

[REDACTED]

From: Tanya Koshy [REDACTED]
Sent: Thursday, December 17, 2020 12:30 PM
To: [REDACTED]

Subject: Recommendation 61.1

[REDACTED] [REDACTED]

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 61.1 that have been submitted to us as part of the collaborative reform process. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 61.1:

The SFPD should develop a Standard Operating Procedures Manual detailing the scope of responsibility for all functions within the Internal Affairs Division [IAD]. Standard operating procedures should provide guidance and advice on conflict reduction, whether internal or external to the SFPD.

Response to 61.1:

SFPD’s Internal Affairs Division has developed a Standard Operating Procedures Manual, which goes into extensive detail about the various policies and procedures involving administrative investigations. The SOP Manual addresses the scenario where an allegation of misconduct requires both criminal and administrative investigations. In those circumstances, the SOP Manual directs the Officer in Charge (OIC) of the Investigative Services Detail to determine, on a case by case basis, whether concurrent investigations may occur or if the IAD investigation should toll during the pendency of the ISD investigation.

Under the SOP Manual, the OIC or a designee must conduct quarterly reviews of the SOP to ensure that it is updated as needed to be consistent with changes to Department policy or case law. The first of these quarterly reviews took place on September 30, 2020. During this meeting, a Sergeant also trained IAD staff on the substance of the SOP Manual and a related Unit Order (20-03 “IAD Procedures”). The SOP Manual also mandates that newly assigned IAD investigators will work closely with a more experienced IAD investigator for training purposes.

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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Hillard Heintze File Review Recommendation # 61.1

Finding # 61	The SFPD's Internal Affairs Division does not have standard operating procedures or templates for investigation reporting.
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Recommendation # 61.1	The SFPD should develop a Standard Operating Procedures Manual detailing the scope of responsibility for all functions within the IAD. Standard operating procedures should provide guidance and advice on conflict reduction, whether internal or external to the SFPD.
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Recommendation Status	<table border="0"> <tr> <td style="background-color: #ffff00; padding: 2px;">Complete</td> <td style="padding: 2px;">Partially Complete</td> <td style="padding: 2px;">In Progress</td> </tr> <tr> <td style="padding: 2px;">Not Started</td> <td style="padding: 2px;">No Assessment</td> <td></td> </tr> </table>	Complete	Partially Complete	In Progress	Not Started	No Assessment	
Complete	Partially Complete	In Progress					
Not Started	No Assessment						

Summary

With regards to compliance measure #1, the development of the IA SOP is evidence of the tasking and so marks the SFPD is complete with this compliance measure.

Under compliance measure #2, the IA SOP has identified standards for determining appropriate assignment , with ultimate decision resting with the OIC.

The SFPD provided evidence that on 10/22/20 all staff were trained on the IA SOP, satisfying compliance measure #3. Further, the SFPD identified, at the request of the CRI Team, that all newly assigned IA investigators will work with a trained IA investigator to ensure appropriate on the job training and development and codified the same in the IA Protocol. Finally, the SFPD identified that on 9/30/20, there was team training on a topic and that this is a goal forward for the IA in training it staff.

Based upon CRI Team input, the SFPD IA SOP now requires quarterly review and update, as required, of the SOP. This action satisfies compliance measure #4. Further, the SFPD provided evidence of the agenda item requiring this action for the 9/30/20 (end of quarter) IA meeting.

SFPD has conducted a significant amount of work in solidifying and documenting its IA practices and protocols and is to be commended. However, certain areas require overlap with DPA, and the processes are not as robust as would be ideal particularly in the area of deconfliction. Monthly meetings occur and SFPD assures the discussions address these issues, as well as the data that demonstrates that SFPD has had limited tolling of cases and a greater focus on managing cases. Under the MOU the coordination is under the ultimate direction of the Police Commission. Ideally, the overall management of the employee investigation system develops into a continuous focus on improvement rather than identifying problems.

Compliance Measures	Status/Measure Met
1 Task development of an IA SOP.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2 Ensure appropriate procedures for conflict resolution – e.g., when cases are assigned to DPA, IA admin or IA crim.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3 Train all staff on the policy.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4 Audit and/or review loop as to unit compliance.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

This remains a relatively labor intensive process. The SFPD identified how alerts are managed and processed.

Compliance Issues

The audit loop is substantially compliant with this recommendation and information is provided that addresses tolling issues and deconfliction. Ideally, the practice grows to create a system of checks and balances.

