



Recommendation 59.1

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Mon 11/16/2020 8:37 AM

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Dear Lt. Altorfer,

Our office has completed its review of the materials related to Recommendation 59.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD ensuring that administrative violations are timely and properly addressed. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 59.1: Members, including investigators, of the IA Administrative Unit and IA Criminal Investigations Unit should meet regularly to discuss processes, practices, and the flow of assigned cases to ensure that administrative violations are timely and properly addressed.

Response to 59.1: On July 27, 2020, SFPD published Unit Order 20-02, "Internal Affairs Division (IAD) & Investigative Services Division (ISD) Weekly Meeting and Case Tracking Sheets." The Order formalizes the practices of the Risk Management Office (RMO) to ensure that internal criminal and administrative investigations are properly and timely investigated and adjudicated. The Order establishes bi-weekly meeting among the Commander of the RMO, the Captain of RMO, the ISD Lieutenant, and the IAD Lieutenant to meet and review criminal and administrative investigations. These meetings focus on reviewing the IAD and ISD case tracking sheets, investigative strategies, and ensuring cases are adjudicated in a timely manner. The case tracking sheet information is maintained by the Officer in Charge of IAD and includes the date the case was received, tolling start and end dates, the reasons for tolling (e.g., criminal investigation or trial), and the case status.

Additionally, the Order requires that the ISD and IAD Lieutenants meet bi-weekly to discuss internal criminal cases and appropriate IAD involvement. The meetings inform the IAD Lieutenant of potential prosecution timelines and pending case closures which could affect criminal tolling, as well as any administrative violations uncovered by the criminal investigation.

Furthermore, as documented in a memorandum from Commander O'Sullivan (RMO) to Assistant Chief Moser on September 10, 2020, the IAD Lieutenant also individually meets bi-weekly with IAD investigators to review the current case load and case statuses of each investigator.

On July 27, 2020, SFPD published IAD Unit Order 20-03, "Internal Affairs Division Procedures." The Order provides that investigators should complete their investigations within six months; that open cases will be placed in a report to the Commander of the Office of Chief of Staff, the Commanding Officer of the RMO, and the Officer in Charge of IAD; and that investigators will meet with the IAD Officer in Charge monthly to provide case status updates.

Additionally, IAD now uses a software program called AIM, which sends 30, 60, and 90-day "warnings" to the investigator and the Lieutenant of IAD when a case is nearing the one-year statute of limitations. Pursuant to Unit Order 20-03, when a case is assigned the IAD Clerk enters case information into the IAD Case Management Database and also enters the information into the AIM system, and includes the assigned investigator, the date of occurrence, date assigned, and six-month date. Upon receipt of an AIM notice, the IAD Lieutenant will notify both the Captain and Commander of RMO and coordinate with the investigator to ensure the case is completed prior to expiring.

Due to the measures implemented by SFPD, currently SFPD has no cases that have exceeded the statute of limitations. When a case has exceeded the statute of limitations, it is reviewed within IAD, by the Captain and Commander of the Risk Management Office, and then presented to the Chief of Police.

Based upon all the above, the California 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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Hillard Heintze File Review Recommendation # 59.1

Finding # 59	SFPD Internal Affairs Administrative Investigations and Internal Affairs Criminal Investigations are not effectively collaborating.
Recommendation # 59.1	Members, including investigators, of the IA Administrative Unit and IA Criminal Investigations Unit should meet regularly to discuss processes, practices, and the flow of assigned cases to ensure that administrative violations are timely and properly addressed.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

The SFPD identified and provided sufficient data to support substantial compliance with Measure #1 - establish a routine internal meeting cadence between the IA admin team and those investigating officers criminally. The department provided calendar invites and open agendas. Calendar invites, a blank tracking sheet and the report of SFPD IA Commander attests to the agenda, follow-on and sufficient engagement to address task resolution to reach substantial compliance for Measure #2. This is in response to the request for agendas, which the department felt contained sensitive information. The department provided sufficient evidence of the process by which they monitor cases for timely review, thereby achieving substantial compliance with Measure #3. The department demonstrated sufficient awareness and engagement on cases that expire. The IAD Lt. identified that no cases have expired since the implementation of a letter for C.O.s of District Stations when this was identified as a barrier to timely closing. There has been demonstrated substantial compliance with Measure #4.

