Recommendation 37.1

Tanya Koshy ████████████████████
Wed 7/28/2021 2:27 PM

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To:

- Gabriel Martinez ██████████████████
- McGuire, Catherine (POL);
- Scott, William (POL);
- Debra Kirby ████████████████

+7 others

Dear Acting Captain Altorfer:

Our office has completed its review of the materials related to Recommendation 37.1 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 37.1: The SFPD should establish policy that specifically governs when and how Field Interview cards are completed. This should be accomplished within 180 days of the issuance of this report.

Response to Recommendation 37.1:

In early 2021, SFPD replaced its paper Field Interview (FI) card system with an online system that is integrated into the Crime Data Warehouse. To codify this new process, SFPD issued a Department Notice, which advises members on when to complete an electronic FI report, and directs members to enter into the electronic FI report as much information as known because it may help with investigative leads in the future; to that end, members are encouraged to include any associated CAD number and indicate whether the encounter was captured on body worn camera footage. Members are required to enter all FI reports into the Crime Data Warehouse by the end of their watch. In order to sign off on an FI report, the member must complete an "Officer Declaration." After the member's sign off, a supervisor is required to review and approve the FI report; in their review, the supervisor is looking for the officer's compliance with department policy and legal requirements. A FI report that is in need of supervisory review and approval will appear in the Crime Data Warehouse under the category of "Reports Pending Approval" until a supervisor reviews it. Supervisory review of FI reports is governed by the same policies as supervisory reviews of incident reports (Department General Order 1.03, the SFPD Department Manual, and Department Notice 20-134).

SFPD rolled out training on the new FI report system in March and April of this year. To ensure ongoing review of the FI reports, the Staff Inspections Unit (SIU) will conduct an annual review

of the FI reports in the crime data warehouse to ensure that the FI reports are complete. The annual review is governed by the Strategic Management Bureau Order 21-01 on SIU Procedures. Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation. While the

Department of Justice finds SFPD in substantial compliance, this policy is still in its early stages and the Department will monitor the SIU annual review process during the remaining phase of the Collaborative Reform Initiative.

Please let us know if you have any questions or would like to discuss these further.

Tanya

Collaborative Reform Completion Memorandum

Finding # 37: The policy for the use of Field Interview cards fails to outline sufficient guidance on when they should be completed.

Recommendation # 37.1 The SFPD should establish policy that specifically governs when and how Field Interview cards are completed. This should be accomplished within 180 days of the issuance of this report.

> **Response Date: 4/8/2021**

Executive Summary:

The San Francisco Police Department (SFPD); Professional Standards Unit submitted recommendation 37.1 to the California Department of Justice and Hillard Heintze back in September of 2018. This recommendation was returned for further information (RFI), with the following feedback from Hillard Heintze:

> *"The San Francisco Police Department published policy governing Field Interview card use by patrol and investigative personnel. The policy includes an explanation that an FI card can be used when there is a consensual encounter or lawful detention under circumstances when an incident report is not required to be completed. To ensure personnel complete FI cards properly the department developed a 1.5 hour training class for recruits and provided roll-call training to officers, supplemented by guidance available on the department's intranet as indicated by the department. However, the department did not incorporate satisfactory review or feedback into FI card policy or practice. Such review and feedback can ensure the process meets department policy and constitutional standards. Evidence is needed that review and feedback regarding FI cards has been incorporated into department policies, procedures, and practices.*
>
> *CM 1 and 2 are met. CM 3 and 4 are not met. The file contains: DB 17-158 Field Interview Cards (July 2017) – describes FI cards purpose and guidance on when to use; encourages officers to carry FI cards; Division Commanders are to ensure prompt entry into electronic FI Card database; General Order 5.03 Investigative Detentions."*

In 2021, the SFPD changed the process for completing Field Interviews from handwritten cards into an electronic format, and recommendation 37.1 was re-drafted. On April 1st, 2021, members of the SFPD Professional Standards Unit completed a prescreen meeting with Cal DOJ and Hillard Heintze to discuss Recommendations 37.1 and 37.2. The following feedback was presented during that meeting:

> *"Cal DOJ thought that the package was responsive but had questions regarding the Department Notice on the Field Interview System. The Notice states that an audit of the system will occur on a "consistent basis" and Cal DOJ requested that the timing and*

parameters of the audit be included in policy. SFPD will discuss internally the best mechanism for including those details in policy. The Notice also states that supervisors should review and approve field interview reports in a "timely manner" and Cal DOJ requested a more definite deadline for supervisors. SFPD thought another policy states supervisors must sign off on incident reports at the end of their shift and this policy would apply here. SFPD will double check that this policy exists. Hillard Heintze noted that the PowerPoint slides appear to reference the prior system in 37.1, whereas the slides are updated under 37.2. SFPD will check and update as necessary."

