<table>
<thead>
<tr>
<th>Report Title</th>
<th>F#</th>
<th>Finding</th>
<th>Responsible Assigned by CGI</th>
<th>Finding Response [Response Due Date]</th>
<th>Recommendation [Response Due Date]</th>
<th>Recommendation Response Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights</td>
<td>F1</td>
<td>The Mayor and 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.</td>
<td>Mayor [September 15, 2019]</td>
<td>Agree with the finding</td>
<td>May 15, 2019</td>
<td>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 the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights</td>
<td>F2</td>
<td>Communication and coordination between SFPD and federal authorities is less efficient and more cumbersome than when SFPD was part of the JTTF.</td>
<td>Mayor [September 15, 2019]</td>
<td>Disagree, partially</td>
<td>May 15, 2019</td>
<td>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 the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights</td>
<td>F3</td>
<td>The Secretary 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.</td>
<td>Mayor [September 15, 2019]</td>
<td>Agree with the finding</td>
<td>May 15, 2019</td>
<td>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 the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights</td>
<td>F4</td>
<td>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.</td>
<td>Mayor [September 15, 2019]</td>
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<td>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 the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights</td>
<td>F5</td>
<td>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.</td>
<td>Mayor [September 15, 2019]</td>
<td>Disagree, partially</td>
<td>May 15, 2019</td>
<td>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 the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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<tr>
<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F1</td>
<td>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.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Will be implemented. Given the extended timelines associated with policy development and policy approval within the police department, the deadline associated with this recommendation is unreasonable. However, the department will explore the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F2</td>
<td>Currently, the overall communication between SPFDP and the FBI related to incident investigation is efficient, however it becomes evident that there are delays in communication between federal authorities and SPFDP. This may result in the delay of deploying SPFDP officers to an incident that is possibly terrorist-related.</td>
<td>Disagree, partially.</td>
<td>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.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>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 if there is a decision to rejoin, the Mayor, SPFDP and the Police Commission plan to take a thoughtful and thorough approach that considers the input of the SF community.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F3</td>
<td>In the period of 2002-2017 SPFDP participated on the JTTF, few formal complaints were made against officers conducting JTTF activities.</td>
<td>Agree with the finding.</td>
<td>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.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Will be implemented. Given the extended timelines associated with policy development and policy approval within the police department, the deadline associated with this recommendation is unreasonable. However, the department will explore the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F4</td>
<td>The Civil Grand Jury’s investigation did not detect any instance of non-compliance with a MOU by SPFDP officers that had been assigned to the JTTF. Likewise, the investigation did not find any evidence that SPFDP officers assigned to the JTTF were engaged in any form of enforcement associated with federal immigration laws.</td>
<td>Agree with the finding.</td>
<td>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.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Will be implemented. Given the extended timelines associated with policy development and policy approval within the police department, the deadline associated with this recommendation is unreasonable. However, the department will explore the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F5</td>
<td>The necessity of negotiations on MOU on the JTTF require officers not to disclose the classified material to individuals without an appropriate level of clearance. This is to prevent the release of classified material and a need to know. These secrecy obligations are necessary but allow or cause speculation and concern by parties without access to classified material.</td>
<td>Agree with the finding.</td>
<td>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.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Will be implemented. Given the extended timelines associated with policy development and policy approval within the police department, the deadline associated with this recommendation is unreasonable. However, the department will explore the potential of negotiating an MOU with the FBI and will submit to the Police Commission for review when it is appropriate to do so.</td>
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### Notes:
- **Finding:** A statement of the facts or evidence that supports the recommendation.
- **Agreement:** The agreement or disagreement with the recommendation.
- **Recommendation:** The recommendation made by the task force.
- **Responsible Party:** The party responsible for implementing the recommendation.
- **Recommendation Response Text:** The response to the recommendation as provided by the responsible party.
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<td>F6</td>
<td>Presently, the PC does not have a representative for JTTF matters.</td>
<td>Agree with the finding</td>
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<td>F7</td>
<td>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.</td>
<td>Disagree, partially</td>
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<tr>
<td>F8</td>
<td>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.</td>
<td>Agree with the finding</td>
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<tr>
<td>F8-a</td>
<td>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.</td>
<td>Agree with the finding</td>
</tr>
<tr>
<td>F8-b</td>
<td>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 1” of the California Constitution, which is generally related to governmental processes and functions of the state, with the First Amendment rights guaranteed by the United States Constitution, which is generally related to governmental processes and functions of the state. It is believed that General Order 8.10 suffers from a writing error and that instead of “Article 1” it was intended for the definition to encompass First Amendment protections of the United States Constitution and the California Constitution Article I, Section 1 and Section 2.</td>
<td>Agree with the finding</td>
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<tr>
<td>F8-c</td>
<td>General Order 8.10 defines 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.</td>
<td>Agree with the finding</td>
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2018-2019 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)

