

Recommendation 77.1

Gabriel Martinez [REDACTED]

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[REDACTED]

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 77.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD creating and supporting a robust auditing practice. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 77.1: The SFPD should prioritize auditing as a means to ensure organizational accountability and risk management and develop mechanisms to support such practice.

Response to 77.1: On April 17, 2018, SFPD published Department Bulletin 18-081, "Staff Inspection Unit." The Bulletin established the Staff Inspection Unit (SIU) and granted SIU access to all records, facilities, and personnel. The Order also required all employees to cooperate with audits so that SIU can provide meaningful audit inspections to SFPD.

On May 1, 2020, SFPD published Unit Order 20-01, "Staff Inspection Unit (SIU) Procedures." The Order uses the Generally Accepted Government Auditing Standards published by the U.S. Government Accountability Office as a guide for SIU audit practices. To ensure independence, the Order prohibits command staff of the Strategic Management Bureau and personnel outside of SIU from participating in the audits.

The Order organizes SIU into an inspection team and a monitoring team. The inspection team audits SFPD policies, practices, and procedures. After the inspection team conducts an audit, the team writes an inspection report to the Chief (or designee), conducts follow-up inspections as requested, and makes recommendations based on the audit results. If the SIU audit uncovers deficiencies, the monitoring team reviews progress made on correcting the deficiencies. The monitoring team documents that progress in an Accomplishment Memorandum that recommends whether another audit is necessary.

Under Order 20-21, SIU researches and develops topics for an Annual Inspection Plan. SIU uses a Risk Assessment Matrix to prioritize its planned yearly audit, which weighs potential audits for the likelihood of occurrence of harms and the severity of the harms. The selected audits are placed in the Annual Audit Inspection Plan memorandum that explains why audits were selected or were not selected, lists the planned audits for the year, and details the objectives and strategies for fulfilling each audit. If an audit is not completed by the end of the year, SIU will write a memorandum up the chain-of-command explaining why it was not done and the anticipated time of completion. Recently completed audits include reviewing SFPD submissions of Department of Police Accountability complaint logs, officer activations of body-worn cameras, compliance with state regulations on detention facilities, compliance with

requirements to secure state criminal and driver information materials, and compliance with SFPD's juvenile detention policy.

Based upon all of the above, the 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 # 77.1

Finding # 77

The SFPD does not conduct routine, ongoing organizational audits, even where such practices are established in policy.

Recommendation # 77.1

The SFPD should prioritize auditing as a means to ensure organizational accountability and risk management and develop mechanisms to support such practices.

Recommendation Status

Complete **Partially Complete** **In Progress**
Not Started **No Assessment**

Summary

The SIU utilizes a Risk Assessment Matrix that helps to prioritize and finalize the areas for risk inspection on an annual basis. These risk issues derive from a series of internal meetings as well as review of current topical policing issues and trends that indicate poor compliance with policy. In that the audit process is nascent, the focus remains on the overall organization, with a goal of moving to unit-level inspection roles as the model matures. The SIU meets annually as part of the risk assessment but also to develop the annual inspection plan (AIP). The AIP informs the topic selection – which relates to compliance measure #1. Deficient findings are described in an inspection report to the Chief or designee. A follow-up team from the SIU monitors any progress made in fulfilling recommended corrective actions. This is documented in the unit level policy. The SFPD also supports the plan process through the filing of the City Services Auditor, which too has a role in SFPD audit functions. This demonstrates goal setting by the department for internal and external audits.

In regard to compliance measures #3 and #4, the submission offers various inspection reports in support of the plan. The audit process overall is focused on continuous improvement with a reporting and progress validation component built into every audit. This is a nascent process – the SIU has recently stood up and the appetite for audit and internal controls needs to grow. SFPD has established the foundation – compliance measure #4 is intended to see it grow overall.

Compliance Measures

Status/Measure Met

1	Identify key risks and operational issues within the SFPD and the individual units.	✓ Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
2	Develop a plan and strategy for audit and management review within the SFPD.	✓ Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
3	Implement the plan.	✓ Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4	Continuous review and improvement loop.	✓ Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

Administrative Issues

This file is a total of 251 pages – this is far more than needed to address the CMs contained herein. The actual inspection reports are informative but not necessary within the context of the file.

Compliance Issues

A simple tool that is seemingly effective, the Risk Assessment Matrix, as shared in the file. It could be better explained

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and supportive to unit level risk reviews as the audit program expands, particularly as to how or why a risk issue is examined or brought forward for determination as to placement within the matrix.



Collaborative Reform Completion Memorandum

Finding # 77: The SFPD does not conduct routine, ongoing organizational audits, even where such practices are established in policy.

