

Recommendation 63.3

TK

Tanya Koshy [REDACTED]

Thu 12/17/2020 11:58 AM

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 63.3 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 63.3:

SFPD leadership should demonstrate its support of the IAD's role and responsibility within the department and provide recognition and support for good investigative practices.

Response to 63.3:

SFPD leadership has taken a multi-pronged approach to demonstrating support of the Internal Affairs Division [IAD]. First, SFPD has committed to devoting two of the Chief's monthly video messages a year to discussing IAD. SFPD has included the transcript for two of those videos. In these videos, the Chief speaks to the importance of IAD. For example, the Chief noted in one of the videos that the "functions [of IAD] are [the] foundational pillar [of] 'Building Trust and Legitimacy'" which is one of the six pillars of policing set forth by the 21st Century Policing Task Force formed by President Obama. The Chief further noted that IAD is "a credit to the San Francisco Police Department."

IAD also issued a memorandum, inviting leadership to attend IAD monthly meetings. *See* Sgt. Ware August 22, 2019 Memorandum. IAD requested leadership attend on a rotating basis so that each of them could offer a different perspective on IAD work and, through their presence, demonstrate that leadership recognizes the importance of IAD to the Department. To that end, several Deputies Chief and Commanders have attended IAD monthly meetings.

Ancillary to the above, IAD has also put together presentations for the newly promoted Captains, Lieutenants, and Sergeants as part of their two-week leadership seminar. The presentations discuss the roles and importance of IAD and the Investigative Services Detail, the other unit within the Risk Management Office.

SFPD identifies the Captain's Complimentary Report as a way to formally recognize IAD members for their work. A Captain's Complimentary Report is given when a member has performed "excellent police work" which has "demonstrated a remarkable dedication to duty reflecting credit on the member(s) and the Department" but where the member's actions "may not fall within the criteria governing medals of valor, meritorious conduct or police commission commendations." See Captain's Complimentary Report Template (SFPD Form 62); see also Department General Order 3.09(I)(A)(7) (describing the Captain's Complimentary Report as given to a member "who performs [their] duty in a manner showing dedication and service above that normally demanded by the Department but not meeting the qualifications necessary for a Medal of Valor, Meritorious Conduct Award, Police Commission Commendation, Life Saving Award or Unit Citation.") The Report becomes a part of the member's personnel file. DGO 3.09(I)(A)(7). SFPD notes that IAD members are eligible for all Department Awards but, given the nature of their work, some awards "inherently exclude" IAD members. One example is the Meritorious Conduct Award, given to a member who investigated a felony case and effectuated an arrest by "diligent and painstaking research." DGO 3.09(I)(A)(2).

The California Department of Justice shares Hillard Heintze's concern that the current scope of formal awards provides limited opportunity for IAD members to achieve formal recognition because of the existing focus in many of the awards on risk-taking, bravery, and/or work in arresting individuals. The California Department of Justice and Hillard Heintze agree that SFPD should be commended for its ongoing efforts to revise Department General Order 3.09 to include additional awards that foster other types of policing work, such as a Crisis Intervention Team award. The California Department of Justice asks SFPD to continue these efforts and, at minimum, consider revising the language to describe the Captain's Complimentary Report which is described in part as what it is not—that is, it is an award that does "not meet[] the qualifications necessary for a Medal of Valor, Meritorious Conduct Award, Police Commission Commendation, Life Saving Award or Unit Citation." This description gives the impression that this recognizes work that is less important than the work recognized by the Medal of Valor, Meritorious Conduct Award, Police Commission Commendation, Life Saving Award and Unit Citation. The California Department of Justice is happy to work with the Department to revise this language.

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

Tanya S. Koshy
Deputy Attorney General
Civil Rights Enforcement Section

California Department of Justice
1515 Clay Street, Suite 2100
Oakland, CA 94612

[REDACTED]

[REDACTED]

Finding # 63	The SFPD does not fully support members performing internal affairs functions.
Recommendation # 63.3	SFPD leadership should demonstrate its support of the IAD's role and responsibility within the department and provide recognition and support for good investigative practices.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

SFPD identifies evidence of substantial compliance with the recommendation through several actions and practices. As it regards CM #1, the Chief has instituted a bi-annual address that will address the importance of IAD. The SFPD provides a transcript of DB19-211 containing the video link. (Given the delay in the period to this review, SFPD would be well served to include the subsequent videos in this file folder). Of note is his statement, *"It's important to recognize that IAD is critical to maintain integrity, credibility and effectiveness of our organization and to ensure we maintain the high standards we expect from ourselves and the public expects from us. We value our hard working IAD members and they deserve our full support and our thanks."* The SFPD has also requested that command members attend IAD meetings, several have and this is supported by agendas. Again, this is a time bound data point and it is recommended that the SFPD keep its file live with the actions of the last year. Other messaging and actions are supplied in support of substantial compliance of CM #1.

