

[REDACTED]

From: Gabriel Martinez [REDACTED]
Sent: Friday, May 21, 2021 3:39 PM
To: [REDACTED]
Subject: Recommendation 58.1

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 58.1 that were submitted to us as part of the collaborative reform process. This package focused on restructuring the Community Engagement Division within SFPD. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 58.1: The SFPD should establish a record system for ensuring that complaints received at a district station are forwarded properly and in a timely manner to the DPA. Emails and fax should be considered for ensuring delivery and creating a record.

Response to 58.1: Under Department General Order 2.04, "Complaints Against Officers," once a complaint is received, the ranking officer is responsible for ensuring the original Department of Police Accountability (DPA) complaint form is routed by mail to DPA before reporting off-duty. On September 4, 2019, SFPD published Department Bulletin 19-185, "DPA Complaint Log." The Bulletin created SFPD Form 599, a complaint log to track complaints received at District Stations from members of the public against SFPD officers. The officer receiving the DPA complaint will document the complaint with a CAD (dispatch) number. The CAD number and other information (i.e. time/date of receipt, receiving member's information, etc.) are also documented on the form. The Bulletin requires each District Station to email the log to DPA (dpa.logssfgov.org) every day.

The Staff Inspection Unit (SIU) conducted an audit of complaints received at District Stations to confirm whether the complaints are properly documented on the DPA Complaint Log and properly forwarded to DPA in a timely manner. While most district stations showed 100% compliance, the audit revealed three missing logs and other minor discrepancies for other stations, such as a misdated logs or faulty attachments. Those issues were brought to the attention of Executive Director Catherine McGuire on July 9, 2020, through a memorandum for correction. Going forward, SFPD has made the complaint log submissions a regular and recurring agenda item on existing bi-weekly meetings between the SFPD Assistant Chief and the DPA Chief of Staff to identify and correct any issues.

Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation. Please let us know if you have any questions or would like to discuss further. Thank you.

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Collaborative Reform Completion Memorandum

Finding # 58: The SFPD does not have a tracking system for complaints received at a district station.

Recommendation # 58.1 The SFPD should establish a record system for ensuring that complaints received at a district station are forwarded properly and in a timely manner to the DPA. Emails and fax should be considered for ensuring delivery and creating a record.

Response Date: 11/16/2020

Executive Summary:

After several discussions with SFPD, Department of Police Accountability (DPA), and members of the Executive Work Group, it was determined that a log sheet (furthermore referred to as the DPA Complaint Log) would be created for the documentation of DPA complaints received at police facilities. The SFPD member receiving the DPA complaint requests a CAD number from DEM to memorialize the incident. The CAD number is provided to the complaint as a receipt of the complaint. The CAD number and other statistical information (i.e. time/date of receipt, receiving member's information, etc.) is documented on the form. The log is emailed to DPA (dpa.logs@sfgov.org) on a daily basis in a similar fashion as the SFPD Daily Arrest Information form.

It is the policy of the SFPD to accept all complaints of official misconduct regardless of source (e.g. Juvenile, anonymous, third party, (ect), whether received electronically, by letter, telephone, or in person. The revised DGO 2.04 (Attachment #1) DGO 2.04 Complaints Against Officers) designates the time constraints and routing instructions for complaints received at police facilities as follows:

2.04.03 4. ROUTING. Route by mail before reporting off-duty the original DPA complaint form to the DPA and forward a copy to your commanding officer.

SFPD Form 599 has been created to track complaints received at District Stations from members of the public against on duty SFPD officers (DGO 2.04). The log will ensure that complaints received at District Stations are documented and properly forwarded to DPA in a timely manner.

A Department Bulletin has been written advising members of the new procedures and instructions for the form's use. DB 19-185 DPA Complaint Log SFPD Form 599. (Attachment #2)

The Staff Inspection Unit (SIU) has conducted an audit of complaints received at District Stations are being documented on a DPA Complaint Log and properly forwarded to DPA in a timely manner, to confirm compliance. The findings of the audit have been documented in



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a Memorandum from Ofc. Wong #2104 from July 9, 2020. The audit is currently in the review and approval process. (Attachment #3)

Compliance Measures:

- 1) Concurrent with Rec. 56.1, establish a trackable system for the registration of complaints at the district level.**

On October 29, 2020 SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening for this RFI, suggestions and guidelines were discussed for this recommendation as described below.