The SFPD utilizes field interview reports to provide information for investigations. Even the most innocuous information may later prove vital in the identification of suspects and investigative leads.

The SFPD has created and enacted policies regarding FI reports, use, and the information gathered. Furthermore, the SFPD has created a new online system for FI reports. This electronic system that can be utilized from a member's department cell phone or by data entry at the stations. This addresses accuracy in the information that is required as well as storage of that information. No hand written FI cards will be utilized unless they are being used as a guide for later entry into the electronic site. If hand written FI cards and/or notes are used, after inputting this information into this system members will destroy these notes/cards utilizing the grey destruction bins provided at all bureaus.

Compliance Measures:

1) **Develop and establish a Field Interview Card policy that provides sufficient guidance on when and how SFPD members should complete them.**

   Since this RFI was issued, it was decided that the old process of completing an FI card, which was developed in 1985, should be superseded by an electronic version. The SFPD issued Department Notice #21-XX; Field Interview System, which covers all legal requirements and serves to update and train all members on the new electronic FI system. The duties of both officers and supervisors are described within this policy. Supervisors are required to review all FI entries and are reminded to ensure that members follow statutory and legal obligations in their entry.

   A new Field Interview report (FI) system was developed due to the results of the audit and the lack of quality control of these cards. The online system is more effective and allows the department to streamline the process with specific information requested and supervisory oversight. Members shall not use the Field Interview system in lieu of proper documentation as required in incident reports. The FI system shall be used in combination with incident reports as an investigative tool for the Investigation Bureau. (Attachment #1: DN 21-052: Field Interview System)

2) Develop and provide training on new policy.

With the old system, SFPD members received an hour of training in the Academy regarding how to properly complete a FI report and their entry. (Attachment #2: Field Interview System PowerPoint Slides).

The new system eliminates the completion of paper cards, storage and use. Development of the new system involved the following department Bureau's:

A. Investigations
B. Legal Division
C. Technology
D. Commander and Executive Sponsor of bias recommendations

These members met to design and produce a system within Crime Data Warehouse. (Attachment #3: Agendas from FI meetings)

Training was developed and provided by the Investigative Bureau and Risk Management and rolled out to members in the following order.

A. Plainclothes, Housing and all of the Investigations Bureau in March 2021, (Attachment #4: Email instructions for training).
B. Remainder of the Department received a "training day" by the above listed members.
C. A training PowerPoint will be provided to all sworn members in PowerDMS for reference and guidance on April 1, 2021. This training will require sign off by all members by April 15th, 2021. (Attachment #2 Field Interview System PowerPoint Slides)

3) Evidence of ongoing review/continual improvement loop.

The following feedback was part of the RFI response from Hillard Heintze:

"However, the department did not incorporate satisfactory review or feedback into FI card policy or practice. Such review and feedback can ensure the process meets department policy and constitutional standards. Evidence is needed that review and feedback regarding FI cards has been incorporated into department policies, procedures, and practices."

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B. Legal Division
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A. Plainclothes, Housing and all of the Investigations Bureau in March 2021. (Attachment #4: Email instructions for training).
B. Remainder of the Department received a "training day" by the above listed members.
C. A training PowerPoint was provided to all sworn members in PowerDMS for a reference and guidance. (Attachment # SFPD New Field Interview System PowerPoint.

The new FI entry system in housed in Crime Data Warehouse (CDW). Each entry will require the review and electronic approval of a supervisor prior to submission. This approval from a supervisor cannot be bypassed and is required for all FI entries. This is comparable to how an incident report is reviewed and approved in CDW. (Attachment #5: CDW FI face page)

This new electronic process has the advantages of both ensuring a review of the information and creating a record of when and who reviewed the information for accuracy and completeness. The requirement for supervisory review creates a continual improvement loop and produces built-in evidence of ongoing review.

