

Recommendation 73.1

TK

Tanya Koshy [REDACTED]

Fri 2/19/2021 1:23 PM

To:

- McGuire, Catherine (POL);
- Scott, William (POL);
- [REDACTED]

+8 others

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 73.1 that were submitted as part of the collaborative reform process. After reviewing the package and information provided by SFPD, the California Department of Justice finds as follows:

Recommendation 73.1:

The SFPD should develop a mechanism by which to track when a Department General Order or Department Bulletin has been accessed and acknowledged by a SFPD member.

Response to Recommendation 73.1:

SFPD has developed various mechanisms to track whether a member has accessed and acknowledged a Department General Order (DGO) or a Department Bulletin (DB).

When members are first hired, they must sign and acknowledge that they have received DGOs and have a working knowledge of them. The signed forms are saved by the Department. As SFPD issues new DBs, it disseminates them to members through a cloud-based software that stores all DBs. Under SFPD policy, members are required to electronically review and acknowledge any DB within 30 days of issuance. The cloud-based software has a query feature that allows a supervisor to track whether a member has reviewed and acknowledged a DB. The Staff Inspection Unit (SIU) is also tasked with conducting various audits and inspections, as needed by the Department. The SIU conducted an audit of members' noncompliance with accessing and acknowledging policies issued in 2019 and provided their findings in a report issued in July 2020. The Bureau Chiefs were notified of any noncompliant members in their respective bureaus.

Finally, SFPD recently developed a new policy obligating the Business Analysis Team to conduct a quarterly review of all members to determine if any of them are noncompliant with accessing and acknowledging policies. If a member is noncompliant, the Commanding Officer of the Professional Standards and Principled Policing Unit (PSPP) sends a memo to the member's respective Commanding Officer for remediation or discipline. The noncompliant member's Commanding Officer must ensure that the member becomes compliant and is counseled and retrained, if needed. Once that is done, the Commanding Officer signs off on the PSPP memo, which is then logged with the SIU.

Based on the all of the above, the California Department of Justice finds SFPD in substantial compliance with this recommendation.

Please let us know if you have any questions or would like to discuss this further. Thank you.

Tanya

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Collaborative Reform Completion Memorandum

Finding # 73:

The SFPD does not have an effective mechanism for determining whether an officer has accepted a policy and therefore could be held to account for its provisions.

Recommendation # 73.1

The SFPD should develop a mechanism by which to track when a Department General Order or Department Bulletin has been accessed and acknowledged by a SFPD member.

Response Date: 11/06/2020

Executive Summary:

One of the strengths of an efficient Department is holding its members accountable to updated policies. Changes to codified procedures occur regularly. As a result, ensuring member accountability of those updates reinforces organizational integrity. Currently, a query tool in a computerized document system is used to identify non-compliant members.

Unfortunately, tracking out-of-compliance members was problematic because the responsibility was divided among unit-level supervisors. Per Department Bulletin (DB) 19-156 (**Attachment #1**), members were given 30 days to electronically acknowledge newly issued Bulletins through a computerized database called "Human Resources Management System" (HRMS). Unit-level supervisors were tasked with compelling their subordinates to stay compliant. There was an absence of a single overseeing body that can answer to the Command Staff regarding whether updated policies were acknowledged by members.

As a result, the Department reestablished the Staff Inspection Unit (SIU) to conduct Department-wide audits such as tracking members who failed to "signed-off" on policy updates. The Unit is staffed by members who are trained in law enforcement auditing. SIU summarizes findings, as well as make corrective recommendations, in a report to the Chief of Police. Upon approval, SIU's monitoring team oversees remedial efforts and reports on their progress.

Additionally, the Written Directives Unit (WDU) disseminates policy updates through Department Bulletins (DBs), Notices, and other relevant documents. WDU uploads them for dispersal through the same computerized database that tracks who signed-off on these documents.

It should be noted the database changed from HRMS to "PowerDMS" in August 2020 that was announced in DB 20-122 (**Attachment #2**). The Bulletin detailed step-by-step instructions on how to access and electronically acknowledge Department documents. PowerDMS also allows tracking and identifying non-compliant members. WDU also



Collaborative Reform Completion Memorandum

answers or makes referrals when questions about policy updates are raised by the membership.

Compliance Measures:

1) Identified process to track receipt and acknowledgement of DGOs and bulletins.

- For sworn members, they receive Department General Orders (DGOs) upon hire. The incoming members sign an acknowledgement entitled *Receipt for Recruits Manual, General Orders, and Regulations* (Attachment #3) to indicate that they received the DGOs, and they accept responsibility for knowing them. The signed forms are then retained and archived by a vendor named "GRM Document Management."
- For newly-hired non-sworn members, they sign a similar acknowledgement (Attachment #4) stating that they are responsible for having a personal copy and have a working knowledge of DGOs. The signed forms are retained and archived by the SFPD Staff Services.
- Updates or changes to DGOs are disseminated through DBs that require an electronic acknowledgment by individual members according to DB 20-150 (Attachment #5). A query can be made to identify and track non-compliant members in PowerDMS.
- Per DB 20-150, members are required to electronically review and acknowledge all DBs, Notices, and other relevant documents within 30 days of issuance.
- DBs, Notices, and other relevant documents are stored and dispersed through PowerDMS. Members have access to the system through individual accounts. PowerDMS also keeps track and reminds members of pending documents that require electronic acknowledgements.
- PowerDMS has a query feature allowing supervisors to track whether and when DBs, Notices, and other relevant documents were "signed-off" by members.
- Station or Unit training coordinators compile a list of non-compliant members in their respective groups once a month. The coordinators send an email reminder to these members and a "carbon-copy" (CC) of the message to their immediate supervisors or performance evaluators.
- Per DB 20-150, the Professional Standards and Principled Policing Unit (PSPPU) provides an additional layer of oversight to ensure compliance by randomly conducting audits. Members who have inexcusably lapsed in "signing-off" documents may be referred to Internal Affairs (IA) for a disciplinary investigation.