Provide a breakdown of the DPA Complaint Log Delivery

The following protocols and procedures have been put in place when a complaint is received at a District Station and how to fill out the complaint log prior to emailing it to DPA, (Attachment #2) DB 19-185 DPA Complaint Log SFPD Form 599)

- Notify Department of Emergency Management (DEM) that they have an on view 909, "Meet with Citizen" and request a Computer Assisted Dispatch (CAD) number. The CAD will track the day and time and location of receipt.
- The member shall ensure that the complaint is properly and accurately documented on the Stations DPA Complaint Log
- The member shall also write the CAD number on the DPA Complaint Form (SFPD/DPA 293) adjacent to the "DPA Use Only" box. (Attachment #4)
- The Station Keeper of the District Station shall email a copy of the log to DPA by 0900 hours daily.
- The Platoon Commander, or a designee, shall ensure the log was properly completed prior to it being emailed to dpa.logs@sfgov.org
- If no complaints are made by a member of the community on a specific date, forms shall still be emailed with a notation "No complaints this date."
- Original copies of the log shall be archived at the District Station for no less than five (5) years.
- DGO 2.04.03.4 Routing: Route by mail before reporting off duty, the original DPA complaint form to DPA and forward a copy to your commanding officer.



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2) Audit process that tracks the proper and timely delivery of complaints to DPA.

On October 29, 2020 SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening for this RFI, suggestions and guidelines were discussed for this recommendation as described below.

Cal DOJ asked for SFPD to walk through the audit process in more detail in the Form 2001.

DPA Audit Process

- Inspection performed by the Staff Inspection Unit (SIU).
- SIU randomly selected December 2019 as the inspection period.
- To achieve a 90% minimum result, 9 out of 10 stations were randomly selected for review. This was accomplished with an online randomizing tool.
- SIU used the following formula to establish 72 logs needed for review:
 - 31 days in December
 - 9 stations multiply by 31 = 279
 - With 279 as total population, One Tail audit calculation says 72 samples will produce a 95% confidence finding
 - 72 (samples) divided by 9 (stations) = 8 logs from each station
 - SIU used an online randomizer to randomly select 8 days in December for each station:

SIU sent an email to Steve Flaherty, Director of Audits from (DPA). SIU requested receipt of DPA Logs for the dates listed in the table below. Director Flaherty confirmed that the below dates in **Red** were logs not received by DPA. All other logs were received on the posted date in black. (Attachment #5)

Station	72 randomly selected dates for December 2019
Bayview	2, 7, 15, 18, 20, 23, 26, 31
Central	3, 5, 6 , 8, 14, 15, 25, 26
Ingleside	3, 8, 17, 19, 24, 25, 27, 28
Mission	2, 3, 8, 12, 15, 22, 23, 25
Northern	12, 15, 20, 23, 24, 28, 30, 31
Park	5, 8, 11, 13, 14, 27, 29, 30
Richmond	2, 4, 6, 8, 9, 12, 16, 28
Southern	1, 2, 10, 12, 15, 18, 19, 22
Taraval	5, 6, 11, 13, 21, 24, 25, 30



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This information was verified by Steve Flaherty (Director of Audits) from DPA. Mr. Flaherty informed SIU that the missing logs were verified from their data file as being Not Received.

Email from Steve Flaherty DPA: (Attachment #6) Confirming that all logs were received on the intended date with a few discrepancies. Below are the discrepancies found.

However, Flaherty further confirmed that No Complaints were received or filed by DPA on the above dates reviewed by SIU, this includes missing logs from Central and Northern.