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

Since this RFI was issued, it was decided that this process of completing a card that was developed in 1985 should be superseded by an electronic version. The following assessment in 2017 by retired member Captain Schiff was as follows: (Attachment #6: PSPP Form 1004 11/29/16-1/7/2017)

The 2017 FI Card process (SFPD):

- Input is awkward as the mask tabs require clearing each box with the cursor moving from right to left out of sequence.
- Task is time consuming as officer's handwriting on the small card is often unintelligible.

- No boxes for phone numbers.
- "Return to" does not fit current policy.
- Confusion exists with respect to complexion and race (race "w", but the complexion is "L"?).
- "Place" box is poorly understood.
- How to enter street names poorly understood.
- If an officer's name is more than 16 characters long, mask will not accept it.

Former Project Manager, Lt Robinson conducted a review of the FI Card system. The following observations were made by the lieutenant after a random sample audit at the District Stations. (Attachment #7: Memorandum and audit results grid)

- The random sample audit of Field Interview (FI) Cards was conducted in 2020 from all ten district stations. The audit included one FI Card per station, per month, for 10 months, for a total of 100 FI cards. The results of this audit were broken down into three parts: accuracy, completion, and lawfulness. The audit revealed 65% accuracy, 36% completion, and 61% for lawfulness.

After examining the above areas of the Field Interview process, the SFPD determined that the use, storage, and collection practices regarding FI Cards needed a new online system.

Current updated system for input and remedial action:

Testing of the system began in January 2021 by Investigative members and numerous District Station plainclothes members. Input by these members was first in the form of verbal recommendations and feedback to Project Managers for improvements. By February 2021, full testing with a live system began with a larger test group. Feedback was provided by the test group. (Attachment #8: Feedback document)

After training is complete, a survey will be sent out to the members for additional input. The system has numerous mandatory fields, and an entry cannot be submitted unless all mandatory fields are completed. Moving forward, Staff Inspection Unit or their designee will conduct an audit of information that has been inputted into the FI system. This will be reviewed for proper entry and identify training needs. (Attachment #1: DN 21-052: Field Interview System)

In the prescreen meeting on 4/1/21, the Cal DOJ and Hillard Heintze requested more information on audit frequency for the FI system. In response to this prescreen feedback, and to solidify the audit process, the SFPD Staff Inspections Unit (SIU) wrote a memorandum related to the timing and parameters of the FI System Audit. (Attachment #9; FI System Audit Memo).

Collaborative Reform Completion Memorandum

Additionally, in the same prescreen meeting, Cal DOJ and Hillard Heintze requested that we define a deadline for supervisors to review and approve field interview reports. Since the FI reports are a type of report created in the Crime Data Warehouse, they fall under the same policy as incident reports, which are discussed in Department General Order 1.03, Department Notice (DN) #20-134 and in the SFPD Department Manual (DM) #11; Report Writing Manual. Per SFPD Policy, reports shall be signed off by the reporting officer and supervisor prior to reporting off duty:

- DGO 1.03; Duties of Patrol Officers (Section A, subsection 9) states the following:
  - "Submit every arrest and non-arrest report to a superior officer prior to reporting off duty." (Attachment #10: DGO 1.03 (section A, subsection 9).
- DN #20-134: "Report Writing Responsibilities Supervisors, Officers & Police Service Aides" states the following:
  - "Supervisors are responsible for reviewing incident reports to ensure that all pertinent information is contained in the report. Prior to approving any incident report, supervisors shall review each report thoroughly and take the time to provide training (constructive criticism) whenever possible." (Attachment #11: DN#20-134).
- SFPD DM #11; Report Writing Manual (Section 1; General Guidelines) states the following:
  - "Approval of the report shall be acknowledged on the report form before the conclusion of the reporting officer's tour of duty and before signing off." (Attachment #12; DM#11; Report Writing Manual; Section 1).

Finding # 37:

The policy for the use of Field Interview cards fails to outline sufficient guidance on when they should be completed.

Recommendation # 37.1:

The SFPD should establish policy that specifically governs when and how Field Interview cards are completed. This should be accomplished within 180 days of the issuance of this report.