No identification of the conflict procedures that occur with DPA is contained within the file. While SFPD policy directs SFPD action, as with all other matters that share jurisdiction with DPA, one entity is affected – the officers of the SFPD. Ultimately, these are procedures that ensure the residents of San Francisco can have confidence in the oversight of police officer action. It would benefit both DPA and SFPD to have ongoing and engaged practices where jurisdiction overlaps to ensure defined practice and policy.



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Finding # 61.1: The SFPD's Internal Affairs Division does not have standard operating procedures or templates for investigation reporting. By not having specific protocols and templates, miscommunication is occurring with the Investigations.

Recommendation # 61.1 The SFPD should develop a Standard Operating Procedures Manual detailing the scope of responsibility for all functions within the IAD. Standard Operating Procedures should provide guidance and advice on conflict reduction, whether internal or external to the SFPD.

Response Date: 10/6/2020

Executive Summary:

An Internal Affairs Division Standard Operating Procedures (SOP) was constructed and has been submitted to the Commanding Officer of Risk Management Office for review.

The SOP addresses the scope of responsibility for all functions within Internal Affairs Division, provides guidance and advice on conflict reduction whether internal or external to the SFPD and requires training mechanism for staff as well as the development of a review and audit loop.

The SOP additionally assisted with implementations from Recommendations 62.1 and 56.2.

Compliance Measures:

1) Concurrent with Rec 62.1, Task development of an IA SOP

The IAD SOP (**Attachment #1**) was developed to formalize policy and procedures for members of IAD. It is comprised of Department General Orders, IAD Unit Orders, Government Codes and other standing polices of the unit. Members of IAD can access the SOP on their desktop or in print.

The purpose of the SOP is to serve as guide for IAD investigators with the day to day operations within the unit and provides protocols for investigations. The SOP gives insight on various protocols, case management, file structure, interview structures, file separations and general guidance.

The SOP may be amended for future revisions due to changes in SFPD policy, needs of the Department, and/or state, Federal or local laws.



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- 2) Ensure appropriate procedures for conflict resolutions- e.g., when cases are assigned to DPA, IA Admin or IA Criminal Division- now ISD.

The IAD SOP and Unit Order 20-03 “Internal Affairs Division Procedures” (Attachment #2) provide specific procedures on receiving/assigning cases. All cases received by the IAD unit will be assessed by the Officer-In-Charge (OIC) or Duty Officer of IAD.

UNIT ORDER		UNIT INDEX NUMBER 20-03
		DATE ISSUED 7/27/20
SUBJECT: Internal Affairs Division Procedures		
ISSUED TO: Internal Affairs Division	ISSUED BY: Captain Mark Cota #1335	

Purpose:

The purpose of this Unit Order is to standardize the procedures for receiving, assigning, recording, controlling, reviewing, filing and the closing of an administrative IAD cases.

Procedures:

Receiving/Assigning cases for investigation:

- Cases received by the IAD unit will be assessed by the Officer-In-Charge (OIC) of the Internal Affairs Division or the IAD Duty Officer (DO).
- If assigned, the case specifics shall be documented on SFPD Form 83 and presented to the Clerk(s) for issuance of an IAD Administrative case number. The Duty Officer shall then assign the case to an investigator by using the Unit's rotation schedule. The OIC may assign a case to an officer outside of the rotation schedule if deemed necessary.
- Cases deemed by the OIC or DO to need immediate investigation shall take priority.
- IAD Clerk(s) shall place the case specifics into the IAD Case Management Database for tracking purposes. Case specifics are the same information provided on the SFPD Form 83.
- At the discretion of the OIC, certain cases may be reassigned to the Commanding Officer of a respective station or unit for investigation.

When receiving an on-duty complaint from an outside person or entity-non law enforcement, members of IAD will check with DPA to not double up on investigations against the personnel. When IA Criminal Division (now ISD) has a complaint against a member, the OIC of IAD will evaluate on a case-by-case basis and determine if a concurrent investigation is necessary, or if IAD will toll while ISD takes primary investigation.

- 3) Train all staff on the policy.

On Thursday, October 22, 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





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conference call, the California Department of Justice, and Hillard Heintze provided technical guidance and recommended Hillard Heintze suggested including a checklist to ensure new investigators are trained, and SFPD responded that they have instituted a practice where new investigators shadow senior investigators to get trained and are codifying that practice in the Standard Operating Procedure Manual.

On page 5 of the SOP under the category of Training to Attend/Recommended Training, "In addition to the above listed training courses, all newly assigned IAD Investigators will work closely with an experienced IAD Investigator to receive internal training as well as review policies and procedures in IAD SOP."