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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 Directions facilitates the consensus process but is not solely responsible for reviews to any DGO. It is within the Police Commission's purview to create a working group to review and support 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.
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F8-d</td>
<td>General Order 8.10 contains obsolete agency information. The Office of the City Attorney (OCA) has not yet addressed the issue. The OCC has been replaced by the Department of Police Accountability (DPA).</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>The SFPD OPCO 8.10 documents lay out policy to its members. Because of this, SFPD members understand that the abbreviation for San Francisco Police Department is “OCC” within the SFPD’s official documents. However, a member of the public who is not familiar with the SFPD policy documents could potentially find the reference confusing.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>The recommendation will be implemented</td>
<td>Open the extended timelines associated with policy development, the department cannot agree to forward an updated DOG 8.10 to the Police Commission by July 3, 2020. The department recommend updating all references to OCC by using the current department name and terminology.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F8-e</td>
<td>The use of Department or Department is consistently used in the DOG 8.10 could cause confusion because both the SFPD and the OPP contain these terms.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Disagree, partially</td>
<td>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 “OPD” within the SFPD’s official documents. However, a member of the public who is not familiar with the SFPD policy documents could potentially find the reference confusing.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>The recommendation will be implemented</td>
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<td>F8-f</td>
<td>All persons, DGO 8.10 contains extraneous material regarding duties required of other than SFPD officers.</td>
<td>Chief, San Francisco Police Department (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>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 “OPD” within the SFPD’s official documents. However, a member of the public who is not familiar with the SFPD policy documents could potentially find the reference confusing.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F2</td>
<td>Communication and coordination between SFPD and federal authorities is less efficient and more cumbersome when SFPD was part of the JTTF.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Disagree, partially</td>
<td>Partially Agree. 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 key concern.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>The recommendation will be implemented</td>
<td>We 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.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F3</td>
<td>In the period of 2002-2011 JTTF participated on the JTTF, few formal complaints were made against officers conducting JTTF activities.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>Agree. I am not aware of a significant number of formal complaints between 2002 and 2017 against SFPD officers conducting JTTF activities.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>The recommendation will be implemented</td>
<td>We 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.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F4</td>
<td>The Civil Grand Jury’s investigation did not detect any instance of non-compliance with a DGO by SFPD officers for the period under review.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Disagree, partially</td>
<td>Partially disagree. The SFPD DGO 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 NCRCT, a clearing house for public safety data and criminal activity in the region, and a recipient of JTTF intelligence and data.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>The recommendation will be implemented</td>
<td>We 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.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F5</td>
<td>The secrecy obligations of SFPD officers in the JTTF require officers not disclose this 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.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>Agree. I do not believe there is any work by participating law enforcement officers in the JTTF breaches non-classified information which does not create a secrecy obligation.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>The recommendation will be implemented</td>
<td>We 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.</td>
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<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F6</td>
<td>The PC is an essential part to the JTTF’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.</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>Agree. I add that the Police Commissioner, in addition to having the authority to bring proposed MOU and related DGO’s up for discussion and public comment. “Agree with the finding</td>
<td>President, San Francisco Police Commission (September 15, 2019)</td>
<td>Agree with the finding</td>
<td>The recommendation has been implemented</td>
<td>Recommendation has been implemented</td>
<td>The current President of the Commission is the designated point person for JTTF matters.</td>
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General Order 8.10 should be revised to include a review of the R4a-f Recommendations. The Police Commission is the designated point person for JTTF matters.

The President of the PC should designate a 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.

The Chief of Police should instruct the Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (JTTF) to develop a five-year schedule for reviewing and revising all SPD's General Orders including DGO 8.10. That DGO is slated for review in 2020.

DGO 8.10 should be revised to 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.

It is recommended that the statement of principal incorporate wording to be protective of the protections provided to First Amendment activities by both the state and federal constitutions.

The recommendation has been implemented. The current President of the Commission is the designated point person for JTTF matters.

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<tr>
<th>Report Title</th>
<th>Finding (text may be duplicated due to spanning and multiple respondent effects)</th>
<th>Finding Assigned by CGJ</th>
<th>Finding Response (Agree/Disagree)</th>
<th>Finding Response Text</th>
<th>Recommendation (text may be duplicated due to spanning and multiple respondent effects)</th>
<th>Recommendation Assigned by CGJ</th>
<th>Recommendation Response (Implementation)</th>
<th>Recommendation Response Text</th>
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<tbody>
<tr>
<td>Joint Terrorism Task Force: Balancing Public Safety with Civil Rights (July 17, 2019)</td>
<td>F8-f At present, DGO 8.10 contains extraneous material regarding duties required of other than SFPD officers.</td>
<td>President, San Francisco Police Commission [September 15, 2019]</td>
<td>Disagree, partially</td>
<td>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.</td>
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<td>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.</td>
<td>President, San Francisco Police Commission [September 15, 2019]</td>
<td></td>
<td>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.</td>
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