Recommendation # 77.1

The SFPD should prioritize auditing as a means to ensure organizational accountability and risk management and develop mechanisms to support such practice

Response Date: 10/26/2020

Executive Summary:

The SFPD established an internal auditing body called Staff Inspection Unit (SIU) on 04/17/2018 that was announced in Department Bulletin (DB) 18-081 ([Attachment #1](#)). The purpose of the SIU is to fulfill organizational accountability through independent audits and inspections. The end-goal is to help strengthen accountability.

SIU, as a constituent unit of the Department's Strategic Management Bureau (SMB), is bound by codified procedures. Unit Order 20-01 is mandated ([Attachment #2](#)) to research and develop topics that culminate yearly in an inspection plan. Outside input is also solicited to help determine additional topics. SIU applies the Risk Assessment Matrix ([Attachment #3](#)) to prioritize and finalize areas of risk for inspection in the following year.

The process involves applying measurable goals to tangible performance outcomes such as judging accurate documentation. Deficient findings are described in an inspection report to the Chief or designee. A follow-up team from the SIU monitors any progress made in fulfilling recommended corrective actions. The Monitoring Team, according to codified procedures ([Attachment #4](#)), SMB Bureau Order-SIU Procedures, Section I, B, 2. And Section III, B documents piecemeal successes, and completes an Accomplishment Memorandum regarding whether further inspections should occur, thus ensuring a recurring mechanism to support an improvement "loop."

An example of outside input is the City Services Auditor (CSA) of the Controller's Office. Every year, the SFPD and the CSA collaborates to conduct audits of the Department. The CSA, as codified in Appendix F of the City Charter ([Attachment #5](#)), provides a third party assessment of services delivered by various City Departments.

The SFPD-CSA collaboration resulted in topics and strategies that culminated in an annual audit Work Plan ([Attachment #6](#)). The Plan detailed risk areas the SFPD requested the CSA to audit, as well as the projected costs of completing them.

The collaboration most recently resulted in an audit report entitled *SFPD: Response Time Performance and Targets* ([Attachment #7](#)). The report was submitted on 12/03/2019. It should be noted the CSA is staffed by professional auditors, and the credibility of their work is commensurately authoritative.



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In summary, the efforts undertaken by SIU and CSA strengthen the Department's organizational accountability, and each serves to routinely mitigate risks.

Attachments:

- ¹ DB 18-081
- ² Strategic Management Bureau (SMB) Order - SIU Procedures, Section VII.
- ² SMB Bureau Order - SIU Procedures, Section VII, H.
- ² SMB Bureau Order - SIU Procedures, Section I, B, 2. & Section III, B.
- ³ Appendix F - Authority and Duties of City Services Auditor
- ⁴ CSA FY20 Work Plan
- ⁵ SFPD: Response Time Performance and Targets CSA audit report

Compliance Measures:

1) Identify key risks and operational issues within the SFPD and the individual units.

On 04/24/2020 SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening call, suggestions and guidelines were discussed for this recommendation as described below in red.

For compliance measure 1, the revised version of the narrative will go into detail about how the unit identifies key risks (as described in the unit order) and then go on to specify what those key risks and operational issues are. I would also provide a copy of the latest risk assessment matrix as well.

- In accordance with codified procedures Unit Order 20-01 Section VII. A. (Attachment #2), SIU holds a series of internal meetings in November to identify risk topics to examine the following year.
- SIU members mull high-profile contemporary issues gleaned from the media. Additionally, SIU solicits outside input from sources such as Risk Management. SIU also analyzes current Department Notices and Bulletins to develop and identify key risks.
- Diminished adherence to codified procedures is an underlying operational risk to the Department.
- Members are expected to follow policies to minimize liability as they were written for the expressed purpose of making them lawful. These codified procedures were developed through a multilevel review process to strengthen their credibility.



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- One such risk area is procedural compliance when detaining or arresting juveniles. Youth advocates pleaded for strengthened protection of juveniles due to their vulnerability as a result of their young age and inexperience.
- The Advocates' efforts also resulted in the printing of a brochure entitled *Know Your Right for Youth in San Francisco* that was procedurally required by officers to hand-out when juveniles were detained or arrested (DB 19-060) (Attachment #8).
- Another risk is ensuring personally sensitive information such as one's criminal history and driver record are not visible in plain-sight at Department facilities. (DN 20-116) (Attachment #9) procedurally demands that such information is secured or properly discarded in accordance with state law.
- There has been a nation-wide demand for police accountability that in SF culminated in elevating a City government office to a full-fledged City Department (DPA) that handles complaints against officers. Additionally, a recent Department mandate dictated that each station send a daily complaint log to DPA.
- Each of the above topics were identified as high profile risks that demanded scrutiny of the entire Department down to its individual units.
- Mulled topics were applied to the Risk Assessment Matrix per SIU's procedures to determine their impact. The resulting outcome (Attachment #3) for this year's review of risk topics helped determine their priority.
- Topics were researched by SIU to ensure measurability and accuracy that is closely compliant to the Generally Accepted Government Auditing Standards (GAGAS) published by the US Government Accountability Office.