Reconciliation Results -

- We could not find the following logs:
 - Central – 12/3 (just an e-mail stating no complaints, but no log attached), 12/5, and 12/6
 - Northern – 12/31 (we did receive an e-mail from Northern on 1/1 at 4:58 AM, but we cannot read the text of the attachment)
 - Park – 12/5 (complaint and arrest log were sent in the same e-mail – the arrest log was dated 12/5, but the complaint log was dated 12/1)

- There are some potential issues with logs with did receive:
 - Bayview 12/18 – complaint log is dated **12/18**, the "Date/Time Emailed" field says **12/19** 0155, and the e-mail date stamp says **12/18** at 2:06 AM.
 - Mission 12/3 – form is signed and dated, but log section is blank
 - Northern –
 - 12/12/2019 - Log dated 12/12/19, but e-mail sent at 12/12/19 at 5:23 AM
 - 12/15/2019 - Log dated 12/15/19, but e-mail sent at 12/15/19 at 5:11 AM
 - 12/20/2019 – Likely received, but image quality too poor to be certain
 - 12/23/2019 - PDF dated 12/23 but document dated 12/24
 - 12/24/2019 - Log dated 12/24/19, but e-mail sent at 12/24/19 at 12:46 AM
 - Taraval 12/6 – received at 11:46 PM on 12/6
 - Ingleside – 12/27
 - Received two logs for 12/27 – both on 12/29. One e-mail says "updated" but no further explanation provided.

The above information was used to begin the audit process.

On March 12, 2020 SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the



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prescreening for this RFI, suggestions and guidelines were discussed for this recommendation as described below.

This was RFIed based on Cal DOJ's concerns with the Compliance Measure 2, Audit process that tracks the proper and timely delivery of complaints to DPA.

The results of the audit as follows:

SIU inspected 9 stations and 72 randomly selected complaint logs. SIU also verified the information identified from this inspection with DPA and we concluded the following findings:

- No complaints were received at the station level for the inspection dates selected for each station, however, the process of forwarding complaint logs to DPA was followed @ 94.5%.*
- DPA confirmed receiving all complaint logs from Southern, Bayview, Mission, Park, Richmond, Ingleside and Taraval for the inspection dates selected.*
- Central Station was unable to produce complaint logs for December 5th and 6th to SIU during the on-scene inspection and DPA confirmed of not receiving complaint logs for December 3rd, 5th and 6th from Central Station.*
- DPA confirmed of not receiving the December 31st complaint log from Northern Station, but advised that Northern Station did send an unreadable email attachment to DPA on January 1st, 2020.*
- DPA reported receiving a blank complaint log from Mission Station for December 3rd.*
- DPA reported receiving late or inconsistent complaint logs from three (3) stations (Northern sent five (5) complaint logs at different times between 0046-0500 hours; Ingleside sent the December 27th log on December 29th; Taraval sent the December 6th log at 2346 hours).*

These finding revealed that the SFPD had in fact complied with CRI recommendation 58.1 by creating and implementing procedures for receiving and forwarding complaints to DPA, however, the submittal and retention practice of complaint logs needs to be improved to maintain consistency throughout the SFPD, (Attachment #3) Memorandum from Ofc. Wong #2104 from July 9, 2020.)

On October 29, 2020 SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the



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prescreening for this RFI, suggestions and guidelines were discussed for this recommendation as described below.

SFPD will also include the actual audit in the final package. The audit has been added as Attachment #7

The Staff Inspection Unit (SIU) conducted an audit of DPA Complaint Logs sent to DPA for the month of December 2019. (Attachment #7). The audit incorporates a review and comparison of emails to DPA as well as the Complaint Logs to ensure complaints to DPA are being completed in a proper and timely manner. This process is codified in the SIU Audit Matrix outlining the audit process and responsibilities of the Commanding Officer in the process. Strategic Management Bureau Order SIU Procedures 20-01, IV. Unit Hierarchy and Responsibilities (Attachment #8)

On October 29, 2020 SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening for this RFI, suggestions and guidelines were discussed for this recommendation as described below.

Cal DOJ also noted that the Form 2001 states that the "Staff Inspection Unit (SIU) has added a quarterly audit of the DPA Complaint Log compliance to their ongoing departmental audits" and asked that SFPD provide documentation showing that this quarterly review is codified.

