

2018-2019 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	F#	Finding (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Finding Response (Agree/ Disagree)	Finding Response Text	R# [For F#]	Recommendation (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Recommendation Response (Implementation)	Recommendation Response Text
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F1	The 2007 MOU providing for JTTF participation expired by operation of the CCSF Charter. The Chief of Police agreed the MOU must be revised for it to be approved by the PC. The Chief acknowledged the concern of civil liberties groups to include oversight that is more transparent.	Mayor [September 15, 2019]	Agree with the finding		R1	The Mayor and the Chief of Police should decide if rejoining the JTTF is in the best interest of the residents of our City and make this publicly known by February 3, 2020.	Mayor [September 15, 2019]	Will be implemented	The decision to rejoin the JTTF would include not only the Mayor and Police Department, but also the Police Commission and the FBI. Given the extended timelines associated with policy development, public input, the potential creation of Working Groups and discussions with the FBI, the deadline associated with this recommendation is unreasonable. However, the department will explore rejoining the JTTF and if there is a decision to rejoin, the Mayor, SFPD and the Police Commission plan to take a thoughtful and thorough approach that considers the input of the SF community.
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Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F2	Communication and coordination between SFPD and federal authorities is less efficient and more cumbersome than when SFPD was part of the JTTF.	Mayor [September 15, 2019]	Disagree, partially	Currently, the overall communication between SFPD and federal authorities is efficient, however when it comes to JTTF specific incidents there are delays in communication between federal authorities and SFPD. This may result in the delay of deploying SFPD officers to an incident that is possibly terrorist-related.	R1	The Mayor and the Chief of Police should decide if rejoining the JTTF is in the best interest of the residents of our City and make this publicly known by February 3, 2020.	Mayor [September 15, 2019]	Will be implemented	The decision to rejoin the JTTF would include not only the Mayor and Police Department, but also the Police Commission and the FBI. Given the extended timelines associated with policy development, public input, the potential creation of Working Groups and discussions with the FBI, the deadline associated with this recommendation is unreasonable. However, the department will explore rejoining the JTTF and if there is a decision to rejoin, the Mayor, SFPD and the Police Commission plan to take a thoughtful and thorough approach that considers the input of the SF community.
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Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F6	The PC is an essential party to SFPD's future participation in the JTTF. The PC has the authority to bring any proposed MOU and any related DGO up for discussion and public comment at an open meeting. In addition, the Chief of Police is required to provide them a public report every year with appropriate public information on the Police Department's work with the JTTF.	Mayor [September 15, 2019]	Agree with the finding						
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F7	Presently, the PC does not have a representative for JTTF matters. It would be beneficial to have a designated commissioner as a point of contact for all parties interested in this issue.	Mayor [September 15, 2019]	Disagree, partially	The Police Commission does have an appointed representative for JTTF matters: President Hirsch. It is beneficial to have a designated commissioner as a point of contact for all parties interested in this issue.					
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Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F3	In the period of 2002-2017 SFPD participated on the JTTF, few formal complaints were made against officers conducting JTTF activities.	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding		R1	The Mayor and the Chief of Police should decide if rejoining the JTTF is in the best interest of the residents of our City and make this publicly known by February 3, 2020.	Chief, San Francisco Police Department [September 15, 2019]	Will be implemented	The decision to rejoin the JTTF would include not only the Mayor and Police Department, but also the Police Commission and the FBI. Given the extended timelines associated with policy development, public input, the potential creation of Working Groups and discussions with the FBI, the deadline associated with this recommendation is unreasonable. However, the department will explore rejoining the JTTF and if there is a decision to rejoin, the Mayor, SFPD and the Police Commission plan to take a thoughtful and thorough approach that considers the input of the SF community.