2) Develop a plan and strategy for audit and management review within the SFPD.

Compliance measure 2 and 3, as we discussed, these go hand in hand. That is, CM 3 must show that the Department is implementing the plan described in CM 2. To that end, the plan is more accurately described as SFPD creating the SIU and developing procedures for audit and management review in [YEAR] that was codified in a 2020-unit order. That unit order describes SFPD's existing plan.

- The SIU is tasked with planning and devising audits for management review within the Department.
- A topic that is considered "high" in *likelihood of occurrence* and "high" in *severity of harm* per the Risk Assessment Matrix (Attachment #3) requires an immediate, recurring, and detailed audit inspection.



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- For example, the contemplated topics for 2020 were plotted (Attachment #3) in the Risk Assessment Matrix to determine order of priority and importance before completing the Annual Inspection Plan (AIP).
- For each topic, research is conducted to develop measurable objectives and to check for relevant data. If the data population is too large, statistical sampling is used.
- Statistical sampling results in manageable data sizes that ensure a ninety-five percent (95%) accuracy with a four percent (4%) margin-of-error.
- After audit topics are considered, researched, and chosen, an Annual Inspection Plan (AIP) is developed. The AIP also details objectives and strategies for each topic. As such, the *2020 Annual Inspection Plan* (Attachment #10) exemplified the culmination of the above described work by SIU members.
- The AIP also identifies who will be undertake remedial efforts if significant deficiencies are found.
- For auditing adherence to juvenile detention and arrest procedures, SIU established measurable benchmarks, such as whether parents and guardians were promptly notified.
- Due to the large number of recorded juvenile arrests that were examined for 2018, statistical sampling was used to produce a more manageable size of youth arrest data.
- Each sampled juvenile arrest report was examined to determine, for example, if parental notification was documented per Department policy.
- For auditing procedural adherence to ensure sensitive information was secured at police facilities, SIU members conducted onsite inspections of nine-out-of-ten police stations.
- Nine stations were randomly chosen per statistical sampling to ensure an acceptable accuracy rate of 95%.
- Likewise, for auditing adherence to policy regarding daily DPA complaint logs, SIU members visited nine-out-of-ten stations. According to Department procedure, the stations were to have hard copies of the logs secured on site.
- Since each daily recorded log was kept at every station, there was a total of 3,650 hard copies for one year (365 days X 10 police stations = 3,650 logs). The month of December 2019 was chosen and random sampling was applied further to pick twelve (12) days for inspection.



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3) Implement the plan.

From there, CM 3 discusses implementation of the plan described in the 2020-unit order. As we discussed, it's fine to include a list of the 6 audits already done as demonstrating implementation and then providing just a few representative examples of the audits in the package (the same directive is true for Rec 77.2). I also think it's helpful to cite to the 2020 Annual Inspection Plan as showing that the Department is implementing a part of the plan. However, I think to fully demonstrate implementation, it would be helpful to walk through one audit and show how SFPD has performed the procedures described in the 2020-unit order. It sounds like Captain Bailey thinks that the juvenile procedures audit could be a good example to use.

- SIU carried out an inspection of procedural adherence to juvenile detentions and arrests.
- Four (4) measurable objectives were developed - 1). Were in-custody juveniles read their Miranda rights? 2). Were immediate steps taken to notify their parents or guardians? 3). Were in-custody juveniles held at stations longer than six (6) hours? 4). Were juveniles who were brought to stations recorded in appropriate detention logs?
- There was a total of 854 documented occurrences of juvenile detentions and arrests in 2018. Statistical sampling was used to calculate a sample size of 86. A randomizer application selected 86 specific reports of juvenile detentions and arrests for scrutiny.
- SIU pulled these reports from the Department's report writing database. Additionally, SIU members visited the stations where corresponding juvenile detention logs were kept.
- SIU detailed its findings in an inspection report entitled *Juvenile Procedures (Attachment #11)*.
- The report showed three (3) out of four (4) objectives were met 90%. One objective - enumerated as #2 (documentation of parental or guardian notification), was met 74%.
- Per the 2020 audit plan (*Attachment #10*), the SIU conducted onsite inspections of nine (9) out of ten (10) police stations to ensure sensitive information regarding criminal and driver data were secured and out-of-plain-sight in accordance with a state mandate.
- SIU found 100% compliance with the state mandate at the nine stations.