The SFPD has elected to formally recognize good practice and investigation through the Captain's Complementary Report. IAD members are also eligible for all awards under DGO 3.09. To date, none have been recognized through the more formal awards identified in 3.09. The department identified one award granted under the Captain's Complementary Process. This process provides substantial compliance with CM #2.

The reviewer is concerned, however, given the limited scope afforded the work of IAD in the award process. They are subject to existing standards about what is good police work – e.g., a felony arrest. To develop a culture of appreciation of standards and their enforcement, the department would be better served by broadening the definition of high achievement to include those actions that help further the professionalism of the department and, alternatively, developing "administrative" awards to support the work of the members of IAD in the same public manner as those given to traditional police civilian enforcement activities. The department has identified willingness to expand standards within the draft submitted in this file – and is to be commended as this is a step in the right direction where actions that save lives without force through the CIT award or the community policing award. However, consideration should be given to supporting the traditional IAD role in the award system.

Compliance Measures		Status/Measure Met
1	Establish consistent leadership messaging as part of Rec 63.2 to help develop a culture of accountability.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Establish formal recognition practices for the work of the IAD and good investigations.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

We note that the Chief signed off on this in February 2020 – the delay to review is lengthy.

Compliance Issues

SFPD has demonstrated the formal recognition practice and has embedded it in policy so it is substantially compliant. The work to come is important, as it is a cultural focus on the importance of holding oneself and peers to standards of performance and allowing that culture to support the work necessary to ensure that all SFPD officers are acting consistent with the goals and vision of the department. IA work should be valued and supported.



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Finding # 63: The SFPD does not fully Support members performing internal affairs functions.

Recommendation # 63.3: SFPD Leadership should demonstrate its support of the IAD's role and responsibility within the department and provide recognition and support for good investigative practices.

Response Date: 08/06/2020

Executive Summary:

Employee recognition is the cornerstone of supportive leadership and effective management. In order to effectively manage and be supportive, SFPD Leadership must recognize and substantiate the work performed by members assigned to IAD on a regular basis, demonstrate that the work performed by these members is essential in upholding the standards of the organization, and acknowledge efforts deserving of recognition to validate and reinforce value and appreciation for the professionalism and dedication of the members assigned to the Risk Management Bureau.

In order to fully support members performing Internal Affairs functions, SFPD Leadership has addressed this recommendation by establishing consistent leadership messaging to develop a culture of accountability. In addition, SFPD Leadership, through recently revised Department General Order 3.09 – Department Awards, will identify platforms in which members assigned to the Risk Management Bureau are eligible to receive formal recognition for job performances raising to the level as defined in DGO 3.09.

Compliance Measures:

1) Establish consistent leadership messaging to help develop a culture of accountability.

In response to this compliance measure, the Department has taken the following steps to support and develop a culture of accountability while demonstrating the importance of the role of IAD to our members as a whole as well as those assigned to IAD.

- a. To demonstrate the importance of the role of IAD to our members as a whole as well as those assigned to IAD, the Chief of Police will address IAD twice a year in his Chief's video message (See Transcribed script and Department Bulletin 19-211 containing video link) – [Attachment # 1]. In his October 2019 message Chief Scott discussed the importance of IAD's role in upholding the standards and values of the organization. In this message, Chief Scott stated, "*Finally, I want to give a special acknowledgement this month to the men and women of our Internal Affairs Division. They have a tough job that's often subject to*



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misconceptions and resentment. Simply, put, their mission is to gather evidence in order to fairly investigate alleged misconduct. It's important to recognize that IAD is critical to maintain integrity, credibility and effectiveness of our organization and to ensure we maintain the high standards we expect from ourselves and the [public expects from us. We value our hard working IAD members and they deserve our full support and our thanks."