Currently there are no quarterly audit being conducted for DPA Log compliance. This was the first audit completed and is currently being reviewed by the Executive Director of the Strategic Management Bureau. The Executive Director conducts the final review prior to the report being sent to the Chief of Police. IV. Unit Hierarchy and Responsibilities. A. The process is outlined in Staff Inspection Unit Procedures. (Attachment #8)

The process for future audits to be conducted our outlined in *Strategic Management Bureau Order SIU Procedures 20-01, XII. Accomplishment Memo Sec. A* (Attachment #8)

The MoniTeam shall complete an Accomplishment Memo after corrective actions were completed by an inspected entity. The corrective actions should be completed within an agreed upon time. However, if the inspected entity does not fulfill the recommendations within that time, the MoniTeam will denote any progress in a separate memorandum (subject line entitled "Progress Report on Incomplete Recommendations") to the Captain of SMB. Additionally, the memo shall mention a specific time extension requested by the inspected entity.

The Accomplishment Memo will also indicate if a follow-up inspection should occur within a specified time. The substantive purpose of an Accomplishment Memo is to underscore that the Department is carrying out a constant improvement process or "loop."



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Finding #58: The SFPD does not have a tracking system for complaints received at district stations.

Recommendation #58.1: The SFPD should establish a record system for ensuring that complaints received at a district station are forwarded properly and in a timely manner to the DPA. E-mail and fax should be considered for ensuring delivery and creating a record.

Response Date: 03/03/2021

ADDENDUM

On, 03/03/2021, the SFPD received notification that their review of Recommendation 58.1 was in final review with Cal DOJ. However, Cal DOJ requested the following notes be addressed prior submitting the recommendation to Cal DOJ for substantial compliance:

Cal DOJ raised a concern regarding whether there would be any continuing audit of complaint logs that SFPD sends DPA. The prior Form 2001 Cal DOJ reviewed had stated that there would be quarterly audits but the submitted Form 2001 had no scheduled future audits. Cal DOJ clarified that full audits, such as the Staff Inspection Unit audit already conducted, would not be required but that SFPD would need some mechanism for ascertaining whether DPA was receiving the complaint logs pursuant to SFPD policies. SFPD suggested that it could either contact the DPA auditor of complaint logs at some regular interval or have the timeliness of DPA complaint log submissions be a recurring topic of discussion at regular meetings between DPA and SFPD command staff. Cal DOJ thought either of these processes, coupled with SFPD's existing policies regarding complaint log submissions, would meet the goals of the recommendation. SFPD was inclined to document through memorandum that the timeliness of complaint log submissions would be a regular topic of discussion at meetings with DPA and add that information to the recommendation package.

To address the concerns raised by the California Department of Justice, regarding identifying and addressing future issues with the proper and timely delivery of DPA complaints received at District Stations to the Department of Police Accountability as codified in San Francisco Police Department General Order 2.04 – Complaints Against Officer (Effective 05/15/19), Commander Flaherty and the Acting Captain of PSPPU and met with Assistant Chief Moser – Bureau of Chief of Staff.

Assistant Chief Moser meets bi-weekly with the Chief of Staff of the Department of Police Accountability. To ensure that the Department remains compliant and responsive to the California Department of Justice's remaining concern, Assistant Chief Moser coordinated with the Chief of Staff of the Department of Police Accountability to agenize the issues as described above in all future bi-weekly meetings.



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In the event that the Chief of Staff of the Department of Police Accountability indicates that there are instances in which a gap has been identified, Chief Moser will contact the Commanding Officer of PSPPU and direct that the Staff Inspections Unit conducts an additional audit. Upon completion of the audit, the Staff Inspections Unit will draft a Compliance Memorandum accompanied with recommendations if warranted to make certain that the discrepancy is identified and resolved.

Attachment:

- Assistant Chief Moser's Bi-Weekly calendared meetings with the Chief of Staff of the Department of Police Accountability
 - Documenting that discussion of DPA Complaint Logs is listed as the first agenda item in their meetings moving forward.


Executive Sponsor
Commander Denise Flaherty


ACT CAPT. ERIC J. ALTORFER #151

Professional Standards & Principled Policing
Acting Captain Eric J. Altorfer