All members of IAD will have access to the SOP on their desktop or in print. To ensure members are adhering to the SOP, the OIC of IAD will set aside a section of the IAD weekly meetings to conduct training session and review procedures or policy that are relevant to the current IAD cases. Most recently, the OIC designated an IAD Sergeant to cover the topic of "Investigative Steps", which is codified in the Unit Order and incorporated into the SOP. The training was then documented in a form of a memorandum to the Captain of Risk Management Office. **(Attachment #3)**

Memorandum	
San Francisco Police Department	
To: Captain Mark Cota Risk Management Office Commanding Officer	 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
From: Lieutenant Angela Wilhelm Internal Affairs Division	 <input type="checkbox"/> <input type="checkbox"/>
Date: Thursday, October 01, 2020	
Subject: Quarterly Review of SOP/Training Session for IAD Members	
<p>On September 30, 2020, the Internal Affairs Division conducted a quarterly review and training session with IAD sergeants, attorneys and civilian staff via Microsoft Teams.</p> <p>Sgt. Khuu briefed members on Unit Order 20-03 "IAD Procedures" and IAD Standard Operation Procedure (SOP), which is still in the review process. Sgt. Khuu discussed the training topic of "Investigative Steps", which includes documenting essential info in the chronological, audio recording all interviews, having "roundtable" discussions with other investigators/attorneys within IAD, and ensuring completion of cases within allotted time not to surpass 3304 date, etc.</p> <p>All members were provided an electronic version of the Unit Order and SOP to review and reference.</p>	



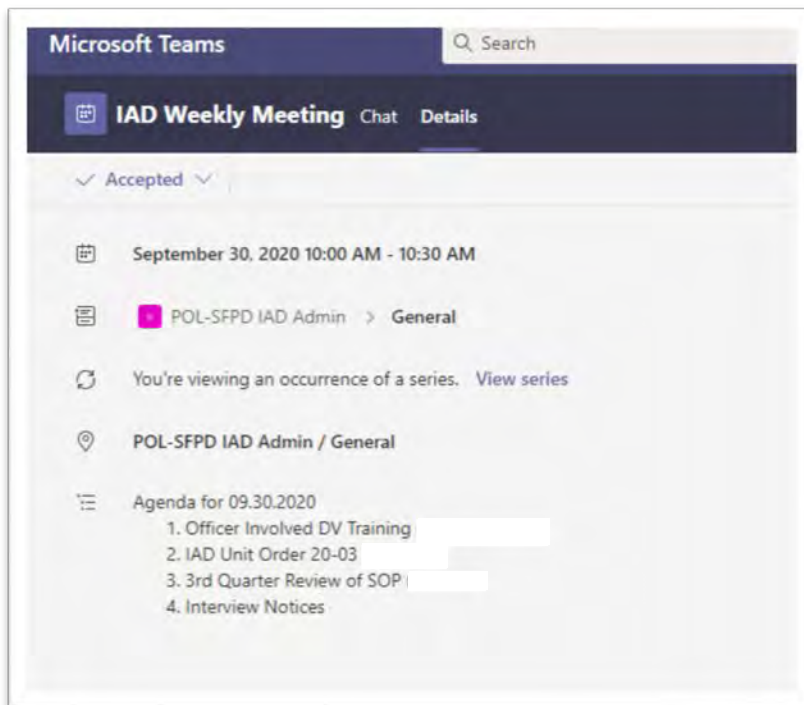
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4) Audit and/or review loop as to unit compliance

The Unit Order 20-03 “Internal Affairs Division Procedures” and IAD SOP were established to create a formalized policy and procedure for the members of Internal Affairs Division (IAD), regarding the duties and responsibilities of investigators and Officer in Charge. Once the IAD SOP is approved, members will review and sign off upon receiving their copy.

On Thursday, October 22, 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 a quarterly review between the Officer in Charge and IAD members, but requested that the policing ensuring future quarterly reviews be included. SFPD will either highlight that in the documents it submitted or add that to the Standard Operating Procedural Manual.

To ensure unit compliance, the OIC of IAD or designee will have quarterly reviews of the SOP with all members of IAD. This is codified in the SOP (Page 4) under the responsibilities of the OIC of IAD. Due to COVID-19 restrictions, the quarterly review will be held during the IAD weekly meeting via Microsoft Teams. (See IAD Weekly Meeting Agenda for 9/30/20).



This review loop will also allow for members to discuss and review any necessary changes to the SOP such as updates/changes to Department policy and/or case laws or inefficiency of any procedures/policy/practice.



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An electronic version of the SOP will be available to modify for changes necessary for future updates.