The reviewer is aware of recent reports and statements by the Police Commission regarding timeliness of investigations. In that this data referenced was from a 2019 DPA reporting period, the statement of the department in addressing timeliness issues, identified corrective action and the policy in place support a finding of substantial compliance. However, the department will need to review and assess its practice to ensure cases do not unnecessarily toll. The concerns of the Police Commission are noted, as it the continuing issues between the admin/crim process. SFPD identifies a dual process - which is a good practice.

Compliance Measures	Status/Measure Met
1 Establish a routine meeting schedule in IA for all units.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2 Keep agenda and track tasks assigned and their resolution specific to this recommendation.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3 Review and monitor case completion for timely resolution of all investigations.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4 Evaluate any cases that are not resolved in a timely manner or properly addressed for purposes of improving process.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

The administrative structure should have the "updated" activity following the prescreen at the front of the file. This allows the reviewer to assess what actions came out of the prescreen. Also, the redaction of the tracking sheet is heavy handed - basic information that is not traceable should have been included to provide a sense of how the process is recorded.

Compliance Issues

There is no correlation to any DPA number in the SFPD system - so it is not clear that these cases monitored internally and through AIMS. This may be an issue with the timing and legal requirements for close as to those cases. However, this recommendation is internally focused.



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Finding # 59:

SFPD Internal Affairs Administrative Investigations and Internal Affairs Criminal Investigations are not effectively collaborating.

Recommendation # 59.1

Members, including investigators, of the IA Administrative Unit and IA Criminal Investigations Unit should meet regularly to discuss processes, practices, and the flow of assigned cases to ensure that administrative violations are timely and properly addressed.

Response Date: 08/21/2020

Executive Summary:

In July of 2020, the Internal Affairs Division (IAD) & Investigative Services Division (ISD) Weekly Meeting and Case Tracking Sheets Unit Order (Attachment # 1) was adopted to formalize the policies, procedures, and practices of the Risk Management Office (RMO) to ensure that assigned internal Criminal and Administrative investigations are properly and promptly investigated and adjudicated.

This Unit Order establishes a formalized policy and procedure to unify both IAD and ISD by require constant communication between the members of IAD and ISD regarding their specific duties and responsibilities; the tracking of investigations forwarded, bifurcated, and/or contemporaneously being investigated; and establishes guidelines for a regularly scheduled bi-weekly meetings between the Lieutenants of each unit, the Captain of Risk Management, the Commander of Risk Management and the Assistant Chief – Chief of Staff to discuss cases.

The implementation of this Unit Order guarantees the flow of assigned criminal and administrative investigations to ensure that administrative violations are timely and properly addressed by requiring quarterly reviews by the Commander of RMO; weekly case review meetings between the Commander of RMO, the Captain of RMO, the Lieutenant ISD, and the Lieutenant of IAD.

Furthermore, the adopted Unit Order requires in-person briefings from ISD investigators with IAD investigators while assigned contemporaneous or bifurcated investigations. It should be noted that some of these in-person briefings currently occur via telephone or video conferencing platforms due to the impacts of the COVID-19 Pandemic.

Upon approval of the Unit Order, the Lieutenants of each respective unit, both IAD and ISD, trained their staff to ensure understanding and compliance with in-person briefings.



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Compliance Measures:

1) Establish a routine meeting schedule in IA for all units.

Biweekly, the Commander of the RMO, the Captain of RMO, the Lieutenant of ISD, and the Lieutenant of IAD meet to review ISD and IAD assigned investigations. These meetings are scheduled by the Commander of RMO and occur every 3rd Tuesday (Attachment # 2). These meetings do not require an agenda as their constant focus is reviewing the IAD & ISD case tracking sheets that concentrate on investigative strategies to ensure cases are adjudicated timely. In addition, these meetings emphasize topics such as briefings on newly received investigations; investigations transitioning from ISD to IAD; updates on any issues or directives from subsequent meetings; and serve as a platform to disseminate priorities and direction received from the Assistant Chief – Chief of Staff and any concerns of the Chief of Police.

The Lieutenant of ISD is first to present cases from the ISD case tracking spreadsheet. The Lieutenant of ISD is then excused to ensure that the criminal investigation is not tainted.

