

Recommendation 73.2

TK

Tanya Koshy [REDACTED]
Fri 2/19/2021 1:25 PM

To:

- McGuire, Catherine (POL);
- Scott, William (POL);
- [REDACTED]

+8 others

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 73.2 that were submitted 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 73.2:

Once a mechanism [to track when a Department General Order or Department Bulletin has been accessed and acknowledged by a SFPD member] is established, the SFPD should create a protocol for notification, noncompliance, and accountability.

Response to Recommendation 73.2:

SFPD recently developed a new policy where the Business Analysis Team (BAT) conducts a quarterly review of all members to determine if any of them are noncompliant with accessing and acknowledging policies. BAT will compile a list of noncompliant members, including each member's number, rank, star, number, current assignment, and whether they are on any extended leave. The BAT's quarterly report is transferred to the Staff Inspections Unit (SIU), which maintains a digital file version of the report.

The SIU Sergeant also prepares a memo on each noncompliant member for the member's Commanding Officer. The SIU Sergeant that submits those memos to the Commanding Officer of the Professional Standards and Principled Policing Unit (PSPP) for approval. The PSPP Commanding Officer then forwards it to the Executive Director and/or the Strategic Management Bureau so that the memo can go through the Chain of Command. After the noncompliant member's Commanding Officer receives the memo, they must ensure that the member

becomes compliant and is counseled and retrained, if needed. Once that is done, the Commanding Officer signs off on the memo, which is then logged with the SIU.

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



Hillard Heintze File Review Recommendation # 73.2

Finding # 73 The SFPD does not have an effective mechanism for determining whether an officer has accepted a policy and therefore could be held to account for its provisions.

Recommendation # 73.2 Once a mechanism is established, the SFPD should create a protocol for notification, noncompliance, and accountability.

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

Summary

SFPD has established a system to issue, store and track access for the policies promulgated for the department.

For compliance measure #1, non-compliant members are deemed in violation of DGO 2.01, Section 10 which compels them to obey all written orders and policies. The SFPD identifies that failure to acknowledge may result in discipline, including DGO 2.07 Section 3 which includes remediation.

For compliance measure #2 the Staff Inspection Unit (SIU) conducts periodic audits to ensure accountability. In 2020, the audit conducted identified members who failed to acknowledge orders. Notice was sent to the Bureaus to manage compliance, and if required, discipline.

For compliance measure #3 the SIU continues to monitor compliance under the process identified for monitoring and notes that the 2020 audit identified lower non-compliance than for 2019.

| Compliance Measures | | Status/Measure Met |
|---------------------|--|--|
| 1 | Establish policy regarding discipline outcome for non-compliance in acknowledging department policy notifications. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 2 | Evidence of action taken to hold personnel accountable and remedial measures for non-compliance, when identified. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 3 | Continuous review and/or audit loop. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

Administrative Issues

Compliance Issues

The SFPD should consider placing ownership with compliance at the unit command level. This is a function of management to ensure compliance and knowledge of policies. SIU could then provide an annual run for validating compliance at the unit command and free up SIU for other key risk priorities.



Collaborative Reform Completion Memorandum

Finding # 73: The SFPD does not have an effective mechanism for determining whether an officer has accepted a policy and therefore could be held to account for its provisions.

Recommendation # 73.2

Once a mechanism is established, the SFPD should create a protocol for notification, noncompliance, and accountability.

Response Date: 09/03/2020

Executive Summary:

Per SFPD General Order (DGO) 3.01.12, Section 1 ([attachment 1](#)), members are to access and acknowledge new or updated policies through an electronic system. The Department uses such a system called PowerDMS ([attachment 2](#)) to store, distribute, monitor, and manage documents.

The system also maintains an individual account for each member. Upon logging-into PowerDMS, a member is automatically reminded of new or updated policies to review and acknowledge. When a member exceeds the thirty (30) day sign-off grace period, the account will display an urgent reminder that the accountholder is delinquent in reviewing and acknowledging updates.

Additionally, PowerDMS maintains a record of the date and time when members electronically acknowledge new or updated policies through their individual accounts. Supervisors have elevated access to PowerDMS that enables them to extract such records for the purpose of monitoring for compliance.

