

[REDACTED]

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**From:** Tanya Koshy [REDACTED]  
**Sent:** Thursday, April 8, 2021 5:17 PM  
**To:** [REDACTED]  
**Subject:** Recommendation 87.1

[REDACTED] [REDACTED]

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 87.1 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 87.1:

The Background Investigation Unit should continue the process of developing and implementing performance measures to evaluate the unit's investigators in terms of outcomes such as lengths of investigations, timeliness of investigations, numbers of contacts with applicants, consistency of investigative approach, and hiring recommendations.

Response to Recommendation 87.1:

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. The guidance on filling out the case tracker is codified in Unit Order 18-01. SFPD explains in Unit Order 18-01 that frequent contacts with an applicant is critical to gather information from the applicant, to ensure the applicant is following up on necessary actions on their part, and to inform the applicant of progress on their application.

Under Unit Order 21-01, 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.

Each investigator also presents their investigative findings and information about an applicant's background at what is referred to as a "Hiring Meeting," attended by the investigator, the Background Unit Supervising Sergeant, the

Lieutenant of Staff Services, the Commanding Officer of Staff Services, and a representative of the Law Enforcement Psychological Services. At this meeting, the attendees make a hiring decision. Following the Hiring Meeting and the certification of an Academy Recruit Class (consisting of the applicants hired from a Hiring Meeting), the Background Unit Supervising Sergeant will record and compile the demographics of the candidates presented at the Hiring Meeting and those candidates that are entering the Academy. The Supervising Sergeant will provide this data to the Staff Services Senior Administrative Analyst who will input it into a master spreadsheet and then generate a report that summarizes the race and gender of the entire applicant pool and the people hired to enter the Academy. The report also track the investigators' timeliness in investigating each applicant's background and the investigator's recommendations. The Analyst will provide this report to the Background Unit Supervising Sergeant, as well as the Captain and Lieutenant of Staff Services for their review. This report is also presented at every quarterly Department Recruiting and Retention meeting, attended by the Deputy Chief and Commander of the Administration Bureau, Captain and Lieutenant of the Staff Services Division, the Officer in Charge of the Recruitment and Background Investigations Units, Captain of the Police Academy, the Officer in Charge of the Field Training Division and the City of San Francisco's Department of Human Resources Public Safety Team. SFPD provided an example of this report in the package for Recommendation 87.2.

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 these further.

Tanya

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<b>Finding # 87</b>	<b>The Background Investigation Unit lacks valid performance measures to evaluate background investigators.</b>
<b>Recommendation # 87.1</b>	The Background Investigation Unit should continue the process of developing and implementing performance measures to evaluate the unit's investigators in terms of outcomes such as length of investigations, timeliness of investigations, numbers of contacts with the applicant, consistency of investigative approach, and hiring recommendations.

<b>Recommendation Status</b>	<b>Complete</b>	<b>Partially Complete</b>	<b>In Progress</b>
	<b>Not Started</b>	<b>No Assessment</b>	

**Summary**

The SFPD's Background Investigations Unit (BIU) has engaged in a review and resulting focus on performance measures and improved policy to support equitable background investigations.

For compliance measure one, the department relies upon a unit order that was developed to ensure supervision and review of performance metrics. SFPD developed a standardized case status tracker sheet, which includes applicant name, hiring list number, sex, race, age, and dates the applicant was contacted for the various steps in the hiring process such as medical, psych, interview, etc. The tracker sheet also tracks the number of contacts the investigator has had with the applicant. This ensures visibility into the actions and data used by the department for hiring. This sheet has been refined over time and includes performance metrics to ensure consistency of the investigative approach and the timeliness of each investigation.

For compliance measure two, the department has established a unit policy that identifies and addresses the metrics that are reported in the recommendation. Unit Order 18-01 was promulgated in November 2018 and contains the identified performance measures. SFPD needs to be cognizant of ensuring this Unit Order remains active and up to date pursuant to SFPD's policy guidelines.

