

Recommendation 86.1

TK

Tanya Koshy [REDACTED]
Mon 4/12/2021 2:46 PM

To:

- McGuire, Catherine (POL);
- Scott, William (POL);

- [REDACTED]
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+6 others

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 86.1 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 86.1: The SFPD should staff the Background Investigation Unit with full-time investigative personnel who have the required training and requisite experience and who are invested in the area of investigations.

Response to Recommendation 86.1:

SFPD's Background Investigation Unit is staffed with one full-time Sergeant, four full-time investigative personnel, and 20 part-time investigative personnel. All full-time staff are certified in POST's Background investigations course. This certification is required and must be obtained within one year prior to selection as an investigator. All staff also have access to POST's manual on background investigations. Additionally, the Sergeant in charge of the unit must have a minimum of five years of experience as a Sergeant, Inspector, or Assistant Inspector and the background investigators must have a minimum of five years of experience as a police officer. To measure background investigators' performance, SFPD has developed a standardized case status tracker sheet that tracks various categories of information about each applicant for employment, including the applicant's name, sex, race, age, the number of times the background investigator contacted the applicant, the date of last contact, and notes on the applicant. The case tracker also automatically populates 60 business days after date of the applicant's interview, which is SFPD's internal deadline for the investigator to present their recommendation on an applicant. The column that includes the 60-day deadline will turn pink and alert the supervisor if an applicant has not been presented within the 60-day window. The

supervisor must enter a passcode, sign off acknowledging that the 60-day window has passed, and take appropriate remedial action.

The case tracker ensures that investigations proceed in a timely manner, investigators all collect the same categories of information, and supervisors track how frequently the investigators are keeping in touch with applicants. Under Unit Order 21-01, which is attached to the package for Recommendation 87.1, the Background Unit Supervising Sergeant is required to conduct a check-in with the investigators 30 days after the investigator is assigned to work with the applicant. During this check-in, the Sergeant will look at the timeliness of the investigation, the number of contacts, and whether the investigation is proceeding in a manner consistent with the POST Background Investigation Manual. The Lieutenant of Staff Services also conducts a quarterly audit of the case tracker to ensure that the 30-day check-in and the 60-day deadline are noted.

Based upon all of the above, the Department of Justice 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.

Tanya

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Hillard Heintze File Review Recommendation # 86.1

Finding # 86 The Background Investigation Unit is staffed by part-time investigators and is comprised of a mix of modified duty officers and retired officers.

Recommendation # 86.1 The SFPD should staff the Background Investigation Unit with full-time investigative personnel who have the required training and requisite experience and who are invested in the area of investigations.

Recommendation Status Complete Partially Complete In Progress
Not Started No Assessment

Summary

The Background Investigations Unit (BIU) has five FTE staff and 20 PTE staff. The FTE staff are fully POST trained and qualified. The PTE staff are hire backs and all have been certified by POST as well. The need for surge capacity is the challenge faced by the SFPD. The core staff and supervisor are FTE and the part-time staff are POST trained and certified. This complies with compliance measure #1.

For compliance measure #2, all of the BIU staff has been trained on the POST Background Investigation course. The BIU has a unit manual that drives protocols and practices and provides guidance to specific SFPD requirements.

For compliance measure #3, SFPD has established metrics around the progression of investigations and review of applications as they submit. Unit Order 18-01 directs the behaviors and outcomes expected of investigators. The BIU uses a tracking spreadsheet.

Compliance Measures		Status/Measure Met
1	Background Investigations Unit staffed with full-time investigative personnel.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Investigative staff have requisite training and experience to conduct backgrounds.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Performance indicators or measures established for Unit investigative personnel to support professional task investment.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues



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Finding# 86:

The Background Investigation Unit is staffed by part-time investigators and is **comprised** of a mix of sworn officers and retired officers.

Recommendation # 86.1

The San Francisco Police Department (SFPD) should staff the Background Investigations Unit with full-time investigative personnel who have the required training and requisite experience.

Response Date: 02/08/21

Executive Summary:

SFPD is committed to Recommendation 86.1. Since the inception of Rec 86.1, SFPD has staffed Background Investigation Unit with full time investigative personnel who have the required training and requisite experience.

The Background Investigation Unit performs a extremely critical function for the SFPD as required in Government Code §1031 that is further defined in Commission Regulation 1953.

There are currently five (5) full-time investigative personnel and twenty (20) part-time investigative personnel assigned to the SFPD Background Investigation Unit, see attachment #3.

The SFPD currently staffs the Background Unit with full-time investigative personnel who are all P.O.S.T. (California Commission on Peace Officers Standards and Training) certified in Background Investigations. (attachment #3)

As of October 1, 2020, there is one full time Sergeant in charge and four (4) full- time sworn police officers that are P.O.S.T- certified and experienced. Full-time Background investigative personnel are supplemented with twenty (20) part time Background investigative personnel. All part time investigative personnel are retired former SFPD police officers hired as a result of Proposition F, which allowed the rehiring of retired city employees. The part time investigative personnel all have a wealth of experience in investigations as they have been doing the job their entire careers. All part-time investigators are also P.O.S.T. certified in Background Investigations.



