrip test without compromising the fairness or validity of this test. During a three-and-a-half month period, from October 8, 2016 through January 22, 2017, DHR administered both tests to academy recruits to determine whether it could transition to the handgrip test without any adverse impact on protected classes. The study concluded that DHR could transition to the handgrip test and DHR formally did so on July 30, 2017.

Second, Chief Scott directed the Department to hold several women's forum meetings in 2017, seeking feedback on how to improve recruitment of women, among other issues. Attendees suggested offering more frequent PAT





practice sessions so applicants can practice any of the components of the PAT as many times as needed prior to formally taking the PAT. In response to this suggestion, SFPD began to offer monthly practice PAT sessions.

Attendees at the women's forum meetings also recommended regular workout sessions. SFPD was already offering such sessions at that time but in response to this suggestion, SFPD increased the frequency to monthly sessions.

Third, the Recruitment Unit constructed its own 5-foot wall, which could be used to practice the wall agility test, a component of the PAT. DHR approved the Recruitment Unit to take the wall, and other components of the PAT, to various locations throughout California, which allows women across the state to practice the PAT. SFPD notes that taking the PAT components to colleges is particularly helpful because there is high recruitment interest among women in colleges and thus SFPD is able to make practice sessions more readily available to interested women.

Because of the changes SFPD and DHR have already implemented, SFPD has seen an increase in the PAT passage rate for women, from 42% in 2014 to 60% in 2019. While SFPD has made changes that have increased women's PAT passage rate by 18%, the passage rate remains low. The California Department of Justice encourages SFPD to consider recommendations from other sources, including other departments' practices and the Department on the Status of Women's 2019 gender analysis report. In that report, the Department on the Status of Women recommended SFPD evaluate whether SFPD's weight to height requirements may be a barrier and reassess how much weight the Department should place on physicality for hiring purposes.

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.

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Finding # 83: The SFPD's is not administering a physical ability test (PAT). The SFPD sought to update or eliminate the PAT requirement to repeatedly pull a firearm trigger. As a result, the entire PAT must be redesigned and validated. As of the date of this report, the PAT is not part of the selection process and was therefore not a part of the assessment. However, a selection process that does not include a physical abilities test is not optimal because physical skills are important for police officers. PATs are supposed to ensure a police officer's ability to perform effectively and simulate police officer work. However, some elements of the test for SFPD applicants may be outdated and inconsistent with emerging practices.

Recommendation # 83.2: The SFPD should continuously evaluate the PAT process to ensure no unintended impact for any of the diverse candidates it seeks to hire.

Response Date: 12/03/2020

Executive Summary:

Compliance Measures:

1. Ongoing review of PAT process for unintended impacts/outcomes and continuous improvement loop established.

For a successful SFPD applicant to make it through the entire hiring process, they must complete the following steps/tests:

- Complete an online application, submitted to DHR
- The Written Test administered by the National Testing Network (NTN) for DHR
- The Physical Ability Test (PAT) administered by DHR
- The Oral Boards Test administered by DHR
- Eligible List / Certification Rule is passed from DHR to SFPD Background Unit
- Complete Personal History Questionnaire (PHQ) Evaluation
- Background Investigation including employment verification, character evaluation, review of judicial records and driving records
- Polygraph Examination
- Testing for use of controlled substances
- Psychological Examination
- Medical Examination including vision testing and hearing testing

Specifically, for the PAT, these are the four components: dynamometer grip strength, sit-ups, push-ups and a wall agility run. Below is a link to the SFPD website PAT



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information section which also includes a video displaying each of the four PAT testing events.

<https://www.sanfranciscopolice.org/your-sfpd/careers/sworn-job-openings/physical-ability-test>

The SFPD/DHR Recruitment & Hiring Committee meets quarterly. This meeting serves as the regularly scheduled forum to review of all components of the hiring process. This includes testing data review. The SFPD relies on DHR to bring application data, NTN written testing data, PAT testing data (inclusive of all four components) and Oral Boards testing data for review. DHR has consistently provided that data for SFPD to review up until December 2019. Due to staffing changes at DHR and COVID-19 related personnel duty changes at DHR, their data has not been entered into their tracking system for the year 2020. The DHR Public Safety Team continues to attend the regularly scheduled Recruitment & Hiring Committee meetings but has not provided updated testing data for this year. SFPD has requested this data numerous times throughout 2020 and DHR has responded each time that they will provide the data as soon as they are able to. See attachment 1 for the 2020 meeting minutes. These minutes show that the various testing components are frequently reviewed and analyzed. The meeting minutes show that DHR Public Safety Team representatives were present at the 2020 meetings but the testing data that they control and administer was not presented to SFPD (written test, physical test and oral boards test). The minutes also show that the Committee reviews and analyzes various testing components even if DHR doesn't bring the most current data for those three testing components. The Committee always strives to improve the hiring process for applicants. Attachment 2 is PAT testing data provided from DHR in 2019. Attachment 3 is a Unit Order establishing the SFPD/DHR Recruitment & Hiring Committee Meetings. This Unit Order ensures that the meetings will continue.