For compliance measure three, the Background Investigations Unit (BIU) implemented a tracker that identifies the progression of the background investigation, in alignment with the identified performance measures. This report is reviewed by supervisors. The record is light as to the actual use of the measures – how are officers held to account as the measures are or are not met? However, the department identifies how supervisors are notified for timing delays and, presumably, review and take action to address.

For compliance measure four, the department identifies that it needs to better identify and align the issues beyond timing for background investigations. In part, the BIU implements its policy by the ongoing review of the progress of the investigation and the final review of the applicant, through the summary of background investigation. While the department identifies that officers are held to account under DGO 2.01, this is not sufficient, as the issue of ensuring bias-free background investigations is key to ensuring ongoing diversity within the ranks of SFPD. Policy needs to be implemented. In this regard, the department has measures in place – the evaluation of how they are being met is the next step. Timing is relatively easy to review, however consistency of the investigative approach and hiring recommendations needs to be part of the continuous review and improvement. Are investigators consistently investigating and recommending all qualified candidates? The SFPD has demonstrated improvement in the development of the tracker and oversight of the timing of case progression. However, the improvement focus should be on measuring and ensuring consistency in background investigations to include identifying and addressing insufficiencies as well as consistent excellence.

Compliance Measures		Status/Measure Met
1	Evidence of ongoing review and development of performance measures.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Specific performance measures identified and outlined in unit policy as identified in the recommendation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Implementation of performance measures.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Ongoing improvement loop.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**

Reference to policy as a means of compliance is not sufficient and should be avoided in future files. How policy is implemented addresses compliance.



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**Finding # 87: The Background Investigation Unit lacks valid performance measures to evaluate background investigators.**

**Recommendation # 87.1** The Background Investigation Unit should continue the process of developing and implementing performance measures to evaluate the unit's investigators in terms of outcomes such as lengths of investigations, timeliness of investigations, numbers of contacts with applicants, consistency of investigative approach, and hiring recommendations.

**Response Date: 03/08/2021**

### Executive Summary:

The SFPD background investigations unit is continuously reviewing and implementing performance measures to assist and evaluate the unit's investigators. The background unit is responsible for conducting complete and timely investigations into the background of every applicant accepted into the San Francisco Police Department (SFPD). The background investigations unit utilizes a 60-business day timeline measure, a new case status tracker sheet, and a unit order. This process accurately tracks the background investigation, the investigator, and the applicant in the process. The goal for this process is to create a more uniform, fair, standardized, and equitable process for both the applicant and the investigator.

On 2/4/21, this recommendation was presented at a prescreen meeting with Hillard Heintze and CalDOJ. The below noted comments were provided:

*"Cal DOJ and Hillard Heintze thought that the tracking document appeared to gather helpful information, but requested additional information regarding how investigators' performance is measured and assessed using that information. Hillard Heintze explained that the purpose of the recommendation is to ensure that investigators are approaching background investigations in the same manner so that one investigator is not declining applicants that another investigator would accept. This is even more problematic if those differences manifest in disparate treatment of protected classes. Cal DOJ and Hillard Heintze requested more information and detail on how supervisors use the tracking sheet to measure performance and outcomes. SFPD believed that it could provide additional detail by explaining the documents it submitted in Attachment 1 in more detail. Cal DOJ requests to see this package during prescreen again before submission."*

### **Compliance Measures:**

#### **1. Evidence of ongoing review and development of performance measures.**

To continuously review and develop the performance of each background investigator, unit order 18-01 was created to provide guidelines on maintaining contact with



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candidates and ensure a complete and timely investigation (**attachment #1**). This unit order includes a 60-business day timeline measure, procedural steps to ensure completeness, and a case file retention directive to ensure investigators continuously maintain candidates who are eligible to hire. To comply with this unit order, the background unit developed a standardized case status tracker sheet which must be filled out by every background unit investigator for every applicant the investigator is assigned (**attachment #2**). The tracker sheet has columns that track the applicant's name, hiring list number, sex, race, age, and dates the applicant was contacted for the various steps in the hiring process such as medical, psych, interview, etc. The tracker sheet also tracks the number of contacts the investigator has had with the applicant and the last time there was any contact.