Department Bulletin 2019 Sign Audit Report [Attachment # 2] indicates that over 95% of the SFPD has acknowledged receipt of Department Bulletin 19-211 – Chief's October 2019 Video

- b. Currently, IAD holds monthly staff meetings. On August 8, 2019, Sergeant Ware authored a memorandum [Attachment # 3] requesting that members of the Command Staff attend IAD's monthly meetings as a show of support, offer different perspectives, recognize the importance of the unit, and acknowledged the work being performed. The memorandum was signed and approved by Assistant Chief Moser, which solidifies the practice of a member of the Command Staff attending IAD staff meetings. Lieutenant Wilhelm has formalized the process of adding this item onto the meeting agendas [Attachment # 4] by obtaining approval via this memo and by briefing the Assistant Chief on the work being done in the unit. To date Deputy Chief McEachern, Deputy Chief Ali, Deputy Chief Yee, Commander Walsh, Commander Ford and Commander O'Sullivan have attended and presented at the IAD staff meetings.
- c. On January 27, 2020, Chief Scott authored a memorandum [Attachment # 5], which was shared with all members of the Risk Management Bureau, titled Recognition for Members assigned to Risk Management: Internal Affairs Division(IAD) and Investigative Services Detail (ISD):

Throughout my career in law enforcement, it has become evident that those assigned to Internal Affairs positions have a very difficult and challenging job. Oftentimes there are misconceptions and resentment for those who are responsible for investigating allegations against their co-workers. However, it is extremely critical that as a department, we maintain the high standards we expect from ourselves and that which the public expects from their police department.

Over the last few years, I have reviewed hundreds of cases investigated by staff assigned to the Internal Affairs Division and Investigative Services Detail and fully understand the difficult and time-consuming work each one of these investigations requires. I truly value the hard work that goes into each of these cases, and appreciate the dedication to ensuring that thorough investigations are completed.



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I ask that you share my appreciation with all staff assigned to these critical units and let them know that their efforts are valued. Every member of these units should expect nothing less than our full support. I know these are hardworking individuals who have a very difficult job, and their willingness to accept this difficult yet essential assignment is admirable.

- d. To further demonstrate steps to support and develop a culture of accountability while demonstrating the importance of the role of IAD to our members as a whole as well as those assigned to IAD & ISD, Lt. Wilhelm (IAD) and Lt. Damato (ISD) created two training PowerPoint Presentations [Attachment # 6] that are presented at all in house promotional seminars. These PowerPoints discuss the role of IAD to newly promoted Captains, Lieutenants, and Sergeants. The training discusses the role of IAD and ISD, member's rights, the difference between administrative and criminal investigations, progressive discipline & retraining and the importance of administrative investigations to all newly promoted supervisors in the event they are required conduct or a review an internal investigation. These presentations also stress using IAD and ISD as resources for guidance and direction.

2) Establish formal recognition practices for the work of the IAD and good investigations

On Thursday, August 6th, 2020, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for several recommendations as described below. It should be noted that this recommendation has been prescreened on multiple occasions bot officially and unofficially. The last correspondence is as follows:

I wanted to give you an update to 63.3. We have talked about it quit extensively. The 2001 form as well as the supporting evidence that was requested has been implemented into the recommendation. Per our last conversation, [REDACTED] and the group agreed that a Captain's Commendation would suffice for formally recognizing those assigned to IAD for any investigations meriting recognition. I also added further evidence to compliance measure one to include the IAD and ISD training presentation to all newly promoted supervisors to address CalDOJ's concern and to solidify SFPD's supportive leadership of the importance of IAD.

In response to this compliance measure, the Department has taken the following steps to identify platforms in which members assigned to IAD are eligible to receive formal recognition for job performances and good investigative practices.



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- a. On January 13, 2000, the SFPD revised Department General Order 3.09 – Department Awards [Attachment # 7]. The purpose of this General Order is to define formal Department awards given to sworn Officers, establish criteria for meriting awards, and outline procedures by which awards are processed. The Department lists several types of awards members are eligible to receive.

Members assigned to the Risk Management Bureau (IAD/ISD) are eligible to be nominated and receive all Department Awards. However, for the purpose of this recommendation, specifically compliance measure two, focus will be paid on the following awards most conducive to recognizing the job performances and good investigative practices of Members assigned to the Risk Management Bureau.

- **MERITORIOUS CONDUCT AWARD.** The Meritorious Conduct Award is merited by making an investigation and arrest in a serious felony case when it is shown that the arrest was made possible by diligent and painstaking research on the part of the officer, and it clearly appears that the officer correctly weighed and evaluated all the clues and circumstances at his/her disposal. This award does not consider arrests made solely on the information of an informant.