Section 2 of DGO 3.01.12 ([attachment 1](#)) mandates Commanding Officers (COs) or an Officers-in-Charge (OICs) of every unit to carry out periodic audits to ensure their respective subordinate members are compliant with accepting policies.

Non-compliant members are deemed in violation of DGO 2.01, Section 10 ([attachment 3](#)) which compels them to obey all written orders and policies. Department Notice (DN) 20-122 ([attachment 2](#)) requires members to sign-off on these documents on their individualized PowerDMS accounts.

When such members are abjectly out-of-compliance, they are subject to discipline per DGO 2.01 Section 10 ([attachment 3](#)).

SFPD maintains a Department-wide inspection unit - Staff Inspection Unit ([attachment 4](#)), tasked with conducting periodic audits and finding deficiencies. As such the Staff Inspection Unit (SIU) reinforces accountability to ensure members are held to written policies.



Collaborative Reform Completion Memorandum

For example, SIU conducted an inspection to determine whether members acknowledged policy updates conveyed in 2019 Department Notices and Bulletins. The resulting audit report ([attachment 5](#)) showed a high percentage of compliance. However, non-compliant members were identified and their respective Bureau Chiefs were notified to ensure they were held accountable.

Attachments:

- ¹ DGO 3.01
- ² Department Notice (DN) 20-122
- ³ DGO 2.01
- ⁴ Department Bulletin (DB) 18-081
- ⁵ *Department Bulletins, Notices, & other Documents Sign-off Inspection* audit report

Compliance Measures:

- 1) Establish policy regarding discipline outcome for non-compliance in acknowledging department policy.
 - The basis for enacting disciplinary measures for non-compliance of written orders and policies is denoted in DGO 2.07, Section I, A ([attachment 6](#)). The section specifically mentions that Department members are compelled to obey such orders as codified in DGO 2.01, Section 10 ([attachment 3](#)).
 - Failure to heed written policies is considered a violation of a provision grounded, according to page 1 of DGO 3.01 ([attachment 1](#)), as the most authoritative and permanent set of directives known as General Orders.
 - Eight (8) specific outcomes as a result of discipline are defined in DGO 2.07, Section B ([attachment 6](#)). The outcomes are: 1) *Admonishment*, 2) *Reprimand*, 3) *Suspension*, 4) *Chief's disciplinary suspension*, 5) *Suspension pending hearing*, 6) *Suspension by commission*, 7) *Fine*, and 8) *Termination*.
 - Moreover, Section C of DGO 2.07 ([attachment 6](#)) details categories of remediation to address non-compliance.
 - In cases of abject failure by a member to obey a policy after remedial actions have been exhausted, a formal charge of misconduct is levied.
 - Formal charges are defined and procedurally outlined in DGO 2.01, Sections D and E ([attachment 3](#)).
 - Per DGO 2.01, Section F ([attachment 3](#)), a formal charge is adjudicated by the Police Commission that can result in a reprimand, fine, suspension, or termination.



Collaborative Reform Completion Memorandum

Attachments:

¹ DGO 3.01

³ DGO 2.01

⁶ DGO 2.07

2) Evidence of action taken to hold personnel accountable and remedial measures for non-compliance, when identified.

- In early 2020, the Staff Inspection Unit (SIU) conducted an audit to identify members who were non-compliant with electronically acknowledging policy updates per DN 20-081 (attachment 7). Specifically, SIU examined sign-offs for all documents issued in 2019.
- A list of non-complaint members were compiled and divided according to their Bureau assignments.
- On 03/04/2020, memorandums were (attachment 8) directed to each Bureau Chief that identified subordinates who were out-of-compliance. In addition to members' names, the Bureau Chiefs were requested to follow specific instructions to address corrective efforts and document them by 03/02/2020.
- Bureau Chiefs submitted documentation of remedial actions to SIU. For example, the Deputy Chief of Investigations Bureau submitted memorandums (attachment 9) from COs and OICs of his constituent units that detailed corrective efforts of their respective non-compliant members.

Attachments:

² DN 20-122

⁷ DN 20-081

⁸ Memorandum to Deputy Chief Lazar of Investigations Bureau, 03/04/2020

⁹ Memorandum from Director Sanchez of Forensic Services Division, 03/26/2020

3) Continue review and/or audit loop.