To explain attachment #2, this file provides the following explanation:

When reviewing the case status tracker sheet in attachment #2, it consists of an "overall view" of the tracker sheet providing example of the tracker sheet as a whole, and a "zoomed in" section of the tracker sheet for ease of examination. This "zoomed in" section includes contacts, dates of steps, and applicant status. In addition, the tracker sheet allows for more text than is seen on the "overall view". A copy of this additional text is included in this attachment as an example of the tracker sheet's additional capacity.

The dates entered on the tracker sheet are used to track the time intervals from the date a case was assigned to the date of interview, etc. The unit supervisor will periodically review the case status of each investigator as needed or as requested. The tracker sheets are used as the background investigations performance metrics to ensure consistency of the investigative approach and the timeliness of each investigation. The tracker sheet also serves as a mechanism to measure performance and track indicators for any reoccurring patterns or inconsistencies amongst the investigations and the investigators.

### **2. Specific performance measures identified and outlined in unit policy as identified in the recommendation.**

Unit order 18-01 (**attachment #1**) and the subsequent case status tracker sheet (**attachment #2**) were created to implement and provide a guideline on maintaining contact with candidates and ensure the Background Unit can track and evaluate the length, timeliness, and consistency of every background investigation. This process ensures the SFPD monitors contacts between investigators and candidates and has created timeliness performance indicators. The tracker sheet also ensures investigators are tracking uniform, standardized, and consistent information for every applicant



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allowing the background unit officer in charge (Lieutenant) to assess any indicator thresholds or any reoccurring patterns that may cause an inconsistency in the background investigation process.

To implement these performance measures, the tracking sheet was created with the following columns: race, sex and age of the applicant, the date the candidate's file was assigned, the date of initial contact, date of interview contact, date of interview, 60 days from Interview, and date of hiring meeting. The tracker sheet tracks the number of total contacts and the date of the last contact with the candidate. The spreadsheet has a status column which designates where each candidate is in the process or the outcome of the investigation.

On 2/18/21, this recommendation was presented at a prescreen meeting with Hillard Heintze and CalDOJ. The below noted comments were provided:

*Cal DOJ thought that SFPD had responded well to the prior feedback by explaining the documents in the attachments. Cal DOJ had a question about the "indicator thresholds" that were referenced in the compliance measures (e.g., "The background unit is also evaluating, in a timely manner, the process for each investigator for any reoccurring patterns that surpass indicator thresholds") and requested further details be included on the thresholds and how and when they are reviewed. SFPD agreed to add an explanation and submit the package for [REDACTED] (Hillard Heintze) review [REDACTED]*

*Following our call, SFPD provided an updated draft Form 2001. Cal DOJ and Hillard Heintze briefly discussed this draft on today's technical assistance call but will provide additional feedback later today.*

We provided the following response:

Monthly hiring meetings between the OIC and BIU investigators occur where casefiles are reviewed as well as updates of the progression of candidates are provided to the OIC. These meetings also serve as an opportunity for case review by supervisors. (See email attachments of monthly hiring meeting invite)

In addition to the performance measures implemented as a result of the tracking sheet and the monthly hiring meetings, each individual candidate's casefile is also reviewed by several different levels of supervisors.

Also, the final outcome of the investigation along with the case file of the candidate is reviewed by the Sergeant, Lieutenant and Captain of the unit. During each level of



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review, the reviewing officer signs off on the case file and submits it to the next level of review.

On Thursday, 02/22/21, SFPD Professional Standards members received an email correspondence from CAL DOJ requesting additional clarifying information for the recommendation package.