The Meritorious award would inherently exclude IAD, as making a serious felony arrest is the primary function of ISD in regards to internal investigative functions.

- **POLICE COMMISSION COMMENDATION.** The Police Commission may grant this commendation to members for acts done in the performance of their duties. The Awards Committee may also grant this commendation for noteworthy acts which, in their judgement, do not fall within the criteria of the Medal of Valor or the Meritorious Conduct Award.
- **CAPTAIN'S COMPLIMENTARY REPORT.** This report will be merited by a member who performs his/her duty in a manner showing dedication and service above that normally demanded by the Department, but not meeting the qualifications necessary for a Medal of Valor, Meritorious Conduct Award, Police Commission Commendation, Life Saving Award or Unit Citation. The member's commanding officer may make a complimentary report of the incident to the Chief of Police. After approval by the Chief, the report shall become a part of the member's permanent personnel record.

In order to receive a Meritorious award or a Police Commission award, any supervisor of the Risk Management Bureau must nominate a member/s by preparing a memorandum describing the actions of the member and demonstrating how those actions meet the criteria established in DGO 3.09. The memorandum is then reviewed by the Commanding Officer of the Risk Management Bureau. If approved, the Commanding Officer of the Risk Management Bureau will prepare a cover



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memorandum to be forwarded to the Chief of Police for consideration and concurrence. If approved by the Chief of Police, the nomination will be forwarded to San Francisco Police Commission for review.

The San Francisco Police Commission will screen the nominations and either approve, return for further information, or deny the nomination. If the nomination is approved by the San Francisco Police Commission, it will be presented at the Awards Hearing Committee in which the nomination will be reviewed and voted on by all San Francisco Police Captains.

Currently, no members of the Risk Management Bureau have been nominated for a Meritorious award or a Police Commission award. This should not be viewed as an indictment nor a lack of desire on SFPD Leadership to acknowledge job performances and good investigative practices. The absence of any pending nominations to submit as supporting evidence simply means that the supervisors of the Risk Management Bureau have not identified any recent actions that meet the criteria for a Meritorious award or a Police Commission award as defined in DGO 3.09.

In order to receive a Captain's Complimentary Report, any supervisor assigned to the Risk Management Bureau must complete SFPD Form 62 – Captain's Complimentary Report [Attachment # 8], which is a populated memorandum. A Captain's Complimentary Report, commonly referred to as a Captain's Comp, is merited when a member performs his/her duty in a manner showing dedication and service above that normally demanded by the Department, but does not meet the necessary qualifications for other described awards.

Upon completion of the Captain's Comp, the supervisor will forward the completed SFPD form 62 through their Chain of Command. The current rank structure of the Risk Management Bureau is slightly different from other Bureaus thus the Captain's Comp must ultimately be approved by Commander of the Risk Management. Once approved, the Captain's Comp is forwarded through the Chain of Command to be approved or denied by the Assistant Chief – Chief of Staff. If approved, the Captain's Comp is forwarded to the Chief of Police, who will review and either approve or deny.

Throughout the entire review process, each level of review requires the reviewer (Lieutenant, Captain, Commander, Assistant Chief, and Chief of Police) to personally sign the SFPD form 62 and acknowledge that they received and reviewed the nomination. If the nomination receives approval through the Chief of Police, the signed nomination shall be returned to the receiving member for signature. Once signed, the member will retain a copy for his/her records and the original copy shall become a part of the member's permanent personnel record.



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Recently, Commander O'Sullivan – Commander of Risk Management, authored a Captain's Comp [Attachment # 9] formally recognizing the recent actions of members of both IAD and ISD. The Captain's Comp was reviewed and approved by the Assistant Chief – Chief of Staff and the Chief of Police and is attached as supporting evidence to validate the efforts of SFPD Leadership to recognize members assigned to the Risk Management Bureau for job performances and good investigative practices.

It should be noted that the Department has presented a revised Department General Order 3.09 that is currently at the San Francisco Police Commission for approval. This draft DGO 3.09 was used to gain sustainable compliance for CRI Recommendation 54.1 in the Community Policing objective. However, the new DGO 3.09 does not change the recognition, review, or approval process for the aforementioned awards. Therefore, for the purpose of this recommendation, we will rely on the current version of DGO 3.09 to address compliance measure 2. A copy of the draft 3.09 can be found in [Attachment # 7] for review in deemed necessary.