Recommendation 37.2

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Dear Acting Captain Altorfer:

Our office has completed its review of the materials related to Recommendation 37.2 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 37.2: The SFPD needs to reassess its use, storage, and collection of Field Interview cards to ensure data retention and collection are in accord with legal requirements. Annual audit of Field Interview cards should be part of the data retention practices.

Response to Recommendation 37.2:

Over the past four years, SFPD conducted an assessment and audit of its Field Interview (FI) system, which involved filling out and storing paper cards. SFPD determined that the process had various deficiencies, including (1) that the card itself was small, and thus made the officer's handwriting illegible, and (2) that the cards were rarely fully completed. Given these issues, SFPD decided to migrate to an electronic system in early 2021. The new, online field interview (FI) system 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 # 37.2 The SFPD needs to reassess its use, storage, and collection of Field Interview cards to ensure data retention and collection are in accord with legal requirements. Annual audit of Field Interview cards should be part of the data retention practices.

Response Date: 4/8/2021

Executive Summary:

The San Francisco Police Department (SFPD); Professional Standards Unit submitted recommendation 37.2 to the California Department of Justice and Hillard Heintze back in September of 2018. This recommendation was returned for further information, with the following feedback from Hillard Heintze:

> *"The submitted file does not represent the meaningful work the SFPD has engaged in responding to recommendations. Department Bulletin 17-158 - Field Interview Cards, while providing guidance for collecting and entering FI cards into an electronic database, does not provide appropriate guidance for storage and retention of the original FI card. The records retention period for storage of the original FI Card and the electronic version should be spelled out in the policy [CM 2]. In addition, FI cards should be audited to ensure legal grounds existed to support the encounter or detention that forms the basis for the data collection and for demographical pattern or practice review. File contains DB 17-158 - Field Interview Cards. This is a reissue of DB 15-150, the same policy in existence at the time the recommendation was issued. Nothing was updated in the reissued DB. The DB indicates PSAs enter FI card data into the FI Card System. Is this still the case? There is no documentation of the assessment results regarding FI card practices related to collection, use and storage. An explanation of the process used to assess the use, storage and collection of FI card data would strengthen the department's response and support CM 1. The file contained a training PPT titled SFPD Field Interview System. The training, which addresses filling out an FI card and entry of FI card data into the system, is provided to all recruit classes and at roll call training as needed. The remaining information in the file is not transparently responsive."*

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:

Collaborative Reform Completion Memorandum

"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 new system of completing Field Interviews (FIs) has been moved to an electronic format and is now housed in the Crime Data Warehouse (CDW). The information obtained from FIs is utilized as an investigative tool to document observations, contacts and/or detentions. Documentation through FI reports allows information sharing amongst the department's investigative units in an organized, consistent, and secure collection of observations for information.

Since the legislative mandates of Stop Data Collection System (SDCS) and the proposed revision of Department General Order 5.03; Detentions, the collection of stop data has increased. A quarterly report is generated that presents all stops including vehicle, bicycle and pedestrian stops. This new system allows for a more complete examination of stops which addresses this RFI's previous concern,

> *"In addition, FI cards should be audited to ensure legal grounds existed to support the encounter or detention that forms the basis for the data collection and for demographical pattern or practice review."*

Compliance Measures:

1) **Conduct an assessment of use, storage, and collection practices regarding Field Interview Cards.**

Since this RFI was issued, it was decided that this process of completing an FI card, which 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 #1-PSPP Form 1004 11/29/16-1/7/2017)

The current 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 "il', 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.

After becoming the Executive Sponsor and re-assigning this recommendation, Commander Ewins directed Project Manager, Lt Robinson to conduct another review of the FI Card system. The following observations were made by the lieutenant after a random sample audit at the District Stations. (Attachment #2-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.

Due to the aforementioned inspections, the SFPD determined that the use, storage and collection practices regarding FI Cards was flawed, and would benefit from an electronic system.

2) Develop a policy addressing use, collection, and storage that addresses any key issues identified in the assessment and that comports with legal requirements.

