

Fw: Recommendation 9.2

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From: Tanya Koshy [REDACTED]
Sent: Thursday, September 12, 2019 4:44 PM
To: Dorantes, Jennifer (POL) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Recommendation 9.2

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Dear Acting Captain Dorantes,

Our office has completed its review of the materials related to Recommendation 9.2 that have been submitted to us 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 9.2: Until the Department of Emergency Management protocol is established, when activating the protocols for notification following an officer-involved shooting incident the Operations Center should notify representatives of IAD, the District Attorney's Office, and OCC with no lag time

occurring in any of the notifications. The Operations Center log for notifications should be included as part of the investigation report case file to accurately and fully depict notifications.

Response to Recommendation 9.2:

SFPD issued an Unit Order (17-001) that establishes that the Everbridge Emergency Notification system will be used to notify relevant stakeholders/partners of an OIS. SFPD provided examples of Everbridge notification logs of past OISs showing timely notifications (via email, phone, and text) and whether or not the person has acknowledged the notification.

Under the recently issued Unit Order 19-001, the DOC will now print out the Everbridge notification log for an OIS and send it to the DA's Office by the next business day for inclusion in the OIS case file. Under 19-001, DOC supervisory staff will also review the Everbridge notification log to determine whether any contacts needed to be added, removed or updated. Further, DOC supervisory staff will contact people that did not acknowledge the notification to update their information or to remove them from the list. DOC supervisory staff must also contact the DA's Internal Investigations Bureau to confirm that the Everbridge notification logs were received and included in their records. Finally, supervisory staff will memorialize these actions in a cover memo.

Though compliance measure 4 requires an audit of investigative case files to ensure that the notification logs are included, this compliance measure is now inapplicable because, as of May 2019, the DA's Office is responsible for investigating all OISs. Under the terms of the MOU between SFPD and the DA's Office, the DA's Office will retain all documentation related to the investigation into an officer's involvement in an OIS. Because the investigative case file is now with the DA's office, SFPD cannot audit this separate agency's investigative case files for notification log attachment. However, under Unit Order 19-001, the DOC supervisory staff must contact the DA's Internal Investigations Bureau (IIB) within ten days of an OIS Everbridge notification, to confirm that the Everbridge notification log was received and included in the investigative case file. Additionally, the DOC must write a cover memo documenting these actions. DOC's contact with the DA's IIB to confirm receipt and inclusion of the Everbridge event report notification printouts suffices for purposes of this compliance measure.

Cal DOJ, however, suggests that SFPD consider conducting periodic audits of its own DOC files to ensure that its cover memos reflect contact with the DA's office to confirm its inclusion of the Everbridge notification log in the investigative file.

Based upon all of the above, the Cal DOJ finds that SFPD is 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 S. Koshy
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California Department of Justice
1515 Clay Street
Oakland, CA 94612
[REDACTED]

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| Finding # 9 | The SFPD is inconsistent in providing timely notifications to all external oversight partners following an officer-involved shooting. |
| Recommendation # 9.2 | Until the Department of Emergency Management protocol is established, when activating the protocols for notification following an officer-involved shooting incident the Operations Center should notify representatives of IAD, the District Attorney’s Office, and OCC with no lag time occurring in any of the notifications. The Operations Center log for notifications should be included as part of the investigation report case file to accurately and fully depict notifications. |

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| Recommendation Status | Complete | Partially Complete | In Progress |
| | Not Started | No Assessment | |

Summary

Compliance Measures 1, 2, 3, 4 and 5 are met. The SFPD instituted use of the Everbridge Emergency Notification system which allows for immediate electronic notification to all stakeholders of an officer-involved-shooting event. Unit Order 19-001 Use of Everbridge Notification by DOC Personnel for Officer Involved Shootings, published July 2019, requires the Department Operations Center, at the conclusion of the OIS notification, to forward the notification log to the Investigative Services Bureau and the District Attorney’s Office OIS team for inclusion in their case files.

The department has chosen to meet Compliance Measure 4 by placing the notification log in the Internal Affairs Division file. This is a reasonable accommodation given that the department no longer is responsible for conducting OIS investigations pursuant to the Memorandum of Understanding between the San Francisco District Attorney’s Office and the San Francisco Police Department (April 2019). Under the agreement the District Attorney’s Office will conduct the investigations of OIS, in-custody deaths, and uses of force resulting in serious bodily injury. Notwithstanding this important agreement, the Unit Order 19-001 modification includes a provision requiring the Department Operations Center to develop an Everbridge retention process to ensure notifications are maintained and reviewed, and if necessary, enable remedial action if required. There have been no events requiring Everbridge notification since the modification of the policy. The response can be designated as Complete; however, the Hillard Heintze team in Phase III will monitor the department’s OIS notification practice to ensure the reforms and modifications are institutionalized.