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Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F4	The Civil Grand Jury's investigation did not detect any instance of non-compliance with a DGO by SFPD officers that had been assigned to the JTTF. Likewise, this investigation did not find any evidence that SFPD officers assigned to the JTTF were engaged in any form of enforcement associated with federal immigration laws.	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding	Based on data from SFPD Internal Affairs and the Department of Police Accountability, there are no sustained allegations related to non-compliance of DGO 8.10 or enforcement related to federal immigration laws by officers assigned to the JTTF.	R1	The Mayor and the Chief of Police should decide if rejoining the JTTF is in the best interest of the residents of our City and make this publicly known by February 3, 2020.	Chief, San Francisco Police Department [September 15, 2019]	Will be implemented	The decision to rejoin the JTTF would include not only the Mayor and Police Department, but also the Police Commission and the FBI. Given the extended timelines associated with policy development, public input, the potential creation of Working Groups and discussions with the FBI, the deadline associated with this recommendation is unreasonable. However, the department will explore rejoining the JTTF and if there is a decision to rejoin, the Mayor, SFPD and the Police Commission plan to take a thoughtful and thorough approach that considers the input of the SF community.
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Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F6	The PC is an essential party to SFPD's future participation in the JTTF. The PC has the authority to bring any proposed MOU and any related DGO up for discussion and public comment at an open meeting. In addition, the Chief of Police is required to provide them a public report every year with appropriate public information on the Police Department's work with the JTTF.	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding						
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F7	Presently, the PC does not have a representative for JTTF matters. It would be beneficial to have a designated commissioner as a point of contact for all parties interested in this issue.	Chief, San Francisco Police Department [September 15, 2019]	Disagree, partially	The Police Commission does have an appointed representative for JTTF matters: President Hirsch. It is beneficial to have a designated commissioner as a point of contact for all parties interested in this issue.					
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8	SFPD DGO 8.10 was described as confusing and ambiguous by several law enforcement witnesses. It does not contain clear and concise wording and references are inaccurate. In order for SFPD officers to comply with DGO 8.10, it needs to be revised and updated.	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding		R4	The Chief of Police should instruct the WDU to expedite the revision process of DGO 8.10 immediately but no later than the first week of January 2020. The WDU in considering the revisions to DGO 8.10 should include a review of the R4a-f recommendations before submitting the revisions to the Chief of Police. The revised DGO should be forwarded to the PC for approval no later than July 1, 2020.	Chief, San Francisco Police Department [September 15, 2019]	Will not be implemented because it is not warranted or reasonable	The Police Commission has previously approved the schedule for updating department DGOs based on DOJ Collaborative Reform. DGO 8.10 is already scheduled for review and updates to begin in 2020. This recommendation would change the Police Commission schedule and change the typical process for DGO drafting and revisions. Written Directives facilitates the concurrence process but is not solely responsible for revisions to any DGO. It is within the Police Commission's purview to create a working group to review and suggest content changes. Given the extended timelines associated with policy development, public input and policy approval within the police department, the deadline and process associated with this recommendation is unreasonable.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-a	General Order 8.10 does not contain clear and concise wording. Within Section I, the Statement of Principles, A. General Policy 8.10 indicates the First Amendment rights are protected by the United States Constitution. However, in Section II, Definitions, references both United States and California Constitutions causing confusion.	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding	The department agrees that the reference to the California Constitution and the United States Constitution in Section I and Section II could be delineated in a clearer manner.	R4-a	DGO 8.10 should be revised to eliminate the conflict that exists between the statement of principles only referencing the First Amendment rights guaranteed by the United States Constitution, but the term First Amendment Activity being defined as rights guaranteed by both the Constitution of the United States and the Constitution of the State of California. It is recommended that the statement of principal incorporate wording to be reflective of the protections provided to First Amendment activities by both the state and federal constitutions.	