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- Per its codified procedures SMB Bureau Order - SIU Procedures, Section VII, E. (Attachment #2), the SIU was requested by the leadership to conduct an inspection on a topic not listed in its Annual Inspection Plan (AIP).
- The leadership prioritized SIU to audit whether officer-complaint logs were recorded and sent to Department of Police Accountability (DPA) by the stations on a daily basis (Attachment #12). New Inspection Topic for 2020 Memorandum, *Department of Police Accountability (DPA) Complaint Log*
- A statistical sampling formula and a randomizer application were used to identify 108 total logs for further scrutiny.
- SIU members conducted onsite inspections of nine (9) randomly selected stations out of ten (10) to examine the chosen complaint logs. SIU also contacted DPA staff to ensure these logs were received by them.
- SIU found 99% compliance regarding procedural adherence with the logs.
- Since SIU's establishment in 2018, the Unit completed seven other audit reports – *Body Worn Camera / Traffic Stops (Attachment #13)*, *Body Worn Camera Review (Attachment #14)*, *Preventing Workplace Harassment (Attachment #15)*, *Facilities Unit Review (Attachment #16)*, *Crisis Intervention Team Response (Attachment #17)*, *Electronic Communications "Disclaimer" Inspection (Attachment #18)*, and *Department Bulletins, Notices, & other Documents Sign-off Inspection (Attachment #19)*.

4) Continuous review and improvement loop.

For compliance measure 4, Officer Ha was going to clarify what is meant by the second follow-up audit as scheduled for "shortly thereafter the deadline" by touching base with Jimmy Wong.

- In addition to detailing the findings of an audit, the SIU makes corrective recommendations when deficiencies are discovered. The unit or member responsible for undertaking remedial efforts are also identified in the audit reports.
- Per SIU's codified procedures, the Unit has a team SIU Procedures, Section I, B, 2. & Section III, B (Attachment #2) dedicated to monitoring progress toward fulfilling a recommendation following an audit. The Monitoring Team checks whether improvements are evident and to document that the recommendations were met in an Accomplishment Memorandum.
- The Monitoring Team also determines if a recurring inspection should occur, that is, if an audit should be revisited to ensure there is a continuous review.



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- For example, following the *Juvenile Procedures* audit report (Attachment #11), the Monitoring Team oversaw attempts to address remedial efforts to overcome deficient findings. The Training Division was tasked to complete them.
- Training Division was recommended to deliver roll-call training that reminded officers of Miranda rights advisement and parental notification when juveniles were detained or arrested.
- The Division was also tasked to include in its Booking and Detention course a reminder that officers document parental or guardian notifications in incident reports.
- The Monitoring Team coordinated with the Training Division and concluded that the corrective recommendations were fulfilled. As a result, per SIU's codified procedures, the Team documented reparative efforts in its *Accomplishment Memorandum* on 07/22/2020 (Attachment #20).
- The Team determined that a follow-up inspection regarding procedural adherence involving juveniles should occur in three (3) years.
- An another example demonstrating continuous review and improvement is the audit on whether Department-issued smartphones displayed a legal disclaimer reminding members that the devices were to be used only for work-related purposes.
- The SIU's audit revealed 234 Department smartphones were out-of-compliance. A corrective effort was undertaken with the help of Technology Division that resulted in a graphic instruction (Attachment #21) on how to enable the disclaimer to appear.
- Each member, who was assigned a non-compliant phone, was sent an email message with the instructions in December 2019. The emails were also sent to the members' respective commanding officers.
- Two months later, a follow-up audit revealed a significant reduction in the number of non-compliant phones to 38, an 84% decrease.
- A memorandum (Attachment #22) directing Commanding Officers of Department Bureaus to have their out-of-compliance subordinates correct their phones was sent at the end of February 2020. A deadline was set in late March 2020 to get the 38 phones in compliance.
- A second follow-up audit showed a dramatic reduction. One (1) Department-issued smartphone was inexcusably out-of-compliance. The member who was assigned the non-compliant phone had recently returned from fulfilling his military duty obligation.
- Therefore, the above audits demonstrate the Department, through SIU, is finding and correcting deficiencies to strengthen organizational credibility. In essence, the



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Unit helps to ground the Department in accountability through a continuous improvement loop.