The Risk Management Office typically conducts criminal and administrative investigations contemporaneously which requires the strict necessity to keep the two investigations separate. The above described meeting ensures that the facts gathered in the criminal investigation can be shared with the administrative investigator. However, information gained through the administrative investigation, such as compelled statements, cannot be provided to the criminal investigator. For further explanation, please refer to (Attachment # 3 – COPS: Standards and Guidelines for Internal Affairs)

After the IAD Lieutenant is excused, the Lieutenant from IAD then presents cases from the IAD case tracking spreadsheet (Attachment # 4). It should be noted that the attached tracking sheet has been redacted as to not subject the SFPD assumed liability for releasing legally protected and confidential information.

As required by the Internal Affairs Division (IAD) & Investigative Services Division (ISD) Weekly Meeting and Case Tracing Sheets Unit Order the aforementioned tracking sheets were created requiring the Lieutenant of IAD to document all cases received from and cases forwarded to the ISD. The IAD / ISD tracking sheets will be discussed in compliance measure 2 in further detail.

In the subsequent week aside from the RMO/IAD-ISD meeting, the Lieutenant of ISD and the Lieutenant of IAD meet every other Thursday to discuss internal criminal cases as identified on the ISD case tracking spreadsheet for case status and appropriate IAD involvement. Evidence



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of both meetings occurring is shown in the attached Outlook calendar of the Lieutenant of IAD (Attachment # 5).

These meetings are designed to inform the Lieutenant of IAD of potential prosecution timelines as well as pending case closures which would negate any criminal tolling provisions as defined by California Government code 3304; specifically, section 3304(2)(A) which will be described further in Compliance Measure 3. In addition, these meetings identify any current ISD investigations that uncover administrative violations that need to be bifurcated – meaning that during the course of the ISD investigation, administrative violations were identified that do not have a nexus to the criminal investigation and thus should be investigated by IAD.

In addition to the bi-weekly RMO meetings, the bi-weekly IAD and ISD Lieutenant's meetings, the Lieutenant of IAD meets with the IA Unit collectively on every 3rd Tuesday of the month. In addition to the collective meetings, the Lieutenant of IAD individually meets bi-weekly with investigators in which they review their current case load. These meetings were in office and in person Pre-COVID-19. Since COVID-19, the Lieutenant of IAD meets with the collective unit every Wednesday (Attachment # 6) to ensure constant communication as the Department adheres to the strict guidelines by offering telecommuting.

Finally, the Unit Order also delineates the procedures for In-person briefings between ISD and IAD investigators when working cases contemporaneously. These particular meetings are scheduled as needed and are individually documented in the IAD investigator's case chronological report attached to the case file.

On Thursday, September 03, 2020, SFPD Professional Standards members participated in a conference call to discuss a draft package of this recommendation with members of Hillard Heintze and the California Department of Justice. During the prescreening conference call, the California Department of Justice, and Hillard Heintze provided technical guidance and recommended suggestions for the recommendation package:

For compliance measure 1, Hillard Heintze asked that SFPD provide a couple of additional examples of agendas to demonstrate that these meetings have taken place and were iterative (in that the agendas show that issues raised in one meeting are followed up with in a subsequent meeting). SFPD responded that this may be difficult to do because of the sensitive/confidential nature of the items SFPD discusses at these meetings but SFPD will provide a memorandum demonstrating that these meetings have happened on a regular basis and that issues from meetings are followed up on at subsequent meetings. Hillard Heintze and Cal DOJ agreed that a memorandum would suffice.



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In response to the guidance, the SFPD has provided calendar invites (Attachment # 2) by the Commander of RMO from January 21, 2020 to their last meeting, which occurred on September 1, 2020. As mentioned in compliance measure 1, the RMO Command Staff meetings do not require an agenda as their constant focus is reviewing the IAD & ISD case tracking sheets, which includes follow up from subsequent meetings.

To demonstrate that these meetings have happened on a regular basis and that issues from meetings are followed up on at subsequent meetings, Commander O'Sullivan (RMO) drafted a memorandum (Attachment # 7) to Assistant Chief Moser – Chief of Staff. The memorandum confirms that regular meetings take place in which the RMO Command Staff review the IAD & ISD case tracking sheets that focus on investigative strategies to ensure cases are adjudicated timely, discuss newly received investigations; investigations transitioning from ISD to IAD; updates on any issues or directives from subsequent meetings; and serve as a platform to disseminate priorities and direction received from the Assistant Chief – Chief of Staff and any concerns of the Chief of Police.