Chief, San Francisco Police Department [September 15, 2019]	Will be implemented	Given the extended timelines associated with policy development within SFPD, the deadline associated with R4 and its sub-recommendations is unreasonable. The City Attorney's Office also indicated that there is a need to revise this section. The department agrees to review this recommendation during the DGO 8.10 update scheduled to begin in 2020.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-b	General Order 8.10 contains a factually incorrect legal reference. In Section II, A DEFINITION, the order incorrectly identifies the provision of the California Constitution that should be applicable to the rights associated with assembly and petitioning the government. The Order incorrectly associates "Article 3" of the California Constitution, which, is generally related to governmental processes and functions of the state. It is believed that General Order 8.10 suffers from a scribing error and that instead of "Article 3" it was intended for the definition to encompass First Amendment protections of the United States Constitution and the California Constitution Article I, Section 2 and Article I Section 3.	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding		R4-b	General Order 8.10 should be revised to correct the error in referencing "Article 3" of the Constitution of California within the definition section to Article I, Section 3.	Chief, San Francisco Police Department [September 15, 2019]	Will be implemented	Given the extended timelines associated with policy development within SFPD, the deadline associated with R4 and its sub-recommendations is unreasonable. The City Attorney's Office also indicated that there is a need to revise this section. The department agrees to review this recommendation during the DGO 8.10 update scheduled to begin in 2020.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-c	General Order 8.10 fails to define the term "Criminal Investigation." Failing to define this phrase, allows the readers of the document to apply their own meaning to the term. What might be considered a "criminal investigation" by a law enforcement officer might differ considerably from how a member of the public or an advocacy group would define that term.	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding	A criminal investigation is triggered whenever there is a reasonable suspicion of a past, current or an impending offense committed as described in the Penal Code, Welfare and Institutions Code, Police Code, or in other local, state and federal laws. This definition is not currently included in DGO 8.10.	R4-c	General Order 8.10 should be revised to define the term "Criminal Investigation". The order should clearly define what is and what is not a criminal investigation.	Chief, San Francisco Police Department [September 15, 2019]	Will not be implemented because it is not warranted or reasonable	Given the extended timelines associated with policy development, the department cannot agree to forward an updated DGO 8.10 to the Police Commission for approval by July 3, 2020. The department agrees to review this recommendation during the DGO 8.10 update which is scheduled to begin in 2020. However, unlike the other R4 recommendations, this cannot be implemented unilaterally. The inclusion or acceptance of any revised language is dependent on internal review, DPA review, public input/working group input, city attorney's office review and Police Commission approval and adoption.

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Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-d	General Order 8.10 contains obsolete agency information. The Office of Citizen Complaints (OCC) no longer exists. The OCC has been replaced by the Department of Police Accountability (DPA).	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding		R4-d	General Order 8.10 should be updated to incorporate changes that have occurred since 2008. Obsolete agency names and titles should be corrected. All references to the OCC should be changed to DPA and the Director of OCC should be corrected to the Executive Director of DPA.	Chief, San Francisco Police Department [September 15, 2019]	Will be implemented	Given the extended timelines associated with policy development, the department cannot agree to forward an updated DGO 8.10 to the Police Commission by July 3, 2020. The department will recommend updating all references to OCC by using the current department name and terminology.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-e	The use of Department or Department's presently used in the DGO's could cause confusion because both the SFPD and the DPA contain those terms.	Chief, San Francisco Police Department [September 15, 2019]	Disagree, partially	The SFPD DGOs are SFPD documents laying out policy to its members. Because of this, SFPD members understand that the abbreviation for San Francisco Police Department is "Department" within the DGOs. However, a member of the public who is not familiar with the SFPD policy documents could potentially find the reference confusing.	R4-e	The use of "department" should be specific to which one it is referencing (SFPD or DPA).	Chief, San Francisco Police Department [September 15, 2019]	Will be implemented	Given the extended timelines associated with policy development, the department cannot agree to forward an updated DGO 8.10 to the Police Commission by July 3, 2020. SFPD agrees that this update can be addressed by introducing the abbreviation in long and short form by revising Section IA of DGO 8.10 to: "It is the policy of the San Francisco Police Department ("the Department")."
