LONDON BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
Department of Police Accountability
ONE SOUTH VAN NESS AVE., 8th FLOOR
SAN FRANCISCO, CA 94103

PAUL DAVID HENDERSON
EXECUTIVE DIRECTOR

March 4, 2022

President Malia Cohen
Vice President Cindy Elias
Commissioners
San Francisco Police Commission

Third and Fourth Quarter 2021 Policy Work

Highlights of key third and fourth Quarter 2021 Policy Recommendations are described below.

I. DGO Revisions

During the third and fourth quarter of 2021, DPA researched and provided to SFPD recommendations on five existing DGO's and made approximately seventy-eight (78) policy recommendations to SFPD as delineated in the below table.

	DGO	**No. of DPA Recommendations**	**Date of Submission to SFPD or Police Commission**
1.	3.01 Written Directives	(31 recs in Q2) 43 submissions to Police Commission in response to Cal DOJ comments to 3.01 draft	10/25/21
2.	7.02 Psychological Evaluation of Youth (Working Group)	11	12/15/21
3.	9.01 Traffic Enforcement	5	7/16/21
4.	9.02 Police Vehicle Collisions	4	7/26/21
5.	9.06 Vehicle Tows	11	12/17/21
6.	DPA Recs for Transparency in DGO policymaking (All DGOs)	4	Submitted to Police Commission and Chief Scott on 9/20/21

78 Recommendations Q3 and Q4

All DPA recommendation from the third and fourth quarter of 2021 are pending with SFPD except for the recommendations pertaining to General Order 3.01, virtually all of which were accepted.

II. DPA Recommended that SFPD's Policymaking Process Be More Transparent

In the third quarter of 2021, DPA recommended to the Police Commission that SFPD take the following steps to make its decision-making process concerning policy revisions more inclusive and transparent. The key recommendations, some of which were included in the newly revised General Order 3.01, are described below.

A. Publish an explanation of the policy making process: SFPD should dedicate a place on their website to publish an explanation regarding how policy decisions that affect SFPD sworn members and the community are made and revised.

B. Publish a calendar of events: SFPD should publish a detailed calendar, apprising the public of all meetings scheduled by SFPD, during which policy generation and revision will be discussed.

C. Publish summary of recommendations: Create a matrix summarizing all recommendations provided to SFPD during policy revision meetings that is stored in the same dedicated website space for the public to access and review. The matrix should be periodically updated by SFPD. It should include the name of the policy being discussed, the community members who made recommendations about the policy, a summary of the recommendations made, and SFPD's decision concerning whether to incorporate or ignore the recommendations, as well as an explanation for the decision.

D. Final drafts: The final draft of the policy should be published on SFPD's website for the public to review at least thirty (30) days before SFPD anticipates adding the policy to the Commission calendar for approval.

III. DPA Made Extensive Recommendations to Overhaul General Order 3.01, SFPD's Written Directives Policy to Allow for Greater Community Input and Increased Civilian Oversight

Regarding DGO 3.01, SFPD's policy on Written Directives, DPA engaged in extensive negotiation with SFPD and the Commission during the third and fourth quarters to make the DGO revision and initiation process more transparent, inclusive, and timely. Key new provisions of General Order 3.01 which were approved by the Police Commission on February 9, 2022, are outlined below.

A. The New DGO 3.01 Expedites the General Order Development Timeline

- The General Order development process will be more efficient, streamlined, and there will be increased collaboration between SFPD and DPA to comply with recommendations made by the U.S. Department of Justice in 2016.

- The new 3.01 has stricter time deadlines so General Orders do not stall at a particular development stage.

- The Police Commission will have greater oversight responsibilities to ensure General Orders are developed or revised in a timely manner.

- DPA is authorized to talk directly with SFPD Subject Matter Experts (SMEs), instead of through intermediaries.

B. Tiered System of General Order Review and Revision

- To correct problem of SFPD having outdated and old General Orders, General Orders will now be revised based on a Tiered System

    - Tier 1 - Revised annually
    - Tier 2 - Revised every three years
    - Tier 3 – Revised every five years

C. 30-Day Notice and Comment Period for Public and SFPD Members

- Early in the development process, General Orders will be placed on the SFPD website for a 30-day public comment period during which the community and SFPD personnel can submit policy recommendations to SFPD and DPA for inclusion in the policy.

D. Civilian Oversight at SFPD "Concurrence"

- DPA will now have a seat at the table at "concurrence" which is the SFPD Command Staff meeting during which they make final decisions regarding what is included, and not included, in a policy before it is submitted to the Police Commission. Previously, this meeting was held in secret with no civilian oversight or collaboration.

- During concurrence, DPA and SFPD will discuss and decide which community recommendations made during the public comment period should be included in the General Order.

- DPA and SFPD will publish a joint report posted on the SFPD website to provide an overview of the recommendations that were included and not included.

E. SFPD Community Working Groups

- Under the new DGO 3.01, DPA will be invited to participate in all SFPD community working groups and will be given the opportunity to provide input in selecting working group participants and developing protocols subject to final approval by the Police Commission.

- SFPD will be required to update all working group participants on status of the General Order, in writing, on a quarterly basis.

IV. DPA Policy Work Regarding Reducing Race Disparities in Traffic and Pedestrian Stops

In the third and fourth quarter of 2021, DPA did extensive work regarding reducing race disparities in traffic and pedestrian stops as described below.

- Recommended that General Order 9.01 be revised to prioritize stops related to public safety over equipment failures and "quality of car" offenses
- Analyzed SFPD's capacity to collect additional stop data beyond RIPA
- Met with community advocates working to end pretext stops
- Consulted with a subject matter expert on intelligence-led, and precision-based policing, which has been shown to decrease the overall number stops as well as racial disparities in stops
- Provided SFPD with an DPA's outline for a draft policy limiting pretext stops

DPA's full recommendations on reducing racial disparities in stops will be rolled out in the first and second quarter of 2022.

V. DPA's Policy Work on General Order 5.16 on Search Warrants

In the fourth quarter of 2022, DPA has worked with the *Criminal Justice Task* Force of the *Bar Association of San Francisco* (BASF) on further revising SFPD's draft General Order 5.16 pertaining to search warrants. DPA and BASF have met with SFPD Chief Bill Scott and representatives from the San Francisco District Attorney's Office for multiple discussions on the below topics.

- The type of search warrants the District Attorney' Office will review prior to issuance
- The scope of the District Attorney review
- Revising the SFPD policy on warrants involving new technologies such as geofence warrants.

LONDON BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
Department of Police Accountability
ONE SOUTH VAN NESS AVE., 8th FLOOR
SAN FRANCISCO, CA 94103

PAUL DAVID HENDERSON
EXECUTIVE DIRECTOR

The work on General Order 5.16 is ongoing and expected to conclude in the first or second quarter 2022.

Sincerely,

Paul Henderson
Executive Director