The assessment highlighted the following area's to be addressed that are pertinent to this recommendation:

1) PSA entries were difficult due to the system.
2) Time consuming handwriting individual card
3) Writing of officers not legible
4) Forwarding policy confusing
5) Entry location of stop or observed activity.
6) Storage is not consistent at all District Stations.
7) Accuracy of documentation
8) Lack of information for the stop or observation

In order to address the issues identified above, the SFPD developed and updated policy with Department Notice #21-XX. This Department Notice serves to update and train all members on the new electronic FI system, which covers all legal requirements. The duties of both officers and supervisors are described withing this policy, and supervisors are reminded to ensure that members are in compliance with statutory and legal obligations in

their entry of Field Interviews. (Attachment #3: Department Notice #21-052; Field Interview System).

3) Implement compliant use, collection, and storage practices.

An excerpt from the RFI provided by Hillard Heintze included the following:

> *"In addition, FI cards should be audited to ensure legal grounds existed to support the encounter or detention that forms the basis for the data collection and for demographical pattern or practice review."*

Department Notice 21-XX, details the use, collection and storage of the FI card. Previous guidance provided in Department Bulletin 17-158; Field Interview Cards (Attachment #4: Department Bulletin #17-158; Field Interview Cards), provided a detailed guide to collect and the reason for completing FI cards.

Due to the issued identified in the evaluation of the prior FI card system, it was decided that an online system would be more effective in collection, completeness, and supervisory oversight of this investigative tool.

The SFPD New Field Interview System training, (Attachment #5: FI Training slides), provides a detailed description on the use, collection, storage of FI card entries.

- **Use:** FI Cards shall be used to document observations, consensual encounters, detentions, and arrests of individuals. This information can potentially benefit current or future investigations. This valuable investigative tool allows the connection of criminal associations and individual activity by documenting locations, vehicles, associations, and other pieces of evidence that may be relevant or connected to criminal investigations.

  This new system will not have any paper documents associated with it, and instead will be held in a server. The use will be for "need to know, right to know" and utilized by investigative units. All notes and cards, once entered into the FI system, shall be destroyed after entry into the system. All entries are to be made by the end of shift unless circumstances exist that prevents this entry. The entry shall then be completed immediately upon their return to duty. This process is to have timely information available to the investigative units.

- **Collection:** FI Cards are not to be used in lieu of required documentation of incidents through incident reports and/or required data collection. Additionally, members shall comply with the following procedures to safeguard individual's rights and ensure compliance with Department policy:

- o Members may enter FI Card information directly into CDW while in the field or may take notes on paper FI Cards, in notebooks, or on whatever medium the member prefers. Once information is entered into CDW, members shall destroy any notes or paper cards.
- o A supervisor shall review the FI entry to ensure that members are within policy and in compliance with statutory and legal obligations. Once a supervisor reviews and signs off on the card, changes cannot be made.
- o In addition, since this recommendation, body worn cameras have been implemented. The new system now allows for CAD numbers and a box for BWC video of the contact.
- o Policy created by the Gang Task Force Unit (GTF) provides guidance to GTF investigators for investigative files. This policy addresses documentation and oversight of investigative files: (Attachment #6: Unit Order: Gang Task Force Investigative Files). The commitment of the Department and the Investigative Unit is written in this policy:

> "…commitment to bias-free policing practices, the SFPD Gang Task Force does not consider race or ethnicity in evaluating gang-involved individuals."

- • **Storage:** Physical storage of FI cards will no longer be used. All current cards will be collected from the District Stations and either:
  1) Destroyed per destruction policy after 2 years retention of these cards.
  2) Current cards will be forwarded to the responsible investigative unit for entry into the new system and then placed into a grey bin for destruction.

4) Evidence of ongoing review/continual improvement loop.

Technology and the Investigative Bureau worked diligently to review and test the new FI system. The pilot program was launched in February of 2021 with approximately 50 members from Investigations as well as District Station members.

First, entry of fictional FI's were completed with input from the members on any issues, ease of system use, and any additional information that may be needed. That input was documented in email, and a list generated at the end of the testing period (Attachment #7: Field Interview System Updates/Changes.

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 #3: DN 21-052: Field Interview System)

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

The new system of electronic FI entry is the supportive and remedial action, due to the deficiencies found in the past system.

Moving forward, a survey will be generated for input to all members of the Department. If deficiencies exist, technology and the Investigative Bureau will work together to correct the deficiency.

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 #8; FI System Audit Memo).

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 #9: 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 #10: 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 #11; DM#11; Report Writing Manual; Section 1).