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Compliance Measures:

1) Background Investigations Unit staffed with full-time investigative personnel

SFPD has fulfilled this compliance measure by staffing the Background Investigations Unit with full-time investigative personnel.

As of October 08, 2020, Background Investigations Unit is staffed with five (5) full-time investigative personnel. When a position becomes vacant, a department notice containing the job announcement, job duties and descriptions and minimum qualifications, will be issued to the sworn members of the vacancy.

(Job announcement Bulletins Attachment #5)

Background Investigators chart (10/8/20) -Attachment #3

2) Investigative staff have requisite training and experience to conduct backgrounds.

Background investigations are among the most challenging investigations to conduct. They must be comprehensive if they are to lead to informed hiring decisions. Past misconduct and other signs of unsuitability must be uncovered so that dangerous or otherwise unfit candidates are screened out. At the same time, inquiries into past performance must stay within the tight parameters of fair employment practices. Furthermore, the areas investigated — and the evaluation of the resulting information — must be treated consistently across all candidates.

Background investigators must therefore be knowledgeable about all applicable local, state, and federal fair employment laws. They must be conversant in the legal requirements for appointment to the positions in question. They must heed all agency policies, practices, and operational limitations. They must base their inquiries and evaluations on candidate behaviors that have a direct relationship to the requirements and demands of the position, and they must do so with consistency and without bias. They must be able to articulate the



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information gathered from a wide variety of sources and how it is used in determining candidate suitability.

SFPD has fulfilled this compliance measure as all full-time Background Investigators and part time investigative personnel have attended the Basic P.O.S.T Background Investigation course which trains investigators to conduct Background Investigations.

Supporting documents as sufficient evidence is California Commission on Peace Officers Standards and Training profiles.

In addition, All Background Investigators have access to the Background Investigations Manual to refer to, which is updated continuously as new information is available and relevant.

This manual is intended to assist background investigators in accomplishing the goals of an background investigatgion. The procedures and guidance presented in the manual explain what information to gather, and how that information should be considered in determining candidate suitability.

This California POST manual is uploaded to the California POST website at the following link: <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>

In addition, the minimum qualifications in order to be recruited into the Background Investigation Unit requires Investigative Staff to have a minimum of 5 years of experience as a Sergeant, Inspector or Assistant Inspector for the Sergeant's position and minimum 5 years of experience for Police Officer position. Positions also require positive personnel history and the completion of the P.O.S.T Background Investigation Course within 1 year of selection as listed in the most recent Position Opening Department Bulletins.

These requirements ensure the Investigative Staff are experienced Police Officers with the proper type of training required to do the job.

(Job announcement Attachment #5)

Training profiles- attachments #4



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3) Performance indicators or measures established for Unit investigative personnel to support professional task investment.

SFPD is committed to ensuring Unit Investigative personnel invests into their professional tasks. In response, Unit Order 18-01 (attachment #1) was established on 11/05/2018; To ensure that background investigations are completed in a timely manner, and to ensure that communication is maintained on a regular basis, every background investigator shall maintain contact with Applicants. The Unit order continues to list the process in which all Investigative Staff in Background Investigations Unit shall adhere to as well as the procedures for Case File Retention for each Applicant.

A new required protected Case Status Background Status Tracker/Spreadsheet was implemented December 9, 2019 (attachment #2) to be used by all investigators which measures and provides indicators to support the professional task investment by providing the Investigator, date last contacted, number of times contacted, and the status of the applicant and many other indicators.

Unit Order 18-01 provides established guidelines on maintaining contact with candidates to support task investment. The Case Status Tracker/Spreadsheet additionally allows the supervising officer to monitor progress of the investigative staff.

The goal of the SFPD is to adequately staff the Background Investigations Unit with regular full-time personnel. However, until the SFPD has adequately staffed patrol to properly provide for public safety, the Background unit full-time investigators are supplemented with part-time Prop. F employees.

The SFPD Unit Order #18-01, Mandatory Contact with Applicants in Backgrounds Investigations, was enacted to support and accurately measure the professional task investment (attachment #1). The attached Unit Order #18-01 make certain of continual contact with qualified applicants by ensuring and inevitably entailing each investigator to:

1. Bring forth and promptly present to an eligibility meeting within sixty (60) business days from the specific date of the initial interview.
2. Undoubtedly require each background investigator to properly track the specific number of specific times each candidate has been contacted.

The SFPD Background Unit has also enacted a read only protected standardized case status sheet to also accurately measure proper performance to support professional task



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development (see attachment #2).

1. Each background investigator will universally use a standardized tracking spreadsheet regarding the last time s/he had contact with their qualified applicant(s).
2. If any prospective applicant is not brought to an eligibility meeting after sixty (60) days of their initial interview, the investigator's respective candidate matrix will flash red and can only be remedied and modified by the officer-in-charge of the Backgrounds unit.

All full-time sworn investigators have voluntarily attended the extensive Basic P.O.S.T. Background Investigation programme of proper study as well as Background Investigation update courses (attachments #4).

On Thursday , February 4, 2021, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the technical guidance call there were no comments in regards to Recommendation 86.1.