Besides the SFPD/DHR Recruitment & Hiring Committee meetings, the testing data is reviewed at various other times during the year. The information is often requested by SFPD Command Staff and outside city agencies, i.e. the Police Commission, the Board of Supervisors, the Mayor's Office. Attachments 4 and 5 are two different examples of recent SFPD presentations regarding applicant testing. They both show ongoing review and analysis of SFPD testing processes including PAT testing.

Attachment 4 is a PowerPoint presentation titled "SFPD Demographic Data Review". It was created in early 2019 to present to the Department on the Status of Women for their gender analysis. It has been updated numerous times since then. The attached copy was last updated in September 2020 by the SFPD Staff Services Unit. The Commander in charge of the Administration Bureau presented portions of this review on 7/30/20 to the Government Oversight Commission and on 8/31/20 to the Civil Service Commission.



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Attachment 5 is a presentation titled “DHR Application and Testing Process”. This presentation is a snapshot from our data dashboards. These dashboards have been consistently updated since December 2018 and the information is regularly reviewed at Recruitment & Hiring Committee meetings. This presentation in particular, was recently created by the SFPD Staffing and Deployment Unit. It was originally created for internal review and subsequently used as supporting documentation in DOJ Recommendation 81.2 regarding publishing annual statistics. It has been reviewed and presented to various SFPD Command Staff members.

When specifically analyzing the PAT data (inclusive of all four components) over the last few years, the SFPD has determined that there is not one single race demographic that is negatively impacted by the PAT test, significantly more than another. The cumulative data between 2014-2019 shows female passage rate has less than 8% passage point range between all races. (The one outlier being American Indian females. The number of applicants is very low so any single pass or fail, significantly effects percentage rates. American Indian females currently have a 75% passage rate, so even though it falls outside the 8% passage point range between all other races, it is considered a positive boost to the overall female passage rates.) The cumulative data between 2014-2019 shows male passage rate has less than 3% passage point range between all races.

The SFPD and DHR have previously identified a significant difference in passage rates between male and female candidates. Historically the overall male passage rate for PAT was in the mid 90% range. Historically the overall female passage rate for the PAT was in the mid 40% range. To address this gender disparity SFPD and DHR partnered together on many improvement strategies. These are the most significant improvement strategies which were implemented:

- In 2016, DHR conducted an extensive study regarding the PAT trigger pull component. This specific component was reviewed because there was a high failure rate for females. At the conclusion of the study, DHR transitioned from the trigger pull component to a dynamometer grip strength component in 2017. See attachment 6 for the complete report.
- Under the direction of Chief William Scott in 2017, the SFPD held numerous women’s forum meetings. Recruitment and retention of female officers was a main topic at all meetings. See attachment 7 for the meeting notes from 6/27/17. The attendees were asked to provide suggestions. The responses strongly suggested offering frequent PAT practice sessions. This would allow applicants to assess their ability to pass the actual PAT. It would give an applicant the opportunity to practice any component as many times as needed and also speak with SFPD personnel to get tips on how to improve their performance. If an applicant was not ready for the PAT, they could reschedule with DHR to allow more time to better prepare. This way they didn’t unknowingly attend testing unprepared and fail the test, therefore having to wait three months before retesting. Monthly practice PAT sessions began in 2017 and have continued to present.



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- Another suggestion from the women’s forum meetings was to hold regular workout sessions. Workout sessions provide physical conditioning in preparation of the PAT and also in preparation for the Police Academy physical fitness expectations. The SFPD Recruitment Unit (RU) was already offering them, but based on this recommendation, the RU began being scheduling them monthly. In an effort to bring equitable test prep options for applicants, the RU also began moving the workouts to various locations throughout San Francisco to provide easier access. These workout sessions are still currently offered monthly.
- The last suggestion from the women’s forum meetings was to offer mentorship. The mentorship would include phone calls and emails directly from SFPD to the applicants to personally invited them to test prep help. Also to allow applicants to speak to a recruiter about the entire hiring process and potentially identify areas that they should improve upon (i.e. physical conditioning and the PAT). The RU was already mentoring numerous applicants but wanted to offer the same level of service to ALL applicants. The RU continued to work towards this equity goal and in 2019 DHR began providing applicant information for mentorship if the applicants were struggling to progress through the testing. In 2020 DHR began providing ALL applicant information for mentorship. Currently, all applicants are assigned to a SFPD Recruiter who contacts the applicants via phone and email. All applicants are getting a high level of personal mentorship.
- In 2017 the RU constructed a 5’ wall and purchased all of the equipment needed to conduct the PAT test. With DHR’s approval, the SFPD RU has been able to take the PAT to various locations throughout California. This has allowed the RU to bring the PAT components to some of our workout sessions and also travel to colleges and conduct testing. This greatly benefits the female applicants because they have the ability to practice the testing components before the actual PAT test which improves their performance. It also allows more females to take the test, since the RU has had high female recruitment interest at colleges.

Due to these implemented strategies, the SFPD has been able to improve the gender gap in PAT passage rates. The evidence of success is shown in the female PAT passage rate steadily increasing from 42% in 2014 to 60% in 2019. The SFPD will continue to search for ways to improve this gender disparity and implement improvements when identified. The SFPD commits to continuous review of its hiring processes and all testing components to ensure no unintended impact for any diverse candidates that it seeks to hire. This commitment includes a continuous review of the PAT along with the four individual PAT testing components.

[REDACTED]

[REDACTED]

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