

<b>Finding # 60</b>	<b>Internal Affairs case tracking is insufficient to ensure the timely progression of investigations and achieving key deadlines.</b>
<b>Recommendation # 60.2</b>	The SFPD and DPA should establish an investigative protocol within 120 days of the issuance of this report that allocates specific time parameters for accomplishing investigative responsibilities and transfer of cases if criminal allegations are made against SFPD officers.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

### Summary

The time parameters of the original recommendation are no longer applicable; however, the SFPD and DPA have entered into an agreed memorandum that addresses both Compliance Measures 1 and 2. DGO 2.04 and IAD Policy 18-05 address Compliance Measure 3. Both the order and the memorandum provide for quarterly meetings. Evidence of these meetings has been presented in other documentation to the recommendation process. At the end of the file, as updated 12/19/19, the documentation regarding ongoing meetings, discussion and action by IAD and DPA identifies a review process is in place. It does not have transparency regarding the investigations past time, but that is not required within this recommendation.

<b>Compliance Measures</b>		<b>Status/Measure Met</b>
1	Established investigative protocol between SFPD and DPA.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Protocol addresses time parameters and transfer requirements for criminal cases.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Update relevant DGOs and procedures, as needed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Evidence of ongoing audit and/or review.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

### Administrative Issues

The department needs to better address the issue of monitoring the timely conclusion of internal investigations. There are no metrics attached to the supporting documentation, and while CM #4 does not require it, the SFPD and DPA can and should do better in developing transparent accountability around the timely resolution of complaints as a matter of procedural justice for BOTH officers and complainants.

Additionally, SFPD provided agendas documenting meetings with the DPA and a memorandum documenting SFPD and DPA's current discussions regarding complaint deadline issues. As further support, SFPD provided a spreadsheet of sustained complaints that SFPD represented was provided to the Police Commission. While these submitted documents are sufficient to meet the requirements of substantial compliance until this recommendation, Hillard Heintze requested that the SFPD provide status reports to better document the review process. Despite this request, SFPD failed to provide such reports. In the future, to demonstrate its compliance with this recommendation, SFPD should provide all such documentary evidence.

### Compliance Issues

The department offers the memo drafted on 12.11.19 that states that the IAD OIC has had verbal engagement with every officer on any investigation past 7 months. Formal tracking to demonstrate the compliance with the above best serves all the stakeholders. Quarterly runs of investigations past 7 months should be conducted with identified resolution as to the overall number and time required to close investigations. This should include DPA investigations as it is the officers and employees of the SFPD that are under investigation – and this should be a priority for both agencies. Document discussion on specific complaint numbers should be used to support the compliance improvement for this recommendation. DPA's delay in investigation then becomes a record, as does any internal delays. The metric is the overall decrease in the number of investigations open beyond 7 months as a result of the focused process.



## Collaborative Reform Completion Memorandum

**Finding # 60:** Internal Affairs case tracking is insufficient to ensure the timely progression of investigations and achieving key deadlines.

**Recommendation # 60.2** The SFPD and DPA should establish an investigative protocol within 120 days of issuance of this report that allocates specific time parameters for accomplishing investigative responsibilities and transfer of cases if criminal allegations are made against SFPD officers

**Response Date: 07/01/19**

### **Executive Summary:**

Per 3304 GC, IAD and DPA have 1 year from the date a member's misconduct is known to either agency to conduct an investigation and serve disciplinary paperwork if the allegation(s) is sustained.

DGO 2.04 (Complaints Against Officers) has been revised and was adopted by the San Francisco Police Commission as of 05/15/19. The DGO dictates the procedures for taking complaints against officers, including the responsibilities of the officer accepting the complaint.

SFPD and DPA have entered into an MOU that specifies investigative responsibilities, DPA's investigative procedures, DPA's investigative timetables, and notification to the department when an allegation may be criminal in nature.

IAD's investigation and case management guidelines are specified within IAD Unit Orders (specifically UO 18-05).

### **Supplemental Document Request**

<b>Requested Documents</b>	<b>Responsive Document and Why</b>
-Last two status report to the Police Commission	As requested, attached are the last eight months of IAD sustained complaints provided to the Police Commission(January 2019-August 2019)
-Last two agendas from DPA meetings	As requested, attached are the last two agendas between DPA and the SFPD(October 16, 2019 and October 29, 2019)



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### **Compliance Measures:**

#### **1) Established investigative protocol between SFPD and DPA.**

If DPA determines that an allegation under their purview may be criminal in nature, DPA's Executive Director (or designee) will provide written notice to the department detailing the possible criminal allegation. (DGO 2.04.04 B & SFPD/DPA MOU IV. C).

The case will then be assigned to the Investigative Services Detail (ISD) for investigation.



## Collaborative Reform Completion Memorandum

### **2) Protocol addresses time parameters and transfer requirements for criminal cases.**

Per the SFPD/DPA MOU: *DPA shall use its best efforts to conclude investigations of complaints and, if sustained, transmit the sustained complaint to the Police Department within nine months of receipt thereof by DPA. The DPA shall send completed investigations to IAD within thirty (30) days of the DPA Director's approval except those over the nine (9) month deadline which shall be sent immediately. For all cases that the DPA fails to meet the nine-month deadline, the Director shall advise the Chief of Police of the specific reasons for said failure and expected completion date(s).*

Also per the MOU: *If any portion of the complaint alleges criminal misconduct by a Department member, the DPA shall immediately forward the information presented by the complainant to the Department and District Attorney's Office. The District Attorney's Office shall only receive complaint forms or personnel files in accordance with Penal Code section 832.7(a).*

Per IAD Unit Order 18-05: *Investigators should complete their investigations within 7 months in an effort to adjudicate the case in a timely fashion. If an investigator is unable to complete the investigation within the allotted time, they shall notify the OIC and provide an explanation.*

### **3) Update relevant DGOs and procedures, as needed.**

The revised DGO 2.04 (Complaints Against Officers) and MOU between SFPD and DPA were adopted by the San Francisco Police Commission on 05/15/19.

### **4) Evidence of ongoing audit and/or review.**

Per the MOU:

#### **VII. MONTHLY REPORTS AND MEETINGS.**

##### **A. Reporting on the status of Sustained Complaints.**

*The SFPD shall adhere to section SF Admin Code 96.2 (a-c) and San Francisco Police Commission Resolution 97-04 or successor resolution in the reporting of all DPA and IAD sustained complaints, per an agreed template.*

##### **B. SFPD DPA Monthly Meeting.**

*There shall be a regularly scheduled monthly meeting, in which the Chief of Staff of the SFPD and the Chief of Staff of the DPA meet to discuss discipline, policy and training recommendations*