*Thank you for sending the additional material for Recommendation 87.1. While overall the package has improved, we still have a central question of how investigators are reviewed.*

*For example, there is the reference in the Form 2001 to "threshold indicators" that trigger review and counseling sessions which sound promising. However, we don't know what those indicators or triggers are. Similarly, there is an added line about casefiles being "reviewed by several different levels of supervisors" without much description about who is reviewing or what they are reviewing for. Ultimately, we are trying to understand (1) who is reviewing the various metrics of an investigator, (2) how that supervisor conducts the review of the metrics, and (3) how often the review happens.*

*From everything that's already in the Form 2001 I think that some form of this review is taking place, we just need that described so that we understand it.* [REDACTED]

In response to this request, Unit Order was prepared to explain the purpose and procedures of the supervisory review process. (attachment #7 unit order).

### **3. Implementation of performance measures.**

Unit order 18-01 (attachment #1) ensures SFPD backgrounds investigators maintain regular contact with applicants by ensuring (outside of unforeseen circumstances):

- Candidates are brought forth to an eligibility meeting 60 business days from the date of the initial interview.
- Investigators are tracking the number of times each candidate has been contacted.
- Investigators are tracking the last time they had contact with an applicant.

Each investigator shall maintain and complete a case status tracker sheet (attachment #2) for each applicant in the background process.





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To maintain uniform adherence to 18-01 and the proper usage of the tracker sheet, a set of instructions were developed, outlining the proper steps for its completion (attachment #3). The tracker sheet can be referenced against the background investigators chronological report (attachment #4) for further review and adherence to 18-01. The chronological report shows the progress, steps, dates, and actions of the investigation process.

#### 4. Ongoing improvement loop.

SFPD monitors the process through unit order 18-01 (attachment #1), the case tracker status sheet (attachment #2), and the associated case tracker status instructions (attachment #3). The unit order calls for the applicant to be presented at a "Eligibility Meeting" within 60 days of the initial contact. The tracker sheet has a sign off column for the unit's supervisor to sign off if 60 business days have passed since the initial interview date. The 60 days from Interview column will turn pink, alerting the unit supervisor. The unit supervisor is the only one with the passcode which is required to be entered into the column box to undo the pink shading. The supervisor's signature is also required as acknowledgment they are aware 60-business days have passed since last contact. The supervisor evaluates the reason for the excess time and will take remedial action if the reason falls outside of the allowable reasons stated in unit order 18-01.

The background unit is also evaluating, in a timely manner, the process for each investigator for any reoccurring patterns that surpass indicator thresholds. If the unit supervisor notices any background investigator surpassing an indicator threshold, they will have a personnel counseling session with the investigator, in a non-punitive setting to discuss the investigator's performance. The counseling session is designed to address, improve, and/or correct any behaviors that could possibly contribute to any reoccurring patterns.

The background investigations unit is held accountable to unit order 18-01 under DGO 2.01 section 10:

*"10. WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors. (see DGO 3.01, Written Communication System)"*

The file is also reviewed by the background unit supervisor and the Captain of Staff Services, who is the commanding officer. During that review, a Summary of Applicant's Background Investigation (attachment #5) is presented. During this time, the summary is reviewed for its completeness and timeliness. A copy of a completed/redacted Summary of Applicant's Background Investigation is attached for reference (attachment #6).

On Thursday, 03/08/21, this recommendation was presented at a prescreen meeting with Hillard Heintze and CalDOJ. The below noted comments were provided



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*Cal DOJ thought that the new Unit Order explained how candidate investigations were reviewed individually and as a whole across metrics. Cal DOJ asked Hillard Heintze if the focus on the investigations, and not investigators, worked for this recommendation. Hillard Heintze thought it did and met the goals of the recommendation, but had further thoughts on reviewing investigators for recommendation 87.2.*