From: Gabriel Martinez
Sent: Tuesday, September 3, 2019 4:43 PM
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Jennifer (POL)' ████████████████████████████████████ '
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Subject: Recommendation 24.3

Recommendation 24.3
Dear Lieutenant Dorantes,
Our office has completed its review of the materials related to Recommendation 24.3 that have been submitted to us as part of the collaborative reform process. This package focused on SFPD establishing a policy and practice of ongoing audits of electronic communications for biased terms. After reviewing the package and information provided by SFPD, the California Department of Justice finds as follows:
Recommendation 24.3.: The SFPD should immediately establish a policy and practice for ongoing audit of electronic communication devices to determine whether they are being used to communicate bias.
Response to 24.3: On February 2, 2017, the Internal Affairs Division published a Unit Order setting forth an audit process for SFPD electronic communications. An updated Unit Order was published on January 22, 2018 (18-02) establishing quarterly reporting of audit results. The audit scans emails, mobile data terminal communications, and text messages from department devices for biased words. Text messages are audited every 30 days, computer terminal entries are audited continuously, and email entries are also audited continuously. SFPD provided Cal DOJ with an expanded list of biased words that are used for the audits. Internal Affairs updates the list annually. Internal Affairs reviews any biased words captured in the audit to determine if the incident warrants investigation pursuant to Internal Affairs Unit Order 17-02. SFPD has documented its audits and confirmed that the audits have revealed one instance of biased texts between officers in 2017 that resulted in remedial action for the officers involved.
Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation; however, to remain in substantial compliance SFPD will need ongoing review of the audit processes to ensure the audit is effectively screening for biased communications.
Please let us know if you have any questions or would like to discuss this further. Thank you.

Finding # 24	The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents.
Recommendation # 24.3	The SFPD should immediately establish a policy and practice for ongoing audit of electronic communication devices to determine whether they are being used to communicate bias.

Recommendation Status	Complete Partially Complete In Progress Not Started No Assessment

Summary

Compliance Measures 1, 2, 3 and 4 are met.

In 2017 the SFPD established a policy and practice of auditing electronic communication devices for evidence of communicated bias. The practice was institutionalized with the publication of Internal Affairs Unit Order 18-02 Internal Affairs Audit Procedure (1/2018) wherein the Internal Affairs Division is vested with the responsibility of conducting the following communication system audits: the California Law Enforcement Telecommunications System (TLETS); SFPD Department email system; and department issued cellular phone text messages. The Technology Division created an automatic systems analysis which identifies communication or words that may indicate bias. If the analysis identifies potential bias communication the information is forwarded to the Internal Affairs Division to investigate on a priority basis in accordance with Unit Order 18.02 established protocols. The Technology Division and the Internal Affairs Division work in concert to ensure that email and TLETS network communication are passively reviewed on a constant basis and that an active review of cell phone text messages is conducted on a monthly basis.

Documents submitted in response to this recommendation included the results of bias audits from the fourth quarter 2016 through the first quarter 2019. The audit has not identified any use of biased or prohibited words that requires corrective or remedial action. The response to this recommendation is designated as complete. In Phase 3, the Hillard Heintze team will continue to monitor the department's practices with respect to auditing department communications for use of bias words and taking effective remedial action, if required.

Compliance Measures		Status/Measure Met
1	Immediate establishment of policy for audits of electronic communication devices	√ Yes ☐ No ☐ N/A
2	Established practice for ongoing audits of electronic communication devices including audit plan and process	√ Yes ☐ No ☐ N/A
3	Evidence of audit of potential bias	√ Yes ☐ No ☐ N/A
4	Evidence of supportive and remedial action if deficiencies are found	√ Yes ☐ No ☐ N/A

Administrative Issues

Compliance Issues

Prohibited Word List: Discuss again with Susan Merritt her sources and process for identifying words that are indicators of bias, including how the department determines which words should be added and which words should be removed.

Collaborative Reform Completion Memorandum

Finding # 24: The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents. The advice in the memo (found in appendix K on page 390) sent on May 5, 2016, has not been completed by the SFPD. The recommended audit is to ensure organizational integrity regarding the potential for bias in departmental electronic communications.

Recommendation # 24.3 The SFPD should immediately establish a policy and practice for ongoing audit of electronic communication devices to determine whether they are being used to communicate bias.

Response Date: 5/29/2019

Executive Summary:

As recommended, members of the Internal Affairs Division audited/monitored three internal systems (CLETS, Department E-mail, and Department issued cellular phones) for possible racial bias. During the IAD's initial audit of CLETS and Department E-mail there were no "hits" generated for biased or racially biased words. A third audit of Department Issued cellular phones by specially trained IAD investigators revealed that phone numbers not belonging to SFPD members came back with "hits", however no SFPD members using the text messaging application could be identified as sending bias or racially bias text messages. IAD will continue to audit SFPD internal communications systems. An SFPD Unit Order was authored to establish protocols for continued IAD Audit Procedures.

Compliance Measures:

1) **Immediate establishment of policy for audits of electronic communication devices.**

   Yes. Internal Affairs Division (IAD) Unit Order 18-02 was issued by A/Captain William Braconi on 1/22/18. The Unit Order established the policy and protocol for the IAD audit procedure of Department electronic communication devices. The audit includes Department E-mail and text messaging via Department-issued cellular phones as well as CLETS. The audit system went on-line May 20, 2018.

2) **Established practice for ongoing audits of electronic communication devices including audit plan and process.**

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Yes. A Bureau Order 17-02 was written, which discussed the purpose, policy, and procedures by which the Internal Affairs Division planned and implemented the audit process.

3) Evidence of audit of potential bias.

Yes. Results of the electronic communications devices audit are reported by IAD to the Commander of Risk Management, Commander Peter Walsh. Commander Walsh reports the findings to the Police Commission in writing quarterly.

4) Evidence of supportive and remedial action if deficiencies are found.

Yes. There has been an average of 61 hits of possible bias discovered by IAD and reported to the Police Commission per report. Each hit was individually analyzed by the Internal Affairs Division as a supportive action to determine if it was an act of Bias. As a remedial action, the IAD updated its Bias Word List used in its audits on a regular basis based in part by number of "false positive hits". To date there have been only been "false positive hits".

Requested Documents	Responsive Document(s) and Why
Evidence that the audit process is active and on-going.	**Documents:** Fourth Quarter 2016: Audit of Electronic Communication Devices for Bias Dated: June 5, 2019 First Quarter 2017: Audit of Electronic Communication Devices for Bias Dated: June 5, 2017 Second Quarter 2017: Audit of Electronic Communication Devices for Bias Dated: July 11, 2017 Fourth Quarter 2017: Audit of Electronic Communication Devices for Bias Dated: January 24, 2018 Second Quarter 2018: Audit of Electronic Communication Devices for Bias

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	Dated: July 30, 2018
	Fourth Quarter 2018: Audit of Electronic Communication Devices for Bias Dated: January 30, 2019
	First Quarter 2019: Audit of Electronic Communication Devices for Bias Dated: April 15, 2019
	Why Relevant: The attached reports are evidence that the audit process is active and on-going. Each report lists results from CLETS, Department emails and text messages from Department cell phones separately. It lists the number of hits and the number of hits which are determined to be potentially biased.