

RE: California Department of Justice Review of
Dear Chief Scott

Response to 24.4: The Cal DOJ finds SFPD's implementation of this recommendation to be in substantial compliance as this recommendation relates to department-owned equipment or facilities only. However, we do note that SFPD may wish to enact a policy with respect to public business conducted on personal devices in light of the California Supreme Court's holding that "when a city employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act." (City of San Jose v. Santa Clara (2017) 2 Cal.5th 608, 629.

Sincerely,
NANCY A. BENINATI
Supervising Deputy Attorney General

For XAVIER BECERRA Attorney General



DOJ Request For Information (RFI) Sheet

Recommendation #24.4 The SFPD Should implement a policy and a Department General Order stipulating that there is no right to any use of department-owned equipment or facilities.

Response Date: 9/17/2018

Screening Questions:

- 1) **Has the recommended action occurred?** Yes
- 2) **Does the recommendation require a DGO or other department policy? If not required, is the recommendation supported by a department policy?**

The Department has complied with Recommendation 24.4 when **Department Bulletin 16-089** (Dept. Email Policy & Procedures) was issued by Written Directives on 6/15/16, **Department Bulletin 17-011** (Pop-up Network Acceptable Use Statement on Workstation) was issued by Written Directives on 1/18/17, and **Department Bulletin 17-032** (Members' Expectation of Privacy) was issued by Written Directives on 2/2/17.

Current General Orders are as follows:

2.09 (Personal Use of Social Media)

10.07 (Use of Cellular Telephones)

10.08 (Use of Computers and Peripheral Equipment)

At the start-up of each workstation, SFPD's **Computer Use Policy** appears on the screen (see attached screen shot). The policy refers the member to Department General Order 10.08 and Department Bulletin 16-089 and requires the member to acknowledge before proceeding forward.

- 3) **Does the recommendation require training and/or education?**

Yes, all recruits are introduced to the policy when they start the Police Academy. In addition to going over the General Orders (2.09, 10.07, & 10.08), they sign a **Department Issued Mobile Device Acknowledgement**.

- 4) **Does the recommendation require an audit or continuous improvement loop?**

An updated audit for Department Bulletins 16-089, 17-011, and 17-032 were conducted on 09/6/2018. No further audit is required.

- **Audit for DB 16-089**
- **Audit for DB 17-011**
- **Audit for DB 17-032**