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-f	At present, DGO 8.10 contains extraneous material regarding duties required of other than SFPD officers.	Chief, San Francisco Police Department [September 15, 2019]	Agree with the finding		R4-f	DGO 8.10 should contain only material that is necessary and pertinent to the functions of SFPD. All material that is unrelated to the SFPD should be removed from DGO 8.10.	Chief, San Francisco Police Department [September 15, 2019]	Will not be implemented because it is not warranted or reasonable	Given the extended timelines associated with policy development, the department cannot agree to forward an updated DGO 8.10 to the Police Commission by July 3, 2020. The department agrees that each SFPD DGO should only contain directives that are necessary and pertinent to the functions of SFPD and its own members. However, unlike the other R4 recommendations, this cannot be implemented unilaterally. Removing material that may be unrelated to SFPD member's duties and responsibilities would require an action on the part of the Police Commission.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F1	The 2007 MOU providing for JTTF participation expired by operation of the CCSF Charter. The Chief of Police agreed the MOU must be revised for it to be approved by the PC. The Chief acknowledged the concern of civil liberties groups to include oversight that is more transparent.	President, San Francisco Police Commission [September 15, 2019]	Disagree, partially	Partially Disagree. The Police Chief's discussions with the Civil Grand Jury were confidential, thus I am unable to comment on what was discussed or agreed to by the Chief. I am aware that members of the civil rights community have raised a number of concerns related to the SFPD's participation in the JTTF including officer training, compliance with Department General Order (DGO) 8. 10, and racial profiling. Transparent oversight is but one concern.	R2	In the event that the Mayor and Chief of Police decide to re-join the JTTF, the Chief of Police should negotiate a revised MOU with the FBI and submit this to the PC for discussion and public comment at an open meeting. This should be done no later than July 1, 2020.	President, San Francisco Police Commission [September 15, 2019]		I will not seek to implement this Recommendation. Any revision to the MOU between the SFPD and the FBI should involve a working group composed of interested stakeholders, as was the case in 2016-2017. The SFPD Chief and FBI cannot merely negotiate a new agreement. The issues are serious, the public interest high, and the process arduous. Any revision of the expired MOU will take longer than the proposed July 2020 deadline allows.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F2	Communication and coordination between SFPD and federal authorities is less efficient and more cumbersome than when SFPD was part of the JTTF.	President, San Francisco Police Commission [September 15, 2019]	Disagree, partially	Partially Disagree. The SFPD and FBI are in daily communication and I have not seen evidence that either communication or coordination are inefficient or cumbersome. The SFPD, for example, participates in NCRTC, a clearing house for public safety data and criminal activity in the region, and a recipient of JTTF intelligence and data.	R2	In the event that the Mayor and Chief of Police decide to re-join the JTTF, the Chief of Police should negotiate a revised MOU with the FBI and submit this to the PC for discussion and public comment at an open meeting. This should be done no later than July 1, 2020.	President, San Francisco Police Commission [September 15, 2019]		I will not seek to implement this Recommendation. Any revision to the MOU between the SFPD and the FBI should involve a working group composed of interested stakeholders, as was the case in 2016-2017. The SFPD Chief and FBI cannot merely negotiate a new agreement. The issues are serious, the public interest high, and the process arduous. Any revision of the expired MOU will take longer than the proposed July 2020 deadline allows.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F3	In the period of 2002-2017 SFPD participated on the JTTF, few formal complaints were made against officers conducting JTTF activities.	President, San Francisco Police Commission [September 15, 2019]	Agree with the finding	Agree. I am not aware of a significant number of formal complaints between 2002 and 2017 against SFPD officers conducting JTTF activities.	R2	In the event that the Mayor and Chief of Police decide to re-join the JTTF, the Chief of Police should negotiate a revised MOU with the FBI and submit this to the PC for discussion and public comment at an open meeting. This should be done no later than July 1, 2020.	