Collaborative Reform Completion Memorandum

- The Staff Inspection Unit (SIU), a constituent of PSPPU, conducted an audit to determine whether Department members electronically acknowledged all DBs, Notices, and other relevant documents that were issued in 2019. SIU reported its findings in a report (**Attachment #6**) submitted on July 24, 2020.

2) Issue policy and procedure for members to access and acknowledge the receipt of DGOs and bulletins and provide a way to ask questions or receive additional guidance about the new policy.

- DGOs as well as DBs, Notices, and relevant documents are posted on the Department network for members to access. When members initially join the Department, they acknowledge receiving or accessing DGOs by hand signing forms – one for sworn (**Attachment #3**) and the other for non-sworn (**Attachment #4**).
- DB 20-150 orders members to electronically review and acknowledge all DBs, Notices, and other relevant documents through a computerized database system within 30 days of issuance.
- DB 20-150 has detailed procedures on how members can access and “sign-off” on bulletins.
- Each DB, Notice, or relevant document has a footnote directing members to contact the Written Directives Unit (WDU) via email with questions or guidance about new and updated policies:

“Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional guidance about the directive.”

3) Evidence of supportive and remedial action if deficiencies are found.

- DB 20-150 also outlines procedural steps by Unit-level supervisors and the Professional Standards and Principled Policing Unit (PSPPU) to fortify accountability regarding new and updated policy acknowledgment.
- Unit-level Training Coordinators are specifically tasked with ensuring their members “signed-off” on documents. Coordinators are given special access that enables them to query out-of-compliant members in the computerized database system.
- DB 20-150 dictates Training Coordinators check on a monthly-basis whether members of their respective units electronically acknowledged DBs, Notices, and other relevant documents within thirty (30) days of issuance.



Collaborative Reform Completion Memorandum

- DGO 2.01, 9. (Attachment #7) specifies that officers who are in neglect of duty that are subject to disciplinary action. Failure to follow written orders per DGO 2.01, 10 is considered a neglect of duty.
- Additionally, the Staff Inspection Unit (SIU) under PSPPU, conducted a Department-wide audit to check if members acknowledged all DBs, Notices, and relevant documents issued in 2019.
- The resulting audit report (Attachment #6), submitted to the Chief of Police on 07/24/2020, indicated that 1.54% of Department personnel were inexcusably out-of-compliance with acknowledging all 2019 documents.
- Per SIU's Bureau Order Procedures (Attachment #8), there is a monitoring team that will oversee remedial efforts to address the recommendations. When corrections are fulfilled, the monitoring team summarizes its findings in an Accomplishment Memorandum to the Chief of Police.
- Per DB 20-150, members who are discovered to be inexcusably non-compliant by PSPPU will be referred to their respective Bureau Chiefs by Department Memorandum (Attachment #9). The Bureau Chiefs are also notified of these non-compliant members by the Memorandum for remediation (Attachment #10). These members can also be subjected to disciplinary action.
- As such on 03/04/2020, memorandums (Attachment #9) that listed out-of-compliance members were prepared and sent to their respective Bureau Chiefs. The Chiefs were requested to follow specific steps and have the non-compliant members addressed. Their corrective efforts were requested to be documented and submitted to PSPPU by 03/25/2020.
- The ensuing documents that memorialized remedial efforts were submitted by the Bureau Chiefs to PSPPU. For example, the Deputy Chief of Investigations Bureau sent a memorandum (Attachment #11) prepared by one of his Director of Forensic Services that detailed how a non-compliant member in that Unit was remediated.
- Shortly thereafter, a follow-up audit found a significant decrease in the number of non-compliant members to 34.
- An another memorandum dated 09/01/2020 was sent to Bureau Chiefs whose subordinate members were still out-of-compliance. For example, such a memorandum was sent to Deputy Chief of Field Operations Bureau (Attachment #12).



Collaborative Reform Completion Memorandum

- By 10/29/2020, nine (9) members were identified as inexcusably non-compliant through the audit process. A memorandum was directed to each of these member's CO for remediation. The letter also reminded that such members are in violation of DGO 2.01 – *General Rules of Conduct*.
- One Commanding Officer - Captain Jaimerena of Tactical Company, replied on 11/04/2020 (Attachment #13) that one of his out-of-compliance members signed-off on all remaining documents.
- Remedial efforts to address non-acknowledgement of new or revised Department policies are codified in a PSPPU Unit Order (Attachment #14). They were followed as noted in the above bulleted descriptions.

4) Ongoing review and/or audit loop regarding access and acknowledgement.

- DB 20-150 again outlines procedural steps to reinforce accountability regarding acknowledgment of new and updated policies by members.
- SIU is tasked with conducting Department-wide audits to measure procedural and policy adherence. One of the topics visited by SIU was "signing-off" of Department updates by its members.
- On page 5 of the resulting audit report under *Findings and Recommendations* (Attachment #6), two (2) recommendations were made: #1 collect a list of non-compliant members for referral to Bureau Chiefs for remedial action, and #2 eliminate categorizing documents that specify which type of employee (sworn or non-sworn) is mandated to "sign-off" on them.
- SIU's monitoring team is to oversee that the recommendations are met by the Written Directives Unit (WDU), hence fulfilling an "improvement loop."