- SIU completed a follow-up audit of 2019 policy sign-offs that resulted in a report to the Chief of Police (attachment 5).
- The updated audit found a significant reduction in the number of non-compliant members (down to 34).
- The report recommended an updated memorandum be directed to each Bureau Chief identifying the remaining non-compliant members for remediation. On 09/01/2020, the memorandums (attachment 10) were drafted.



Collaborative Reform Completion Memorandum

- SIU will conduct a continuous review of compliance regarding policy acknowledgment as a recurring audit.

On Thursday September 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, suggestions and guidelines were discussed for this recommendation as described below.

For Recommendation 73.2 (Once a mechanism [for determining whether an officer has accepted a policy and therefore could be held to account for its provisions] is established, the SFPD should create a protocol for notification, noncompliance, and accountability), Hillard Heintze noted that action to hold personnel accountable and a continuous review (compliance measures 1 and 2) do not need to be conducted by the Staff Inspection Unit. Rather, they can be conducted at the unit/division level. To that end, SFPD will prepare a unit order stating that the Written Directives Unit will conduct a quarterly review that will identify all members who are noncompliant with policy sign-offs and PSPP will send out reminder notices. Lt. Altorfer noted that this WDU review is done on behalf of the Commanding Officer or Officer in Charge, who is mandated under DGO 3.01.12 to do "periodic audits to confirm that members of their unit reviews and acknowledges all directives by electronically signing for all directives within 30 days of the date of the directive." The Unit Order will make clear that the WDU quarterly review is related to DGO 3.01.12.

In response to the guidance provided by Hillard Heintze and CalDOJ, the PSPPU Unit codified into policy that the Written Directives Unit will conduct a quarterly review that will identify all members who are noncompliant with policy sign-offs in PSPPU Unit Order 20-01 – Compliance Measurements for Mandatory Sign-Off of Department Issued Documents by Members of the SFPD (Attachment # 11).

PSPPU Unit Order 20-01 – Compliance Measurements for Mandatory Sign-Off of Department Issued Documents by Members of the SFPD identifies current policies that require members to sign off on all mandated Department documents; identifies the roles and responsibilities of the Business Analysis; Sergeant of the Staff Inspection Units, the Commanding Officer of the Written Directives Unit and the non-complaint Member's direct supervisor and Commanding Officer.



Collaborative Reform Completion Memorandum

PSPPU Unit Order 20-01 states:

I. Purpose:

This order establishes procedures for the Commanding Officer of the Professional Standards & Principled Policing Unit (PSPPU), the Staff Inspections Unit (SIU) and the Business Analysis Team (BAT) to identify all members of the San Francisco Police Department who are not in compliance with the policy and procedures requiring mandatory document sign-off. In addition, this Bureau Order establishes specific measures to be taken by the Commanding Officer or designee of PSPPU to inform and assist the Commanding Officers of each unit in conducting periodic reviews to confirm that members of their unit review and acknowledge all directives by electronically signing off within 30 days of the date of the directive as required by San Francisco Police Department General Order 3.01; specifically, 3.01.12 – Accountability.

II. Policy:

a. San Francisco Police Department General Order – 3.01

i. Accountability 3.01.12:

- 1.** Members shall utilize the Department's electronic system to acknowledge receipt and review of and electronically sign-off all directives within (30) thirty days of issuance.
- 2.** The Commanding Officer or Officer-in-Charge (OIC) or designee of each unit shall conduct periodic audits to confirm that members of their unit reviews and acknowledges all directives by electronically signing for all directives within 30 days of the date of the directive.

b. San Francisco Police Department General Order – 2.01 Rule 10

- i.** Written Orders – Members shall obey all written order, polices, and procedures of the Department, and promptly obey all lawful written or verbal directives of supervisors.

c. Francisco Police Department Notice 20-150 (10/15/20)

- i.** A “member” is defined (DGO 3.02) as any sworn officer or non-sworn employee of the San Francisco Police Department. This includes all non-sworn civilians, reserve officers, and 960s currently employed by the Department.
- ii.** All Department members shall acknowledge every Department General Order (DGO), Department Bulletin (DB), Department Notice (DN),



Collaborative Reform Completion Memorandum

Department Manual (DM) and any other document that is entered into PowerDMS requiring member acknowledgement. In general, documents that require sign off will have the following disclaimer at the bottom of the page:

"Per DN 20-150, All Sworn & Non-Sworn Members shall electronically acknowledge this Department Document in PowerDMS. Members whose duties are relevant to this Document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information."