President, San Francisco Police Commission [September 15, 2019]		I will not seek to implement this Recommendation. Any revision to the MOU between the SFPD and the FBI should involve a working group composed of interested stakeholders, as was the case in 2016-2017. The SFPD Chief and FBI cannot merely negotiate a new agreement. The issues are serious, the public interest high, and the process arduous. Any revision of the expired MOU will take longer than the proposed July 2020 deadline allows.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F4	The Civil Grand Jury's investigation did not detect any instance of non-compliance with a DGO by SFPD officers that had been assigned to the JTTF. Likewise, this investigation did not find any evidence that SFPD officers assigned to the JTTF were engaged in any form of enforcement associated with federal immigration laws.	President, San Francisco Police Commission [September 15, 2019]	Disagree, partially	Partially disagree. I cannot determine what the investigation of the Civil Grand Jury detected or uncovered. I am aware of a finding a few years ago by the DPA, then the Office of Citizen Complaints (OCC), in case #15-0168, that a training failure had occurred resulting in a violation of DGO 8.10.	R2	In the event that the Mayor and Chief of Police decide to re-join the JTTF, the Chief of Police should negotiate a revised MOU with the FBI and submit this to the PC for discussion and public comment at an open meeting. This should be done no later than July 1, 2020.	President, San Francisco Police Commission [September 15, 2019]		I will not seek to implement this Recommendation. Any revision to the MOU between the SFPD and the FBI should involve a working group composed of interested stakeholders, as was the case in 2016-2017. The SFPD Chief and FBI cannot merely negotiate a new agreement. The issues are serious, the public interest high, and the process arduous. Any revision of the expired MOU will take longer than the proposed July 2020 deadline allows.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F5	The secrecy obligations of SFPD officers in the JTTF require officers not disclose the classified material to individuals without an appropriate level of clearance and a need to know. These secrecy obligations are necessary but allow or cause speculation and concern by parties without access to classified material.	President, San Francisco Police Commission [September 15, 2019]	Agree with the finding	Agree. I do note however, some work by participating law enforcement officers in the JTTF involves non-classified information which does not create a secrecy obligation.	R2	In the event that the Mayor and Chief of Police decide to re-join the JTTF, the Chief of Police should negotiate a revised MOU with the FBI and submit this to the PC for discussion and public comment at an open meeting. This should be done no later than July 1, 2020.	President, San Francisco Police Commission [September 15, 2019]		I will not seek to implement this Recommendation. Any revision to the MOU between the SFPD and the FBI should involve a working group composed of interested stakeholders, as was the case in 2016-2017. The SFPD Chief and FBI cannot merely negotiate a new agreement. The issues are serious, the public interest high, and the process arduous. Any revision of the expired MOU will take longer than the proposed July 2020 deadline allows.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F6	The PC is an essential party to SFPD's future participation in the JTTF. The PC has the authority to bring any proposed MOU and any related DGO up for discussion and public comment at an open meeting. In addition, the Chief of Police is required to provide them a public report every year with appropriate public information on the Police Department's work with the JTTF.	President, San Francisco Police Commission [September 15, 2019]	Agree with the finding	Agree. I add that the Police Commission, in addition to having the "authority to bring proposed MOU and related DGO's up for discussion and public comment," also has the authority and responsibility to approve or disapprove such items.	R3	The President of the PC should designate a commissioner as a point of contact for all JTTF interested parties. This appointment should be completed by April 3, 2020.	President, San Francisco Police Commission [September 15, 2019]	Has been implemented	Recommendation has been implemented. The current President of the Commission is the designated point person for JTTF matters.