2) Keep agenda and track tasks assigned and their resolution specific to this recommendation.

The bi-weekly meetings between IAD and ISD are agendaized in Outlook for the Lieutenant of IAD and the Lieutenant of ISD. The agenda covers task assigned, processes, practices, and the flow of assigned cases to ensure that administrative violations are timely and properly addressed.

The agenda is attached to this document and can also be accessed by all stakeholders via Outlook. (Attachment # 8)

On Thursday, September 03, 2020, SFPD Professional Standards members participated in a conference call to discuss a draft package of this recommendation with members of Hillard Heintze and the California Department of Justice. During the prescreening conference call, the California Department of Justice, and Hillard Heintze provided technical guidance and recommended suggestions for the recommendation package:

For compliance measure 2, Hillard Heintze asked SFPD to provide information and documentation showing how SFPD keeps track of any follow up tasks. If SFPD does not have any examples of this, SFPD can provide information about how it would keep track of any follow up tasks that come out of a meeting.

In response to the guidance, the SFPD has provided Internal Affairs Division (IAD) & Investigative Services Division (ISD) Weekly Meeting and Case Tracking Sheets Unit Order (Attachment # 1) and IAD case tracking spreadsheet (Attachment # 4). This tracking sheet,



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used in every aforementioned meeting, tracks every aspect to include follow up of both ISD and IAD investigations.

The Unit order dictates that the IAD spread sheet shall list all ISD investigations and note the following information:

- ISD case number
- IAD case number
- Accused member(s)
- Date case received from ISD
- Date case forwarded to ISD
- Tolling dates: start & end
- Reason(s) for tolling (i.e. criminal investigation, member unavailable, trail, etc.)
- Case status (i.e. active administrative, criminal trial pending, forwarded to ISD, member unavailable, closed, etc.)
- Case Disposition.
- Notes

In addition, the Lieutenant of ISD shall continually update and maintain an annual spread sheet. The ISD spread sheet shall list all ISD investigations and note the following information:

- ISD case number
- IAD case number (if applicable)
- Accused member(s)
- Criminal allegation(s)
- A "check box" if any Administrative allegation(s)
- Date case received
- Date case forwarded to IA Admin
- ISD investigator
- Case status (i.e. active ISD, criminal trial pending, Non-criminal case, forwarded to IAD, closed, etc.)
- Case Disposition.
- Notes

*** Due to both the Constitutional and Procedural rights of an accused Member, the SFPD will not provide an ISD tracking sheet as evidence. In lieu of the ISD tracking sheet, the SFPD has provided the aforementioned Unit Order as supporting evidence***

To further indicate how both IAD and ISD keep track and follow up on tasks, Command O'Sullivan's above-mentioned memorandum (Attachment # 7) to Assistant Chief Moser indicates the oversight of the Commanding Officer of RMO to ensure all updates on any issues



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or directives from subsequent meetings are addressed in both the RMO Command Staff meetings as well as his daily interactions with both IAD and ISD staff. In addition, further necessary steps that include bi-weekly one on one meetings between the Lieutenant of IAD and ISD as well as the collective and individual meetings of IAD, create a redundancy to ensure that every task is meticulously followed up on and addressed both properly and timely.

3) Review and monitor case completion for timely resolution of all investigations.

The aforementioned meetings, including the case tracking spreadsheet, in addition to government code requirements for Administrative investigations, ensure constant review, monitoring and case tracking for timely completion and resolution of all investigations.

These meetings and case tracing sheets are also used as mechanisms to monitor timely resolution of all investigations that are legally tolling as defined by California Government code 3304 (Attachment # 9). An administrative investigation is allowed to "toll", meaning the one-year statute of limitations can be extended, for several reason as defined bellow

- (2) (A) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.
- (B) If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.
- (C) If the investigation is a multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.
- (D) If the investigation involves more than one employee and requires a reasonable extension.
- (E) If the investigation involves an employee who is incapacitated or otherwise unavailable.
- (F) If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.
- (G) If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.
- (H) If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer.