Administrative Issues

Compliance Issues

There is agreement that Compliance Measure 4 is outdated given that the DA’s office now handles OIS investigations and SFPD, of course, cannot audit an outside agency’s files. In the spirit of Compliance Measure 4, SFPD should consider conducting a periodic audit of its DOC files to ensure that the cover memos prepared by DOC supervisory staff reflect that supervisors indeed check with the DA’s office within ten days of an OIS to confirm receipt of the Everbridge notification log.

| Compliance Measures | | Status/Measure Met |
|---------------------|--|--|
| 1 | Operations Center is providing notifications to IAD, DAO and DPA without any lag time. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 2 | Timely notification to any responding entity. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

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| 3 | Notification log included in the investigative report file. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 4 | Audit investigative case files for log attachment. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 5 | Supervisory review of OIS notification. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |



Collaborative Reform Completion Memorandum

Finding # 9: The SFPD is inconsistent in providing timely notifications to all external oversight partners following an officer-involved shooting.

Recommendation # 9.2: Until the Department of Emergency Management protocol is established, when activating the protocols for notification following an officer-involved shooting incident, the Operations Center should notify representatives of IAD, the District Attorney's Office, and OCC (DPA) with no lag time occurring in any of the notifications. The Operations Center log for notifications should be included as part of the investigation report case file to accurately and fully depict notifications.

Response Date: 07/27/2019

This is a response to Request for Information (RFI) issued for Recommendation # 9.2.

Executive Summary: Department Operations Center Unit Order 19-001 was been approved by Deputy Chief Redmond on 07/16/2019 to reflect the updated changes and procedural improvements on the use of the Everbridge Notification system. This Order has been expanded and updated to include the outstanding compliance measures. The previous version of this Unit Order was 17-001.

Compliance Measures:

- 1) **The Operations Center is providing notifications to IAD, DAO and DPA without any lag time.**
-According to Hillard Heintze, this Compliance Measure is met.
- 2) **Timely notification to any responding entity.**
- According to Hillard Heintze, this Compliance Measure is met.
- 3) **Notification log included in the investigative file report.**
-This Compliance Measure is addressed in the Unit Order on Page 2 under the heading "OIS Log Printing, Routing, Supervisory Review, and Storage."

Since the implementation of Unit Order 19-01 on 07/16/2019, there were no events that require the activation of Everbridge. Please continue to monitor for additional support on evidence supporting this continual review/improvement loop effort.

- 4) **Audit investigative case files for log attachment.**
-This Compliance Measure is addressed in the Unit Order on Page 2 under the heading "OIS Log Printing, Routing, Supervisory Review, and Storage." In addition, the SFPD Internal Affairs Division's: "Officer Involved Shooting/In-



Collaborative Reform Completion Memorandum

Custody Death/Use of Deadly Force Investigation Table of Contents” has been amended to include the Everbridge OIS printout to Section 5 of the file. This is the control document that ensures that this information is included in the OIS file and provides a checklist for Risk Management Office attorneys and superiors to verify that this document is included in the file.

- Since the implementation of Unit Order 19-01 on 07/16/2019, there were no events that require the activation of Everbridge. Please continue to monitor for additional support on evidence supporting this continual review/improvement loop effort.

5) **Supervisory Review of OIS Notifications.**

-This Compliance Measure is addressed in the Unit Order on Page 2 under the heading: “Supervisory Review” and under Page 3 under the heading: “Training and Auditing Procedures.

In addition, the Investigative Services Detail (ISD) Call-Out Notes was created on 06/2019 to capture critical information during an Officer Involved Shooting, In-Custody Death or Use of Force involving Great Bodily Injury. In this document, there is a “notification” section that captures notification date and time, notification source, and arrival time by key internal and external partners including ISD, Independent Investigations Bureau (IIB)/DA, Internal Affairs Division, Department of Police Accountability, Crime Scene Investigations, Public Information Officer, Behavioral Science Unit, Medical Examiners Officer, and Hospital.

Supplemental Document Request:

| Requested Documents | Responsive Document and Why |
|--|---|
| OIS files on-site review for years 2017-2018 | <p>Michael Dirden from Hillard Heintze performed an OIS files review during a previous on-site visit.</p> <p>OIS files will no longer be available with Homicide for review. SFPD and the District Attorney’s Office (DA) signed a Memorandum of Understanding which made the DA responsible for the criminal investigation of an Officer Involved Shooting. SFPD Homicide Detail will not have possession of OIS related files. Everbridge notification reports will be placed with the Internal Affairs OIS File. Please refer to Table of Contents Template and MOU.</p> |



Collaborative Reform Completion Memorandum

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| Notification logs in Homicide OIS files | Not available. SFPD and the District Attorney's Office (DA) signed a Memorandum of Understanding (MOU) which made the DA responsible for the criminal investigation of an Officer Involved Shooting. SFPD Homicide Detail will not have possession of OIS related files. Everbridge notification reports will be placed with the Internal Affairs OIS File. Please refer to Table of Contents Template and MOU. |
| Audit record for Homicide files | Not available. SFPD and the District Attorney's Office (DA) signed a Memorandum of Understanding which made the DA responsible for the criminal investigation of an Officer Involved Shooting. SFPD Homicide Detail will not have possession of OIS related files. Everbridge notification reports will be placed with the Internal Affairs OIS File. Please refer to Table of Contents Template and MOU. |

Form 2001 written on 9-17-2018

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