2018-2019 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	F#	Finding (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Finding Response (Agree/ Disagree)	Finding Response Text	R# [for F#]	Recommendation (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Recommendation Response (Implementation)	Recommendation Response Text
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F7	Presently, the PC does not have a representative for JTTF matters. It would be beneficial to have a designated commissioner as a point of contact for all parties interested in this issue.	President, San Francisco Police Commission [September 15, 2019]	Disagree, partially	Partially disagree. It is beneficial to have a designated Police Commissioner as a point of contact for interested parties. Civil Grand Jury Representatives were advised that the President had appointed himself as the "designated commissioner of contact" for matters related to the JTTF.	R3	The President of the PC should designate a commissioner as a point of contact for all JTTF interested parties. This appointment should be completed by April 3, 2020.	President, San Francisco Police Commission [September 15, 2019]	Has been implemented	Recommendation has been implemented. The current President of the Commission is the designated point person for JTTF matters.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8	SFPD DGO 8.10 was described as confusing and ambiguous by several law enforcement witnesses. It does not contain clear and concise wording and references are inaccurate. In order for SFPD officers to comply with DGO 8.10, it needs to be revised and updated.	President, San Francisco Police Commission [September 15, 2019]	Disagree, partially	Partially disagree. While some interviewees may have made statements to the contrary, I believe DGO 8.10 is neither confusing nor ambiguous. The document clearly establishes the requirement that SFPD officers, working with the JTTF, have reasonable suspicion of criminal activity if they are to participate in that investigation. There are corrections which need to be made as noted hereinafter, but the DGO remains clear and specific as to rules and procedures which must be followed where first amendment activities are implicated in a criminal investigation.	R4	The Chief of Police should instruct the WDU to expedite the revision process of DGO 8.10 immediately but no later than the first week of January 2020. The WDU in considering the revisions to DGO 8.10 should include a review of the R4a-f recommendations before submitting the revisions to the Chief of Police. The revised DGO should be forwarded to the PC for approval no later than July 1, 2020.	President, San Francisco Police Commission [September 15, 2019]		I will not seek to implement this Recommendation. The procedure outlined by the Civil Grand Jury is incorrect. Written Directives is not tasked with rewriting DGO 8.10. A working group composed of interested stakeholders must participate in any revision process relative to this DGO, as the issues are significant and divergent viewpoints and ideas enhance any effort to recreate an MOU between the SFPD and FBI. The timeframe offered by the Civil Grand Jury for completing any revision effort is unrealistically aggressive. The Police Commission is developing a five-year schedule for reviewing and revising all SFPD's General Orders including DGO 8.10. That DGO is slated for review in 2020.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-a	General Order 8.10 does not contain clear and concise wording. Within Section I, the Statement of Principles, A. General Policy 8.10 indicates the First Amendment rights are protected by the United States Constitution. However, in Section II, Definitions, references both United States and California Constitutions causing confusion.	President, San Francisco Police Commission [September 15, 2019]	Disagree, partially	Partially disagree. While the references to the California Constitution need to be clarified and corrected, I do not believe, DGO 8.10 fails to contain "clear and concise wording." The DGO was the product of a lengthy collaborative effort between law enforcement professionals and members of the public, designed to encompass "best practices," and clearly speaks to the roles and protocols for affected officers, the SFPD, the DPA, and the Police Commission.	R4-a	DGO 8.10 should be revised to eliminate the conflict that exists between the statement of principles only referencing the First Amendment rights guaranteed by the United States Constitution, but the term First Amendment Activity being defined as rights guaranteed by both the Constitution of the United States and the Constitution of the State of California. It is recommended that the statement of principal incorporate wording to be reflective of the protections provided to First Amendment activities by both the state and federal constitutions.	President, San Francisco Police Commission [September 15, 2019]		I will seek to implement this Recommendation so that the preamble of DGO 8.10 is consistent with the body of that document, which references the California Constitution as well as the U.S. Constitution. Changes to DGO 8.10 will be made in accordance with the Police Commission's schedule for reviewing DGOs.