In addition to the weekly meetings and the presentation of case status tracking, IAD uses a software program called AIM, which sends 30, 60, and 90-day "warnings" to the investigator



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and the Lieutenant of IAD when a case is nearing the expiration date as defined by Government Code 3304. See attached examples of 30, 60, and 90-day "warnings." (Attachment # 10)

On Thursday, September 03, 2020, SFPD Professional Standards members participated in a conference call to discuss a draft package of this recommendation with members of Hillard Heintze and the California Department of Justice. During the prescreening conference call, the California Department of Justice, and Hillard Heintze provided technical guidance and recommended suggestions for the recommendation package:

For compliance measure 3, Hillard Heintze asked SFPD to provide more detail on the metrics it uses to ensure timely resolution of its cases. As an example, what is the process after an investigator gets a 30-day warning through the AIM software (i.e. what is the responsibility of the individual investigator if they get a warning? How does the Department ensure completion if an investigator gets a warning)?

In response to the guidance, the SFPD will rely on the multiple mechanisms reiterated in compliance measures 1 and 2 with respect to the numerous in place policies and procedures to ensure timely resolution of cases. In summary, the magnitude and regularity of meetings coupled with Command Level involvement and oversight, the case tracking sheets, and RMO Unit Order 20-03 – Internal Affairs Division Procedures clearly demonstrate the exhaustive steps the Risk Management Office has taken to ensure the timely resolution of its cases.

Currently, the Administrative Investigations Management (AIM) system is designed to notify the Lieutenant of IAD and IA investigators when their assigned case is 90, 60, and 30 days out from the 1-year time allotment to complete an administrative investigation as defined by California Government Code 3304.

When a case is referred to IAD, the case is entered into AIM by IAD Clerk(s); a process codified by RMO Unit Order 20-03 – Internal Affairs Division Procedures (Attachment # 11). The date in which the SFPD was first notified of the alleged misconduct is entered as opposed to the date in which the case was received as required by California Government Code 3304. This initial notification date begins the 1-year clock in which the administrative investigation has to be completed pursuant to California Government Code 3304.

After receipt, the case is entered in the IAD case tracking sheet (pursuant to RMO Unit Order 20-02), which consists of the following:

- IAD Case Number
- Assigned Investigator
- Allegations 1-3+



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- ISD Case Number (if applicable)
- EEO Case Number (if applicable)
- Date of Occurrence
- 3304 date
- Date assigned
- 6-month date
- 3-month date (Passed Due)
- Notes

The IAD case status sheet is then used to track the entirety of the case from assignment to adjudication. The case status sheet is presented and reviewed in all the above-mentioned meetings (RMO / IAD & ISD / IAD Staff); specifically, the individual meetings between the IAD Lieutenant and IAD investigators in which dates of completion are addressed. This eliminates the potential of a case reaching a 30-day AIM notice without extensive prior knowledge of the entire RMO Command Staff and an implemented strategy in place to address the expiring investigation.

In the unlikelihood that a case reaches the 30-day plateau, an AIM notice will automatically (electronically – produced by the software) be sent to both the investigator and the Lieutenant of IAD. Upon receipt of the notice, the IAD Lieutenant will notify both the Captain and Commander of RMO and coordinate with the investigator to ensure the case is completed prior to expiring. However, the SFPD will maintain that this situation is unlikely to occur based upon the multiple levels of documented redundancies in place to mitigate all scenarios in which an investigation is not identified well in advance nor completed prior to the receipt of a 30-day warning notice.

4) Evaluate any cases that are not resolved in a timely manner or properly addressed for purposes of improving process.

On Thursday, September 03, 2020, SFPD Professional Standards members participated in a conference call to discuss a draft package of this recommendation with members of Hillard Heintze and the California Department of Justice. During the prescreening conference call, the California Department of Justice, and Hillard Heintze provided technical guidance and recommended suggestions for the recommendation package:

For compliance measure 4, SFPD's narrative focuses on what SFPD does to make sure that an investigation does not go beyond the expiration date. But "timeliness" in this context is more concerned with what SFPD does to ensure that the investigations are progressing and completed in a reasonable time frame, taking into account the complexity of the investigation. SFPD already does things to ensure that investigations are completed in a reasonable time frame, including holding weekly meetings between IAD and ISD, where they go over the case



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tracking spreadsheet. Cal DOJ requested that SFPD revise the narrative on this compliance measure to highlight first what SFPD does to ensure timely resolution of investigations (that is, what SFPD does to make sure that investigations are progressing and are resolved quickly and efficiently, given the complexity of the investigation). Some of the language SFPD includes in a revision of compliance measure 3's narrative may be helpful to include here.