- iii. Members are required to electronically review and sign off for all documents within 30 days of the document issue date. Members not in compliance with DN 20-150 may be subject to discipline. Members on long term leave shall sign off on policies within 30 days of their return to work.

III. Procedures:

a. Business Analysis Team (BAT)

- i. The current Supervisor of BAT team shall designate a team member to conduct a quarterly review of all Department members to identify those that are not in compliance with the policy and procedures specified above.
- ii. The data analysis shall:
 - 1. Identify the A number, rank, and star number of the member.
 - 2. Identify the member's current assignment.
 - 3. Identify members that are on extended leaves (i.e. FMLA, Military, Disability, Suspension).
- iii. Upon collection of the data, the BAT team member shall organize the data by District Station or assigned Bureau / Unit. The BAT team member shall then submit the approved organized list to the Sergeant of the Staff Inspections Unit (SIU).



Collaborative Reform Completion Memorandum

b. Staff Inspections Unit (SIU)

i. Sergeant:

1. Be responsible for scheduling and communicating with the current Supervisor of the BAT team to coordinate the accomplishment of the quarterly reviews.
2. Upon receipt, review report generated by the BAT team member of non-complaint members and prepare an individual memorandum (pre-populated and attached) to the respective Commanding Officer for each individual non-complaint member.
3. Submit above listed memorandums to the Commanding Officer of the Professional Standards and Principled Policing Unit for review and approval. Approved memorandums will then be forward through the Chain of Command.
4. Maintain a digital file of all quarterly reviews conducted by BAT team members that are separated by quarter and year for historical referencing upon request.

c. Professional Standard and Principled Policing Unit (PSPPU)

1. The Commanding Officer of PSPPU will review the memorandums submitted by the Sergeant of the Staff Inspections Unit.
2. Upon review, the Commanding Officer of PSPPU or designee, will generate a cover memo to the respective Bureau Chiefs and attach all non-complaint member memorandums associated to the respective Bureaus.
3. Upon completion, the Commanding Officer of PSPPU will forward the cover memorandum along with the associated non-compliant member memorandums to the Executive Director and/or Commanding Officer of the Strategic Management Bureau to be forwarded through the Chain of Command.

d. Non-compliant Member(s) Commanding Officer:

1. The non-complaint memorandums will be forwarded to the non-complaint members' Commanding Officer.



Collaborative Reform Completion Memorandum

2. The Commanding Officer or designee will ensure the non-complaint member(s) is in compliance and has been counseled and retrained regarding the current policy and procedures.
3. Upon confirmation, the Commanding Officer will review and sign the member(s) non-complaint memorandum and forwarded through inter-departmental mail to the Commanding Officer of PSPPU; who in turn will review and forward to the Sergeant of SIU to be logged and filed as listed above.

Attachment to PSPPU Unit Order 20-01 is a compliance memorandum (Attachment # 12), which is produced by the Staff Inspection's Unit. This memo serves to identify the non-compliant Member and notice that Member's Commanding Officer.

Memorandum

San Francisco Police Department



To: Captain's Name
Commanding Officer
Station or Bureau

APPROVED YES NO

From: Professional Standards & Principled Policing Unit

Date: _____

Subject: Sign-off of Department Documents Audit

Captain,

The following member of your command has been identified as being out of compliance in violation of San Francisco Police Department General Order 3.01 – Accountability 3.01.12; San Francisco Police Department General Order – 2.01 Rule 10 and Department Bulletin 20-081 – Mandatory Sign-off of Department Issued Documents in HRMS.

| Name | Star | A Number | Assignment |
|------|------|----------|------------|
| | | | |

Please ensure that the member assigned to your command accesses PowerDMS and electronically signs off all required documents prior to the end of their next tour of duty.

Please acknowledge the member has complied and has been counseled and retrained regarding their violation of the above listed policy and procedures by signing below.

Commanding Officer

Date: _____

Please return completed form to PSPPU through interdepartmental mail.