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-b	General Order 8.10 contains a factually incorrect legal reference. In Section II, A DEFINITION, the order incorrectly identifies the provision of the California Constitution that should be applicable to the rights associated with assembly and petitioning the government. The Order incorrectly associates "Article 3" of the California Constitution, which, is generally related to governmental processes and functions of the state. It is believed that General Order 8.10 suffers from a scribing error and that instead of "Article 3" it was intended for the definition to encompass First Amendment protections of the United States Constitution and the California Constitution Article I, Section 2 and Article I Section 3.	President, San Francisco Police Commission [September 15, 2019]	Agree with the finding	Agree. References to the California Constitution need to be corrected.	R4-b	General Order 8.10 should be revised to correct the error in referencing "Article 3" of the Constitution of California within the definition section to Article I, Section 3.	President, San Francisco Police Commission [September 15, 2019]		I will seek to implement this Recommendation. Changes to DGO 8.10 will be made in accordance with the Police Commission's schedule for reviewing DGOs.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-c	General Order 8.10 fails to define the term "Criminal Investigation." Failing to define this phrase, allows the readers of the document to apply their own meaning to the term. What might be considered a "criminal investigation" by a law enforcement officer might differ considerably from how a member of the public or an advocacy group would define that term.	President, San Francisco Police Commission [September 15, 2019]	Disagree, partially	Partially disagree. The term criminal investigation is understood within the context of DGO 8.10 to mean an investigation of criminal activity based upon reasonable suspicion of a past, current or impending criminal act. I find no basis for confusion here and find nothing in the Civil Grand Jury's report to help us understand what the real confusion is.	R4-c	General Order 8.10 should be revised to define the term "Criminal Investigation". The order should clearly define what is and what is not a criminal investigation.	President, San Francisco Police Commission [September 15, 2019]		I will not seek to implement this Recommendation. The term "criminal investigation" is understood by the law enforcement community and civilians alike. It is clear from DGO 8.10 that SFPD officers can participate in investigations of criminal activity where reasonable suspicion exists.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-d	General Order 8.10 contains obsolete agency information. The Office of Citizen Complaints (OCC) no longer exists. The OCC has been replaced by the Department of Police Accountability (DPA).	President, San Francisco Police Commission [September 15, 2019]	Agree with the finding	Agree.	R4-d	General Order 8.10 should be updated to incorporate changes that have occurred since 2008. Obsolete agency names and titles should be corrected. All references to the OCC should be changed to DPA and the Director of OCC should be corrected to the Executive Director of DPA.	President, San Francisco Police Commission [September 15, 2019]		I will seek to implement this Recommendation in accordance with the Police Commission's schedule of review for DGOs.
Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-e	The use of Department or Department's presently used in the DGO's could cause confusion because both the SFPD and the DPA contain those terms.	President, San Francisco Police Commission [September 15, 2019]	Agree with the finding	Agree.	R4-e	The use of "department" should be specific to which one it is referencing (SFPD or DPA).	President, San Francisco Police Commission [September 15, 2019]		I will seek to implement this Recommendation in accordance with the Police Commission's schedule of review for DGOs.

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Joint Terrorism Task Force: Balancing Public Safety with Civil Rights [July 17, 2019]	F8-f	At present, DGO 8.10 contains extraneous material regarding duties required of other than SFPD officers.	President, San Francisco Police Commission [September 15, 2019]	Disagree, partially	Partially disagree. DGO 8.10 is designed to address protocols for the SFPD when a criminal investigation involves first amendment activities. The DGO also contains references to matters inextricably intertwined with the rules and procedures for criminal investigations implicating first amendment activities. Whether the references are to the Police Commission's authority to review compliance with the guidelines, access to information by civilians, auditing by the DPA, or the collection and maintenance of records related to covered investigations, the provisions of DGO 8.10 are tied directly to the guidelines governing the duties of SFPD officers. All members of the SFPD should be aware of these provisions as they are unique to this General Order.	R4-f	DGO 8.10 should contain only material that is necessary and pertinent to the functions of SFPD. All material that is unrelated to the SFPD should be removed from DGO 8.10.	President, San Francisco Police Commission [September 15, 2019]		I will not seek to implement this Recommendation. DGO 8.10 contains references to matters inextricably intertwined with the rules and procedures for criminal investigations implicating first amendment activities. Whether the references are to the Police Commission's authority to review compliance with the guidelines, access to information by civilians, DPA audits, or the collection and maintenance of records related to covered investigations, the provisions of DGO 8.10 are tied directly to the guidelines governing the duties of SFPD officers. SFPD members need to understand the related matters addressed in the DGO as they are unique to this General Order.