On July 27, 2020, the SFPD Internal Affairs Division adopted Unit Order 20-03 – Internal Affairs Procedures (Attachment # 11), which defines and outlines step by step procedures to ensure that received investigations properly progress and are resolved quickly and efficiently. The Unit Order standardizes the investigative process by establishing procedures for receiving, assigning, recording, controlling, reviewing, filing and the closing of IAD cases.

When a case is received, the case is assessed by the IAD Lieutenant or the IAD Duty Officer. If the case is assigned, the case specifics shall be documented on SFPD Form 83 (Attachment # 12) and presented to the Clerk(s) for issuance of a IAD case number. The IAD Lieutenant or the Duty Officer shall then assign the case to an investigator by using the Unit's rotation schedule.

Upon assignment, the IAD Clerk(s) shall place the case specifics into AIM for tracking purposes. Case specifics are the same information provided on the SFPD Form 83. The IAD Clerk then enters and maintains the IAD case tracking spreadsheet for all assigned cases (pursuant to RMO Unit Order 20-02), which consists of the following:

- IAD Case Number
- Assigned Investigator
- Allegations 1-3+
- ISD Case Number (if applicable)
- EEO Case Number (if applicable)
- Date of Occurrence
- 3304 date
- Date assigned
- 6-month date
- 3-month date (Passed Due)
- Notes

After the case has been assigned, documented on SFPD Form 83, entered into AIM and the IAD case tracking sheet, the assigned investigator begins his/her investigation. To ensure administrative case do not expire prior to adjudication, the Internal Affairs Division adheres to the policy and procedures established by IAD Unit Order 20-03 – Internal Affairs Division Procedures (Attachment # 11) which states under Investigative Steps:



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Investigators should complete their investigations within 6 months, in an effort to adjudicate the case in a timely fashion. Investigators shall meet with the OIC of IAD on a monthly basis to provide case status updates. This audit and review loop of the case status ensures the investigation is completed within the allotted time. Exceptions to the six-month rule, shall be discussed with the OIC of IAD and documented in the Case Tracking System.

During the course of the investigation, the assigned investigator meets bi-weekly with the IAD Lieutenant to review assigned cases as indicated in compliance measures 1 and 3. The IAD Lieutenant then participates in the above-mentioned meetings (RMO / IAD & ISD / IAD Staff) designed to evaluate all assigned cases to ensure they are resolved in a timely manner or identify strategies to improve the investigative process. This eliminates the potential of a case reaching a 30-day AIM notice without extensive prior knowledge of the entire RMO Command Staff and an implemented strategy in place to address the expiring investigation.

The occurrence of case expiration is rare. Generally, there are unique variables that are case specific that factor into why a case may not have resolved in a timely manner that extend beyond the control of RMO. For example, an officer may not have been available for service of discipline prior to the case expiring as defined by Government Code 3304 due to retirement or member initiated separation from the Police Department.

Currently, as of 09/12/20, there are no cases to refer to that have expired.

The current Lieutenant of Internal Affairs, Lieutenant Angela Wilhelm was contacted and asked how IAD proceeds with cases that have expired under Government Code 3304. Administrative cases that exceed the expiration date as defined by Government Code 3304 are evaluated by IAD staff attorneys, the Lieutenant of IAD, and the Captain and Commander of RMO and then presented to the Chief of Police.

Outside of unique cases that are not resolved in a timely manner, trends that are noticed by the aforementioned members are addressed accordingly.

For example, it was discovered that Commanding Officers of District Stations were not serving members with the proper notice of discipline. This caused three cases to expire under Government Code 3304. Once this trend was recognized, the IAD staff attorney in consultation with the Lieutenant of IAD, Captain of RMO and Commander of RMO, updated the "Notice of Discipline" letter that is sent to Commanding Officers to ensure better tracking, clearer communication with IAD, and instructions for Commanding Officers to follow when noticing members.

Since the inception of this letter, no administrative cases have expired as a result of a Commanding Officer not properly processing paperwork being sent to them from IAD. It



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should be noted that the SFPD Form 68 (Attachment # 13) supported as evidence reflects that the form itself was created in March of 1989. SFPD Form – 68 is a pre-populated Memorandum form, which was edited to create (Attachment # 13). A copy of both are attached as evidence in order to compare and establish that the form has been edited to support the needs of IAD.