> **Response Date: 07/14/21**

ADDENDUM:

On Wednesday, May 26, 2021, the SFPD received the following feedback form the California Department of Justice (CalDOJ):

> *Can the Department Notice be updated to reflect the SIU's annual review and the parameters of the audit? I think it might also be helpful to add a short addendum the 37.1 explaining what you said on the phone, which is that the SIU audit is not a GAGAS-type of audit but another less rigorous form (or however you want to word it); I think that helps because the concern would be that SIU is tasked with a lot of work already and SFPD might want to demonstrate that this is not necessarily as large of a burden as a GAGAS audit.*

Upon receiving the request, members of the Professional Standards and Principled Policing Unit (PSPPU) reached out to CalDOJ and discussed their request.

The Department contended that revising the Department Notice (DN 21-052: Field Interview System) may not ensure that the Staff Inspections Unit (SIU) codifies into policy their inspection plan / auditing of the Filed Identifications Cards.

Per Department General Order 3.01 – Written Communications System Department Notices are defined as:

> *Notices may include information on procedural changes, training, special events, deployments, general information, and messages from the Chief of Police.*

Since Department Notices are typically not the platform used to apply new policy, currently amend policy, and are subject to being superseded or expiring, the members at PSPPU felt it more appropriate to address CalDOJ's concerns in a Unit Order. Unit Orders are directives

that apply to specific unit operations issued by the Commanding Officer or Officer-in Charge of the unit.

Therefore, the Staff Inspections Unit was tasked with generating Unit Order 21-01 – Recurring Data Audit policy:

The SFPD holds people accountable for behavior that undermines the safety and integrity of our beloved City in line with our mission statement. The Department cannot accomplish its underlying goal without credibility earned as a result of the people's respect. Maintaining such a relationship hinges on whether the Department is also held accountable. One mechanism to bolster the Department's credibility is to ensure SFPD members gather information lawfully, accurately, and according to policy in their daily routines.

The Staff Inspection Unit (SIU) of PSPPU has trained personnel and relevant resources to ensure data collected by Department members are done so lawfully, accurately, and according to policy. Therefore, this Unit Order establishes that the SIU shall conduct recurring audits of data sourced from various records on a quarterly or an annual basis. The topics will be determined by the Department leadership, internal risk assessment, and any purpose associated with fulfilling CR1' recommendations. Recurring data audits directed by the leadership or CR1 will be considered obligatory tasks separate from the SIU's Annual Inspection Plan (AIP).

Finding of quarterly or annual audits regarding lawful, accurate, and compliant data entries shall be tracked in an enumerated record mechanism such as a computerized spreadsheet to be safeguarded by SIU. The audit results will be stored for systemic analysis by SIU in an effort to continuously address deficient findings by developing and applying corrective measures. For example, a recorded spreadsheet will help identify patterns and common weaknesses in compliance levels so that the best corrective strategies can be explored.

Currently, the SIU has three periodic audits:

1. *Quarterly check of non-compliant members who fail to acknowledge Bulletins/Notices and Roll-Call Training within a prescribed time period.*
2. *Annual identification of inconsistent SDCS2 entries by sworn members.*
3. *Annual inspection of information entered into F13 Card database for completeness.*

The SIU is assisted by a peer unit - Business Analysis Team (BAT) that gathers relevant data for the Inspection Team to take a sample and check for compliance.

Collaborative Reform Completion Memorandum

To address CalDOJ's request to clarify that recurring or periodic SIU audits are separate from a GAGAS-type of audit, SIU Unit Order 21-01 – Recurring Data Audit added clarifying language which describes the type of audits completed on the three (3) above listed periodic audits:

> *It should be noted quarterly, and annual audits differ from AIP topics. Findings from these recurring inspections do not regularly result in a detailed report to the Chief of Police. Instead, routine audits result in identifying non-compliant members/findings and then applying immediate corrective measures - such as referrals to the chain-of-command. Additionally, such findings are continually tracked and updated on a record mechanism as described above. Quarterly and annual inspections are considered special projects as mentioned in the codified SIU Procedures Bureau Order.*

ACT CAPT. ERIC J ALTORFER #151

Acting Captain Eric J. Altorfer # 151

Professional Standards & Principled Policing Unit