

From: Gabriel Martinez

Sent: Tuesday, September 3, 2019 4:38 PM

To: [REDACTED]
[REDACTED]
[REDACTED] Dorantes,
Jennifer (POL) [REDACTED]
[REDACTED]
[REDACTED]

Subject: Recommendation 24.1

Recommendation 24.1

Dear Lieutenant Dorantes,

Our office has completed its review of the materials related to Recommendation 24.1 that have been submitted to us as part of the collaborative reform process. This package focused on SFPD conducting an audit of official electronic communications for biased terms. After reviewing the package and information provided by the SFPD, the California Department of Justice finds as follows:

Recommendation 24.1.: The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents.

Response to 24.1.: On February 2, 2017, the Internal Affairs Division published a Unit Order setting forth an audit process for SFPD electronic communications. An updated Unit Order was published on January 22, 2018 (18-02) establishing quarterly reporting of audit results. The audit scans emails, mobile data terminal communications, and text messages from department devices for biased words. Text messages are audited every 30 days, computer terminal entries are audited continuously, and email entries are also audited continuously. SFPD provided Cal DOJ with an expanded list of biased words that are used for the audits and the Unit Order requires periodic updates to the list. Internal Affairs reviews any biased words captured in the audit to determine if the incident warrants investigation pursuant to Unit Order 17-02. SFPD has documented its audits and confirmed that the audits have revealed one instance of biased texts between officers in 2017 that resulted in remedial action for the officers involved.

Based upon all of the above, the Department of Justice finds that the Department is in substantial compliance with this recommendation; however, to remain in substantial compliance SFPD will need ongoing review of the audit processes to ensure the audit is effectively screening for biased communications.

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

Finding # 24	The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents.
Recommendation #24.1	The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

Compliance Measures 1,2, 3 and 4 are met.

The SFPD implemented the bias audit of emails, mobile devices, and text messages on department-issued cellular phones, and has established a practice of continuous review of the bias audit to ensure that process is working as intended and that the prohibited word list is updated on a regular basis. Memorandums indicate the department has updated the list March 7, 2017, January 23, 2018, May 9, 2019, and July 25, 2019. This recommendation can be designated as complete; however, the team in Phase three will continue to monitor the department’s practices for eliminating bias communication.

Compliance Measures		Status/Measure Met
1	Immediate implementation of bias audit of department-issued emails.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Immediate implementation of bias audit of department communications on mobile data terminals.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Immediate implementation of bias audit of text messages on department-issued phones.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Audit occurred.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

Compliance Issues

Prohibited Word List: Discuss again with Susan Merritt her sources and process for identifying words that are indicators of bias.



Collaborative Reform Completion Memorandum

Finding #24: The SFPD did not conduct a comprehensive audit of official electronic communications, including department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones following the texting incidents. The advice in the memo (found in appendix K on page 390) sent on May 5, 2016, has not been completed by the SFPD. The recommended audit is to ensure organizational integrity regarding the potential for bias in departmental electronic communications.

Recommendation # 24.1 The SFPD should immediately implement the bias audit as recommended by the U.S. Department of Justice COPS Office on May 5, 2016 (see appendix K).

RFI Response Date: 05/16/19

This is a response to Request for Information (RFI) issued for Recommendation #24.1.

Supplemental Documents Request:

Requested Documents	Responsive Documents(s) and Why
Evidence of process for updating prohibited words	<p>Documents: Memorandum "Request to update Bias audit list", March 7, 2017</p> <p>Memorandum "Recommended Removal of Words from Bias Audit List", January 23, 2018</p> <p>Memorandum "Addition to Bias Word List", May 9, 2019</p> <p>Why Relevant: The attached three Memorandums submitted by the Internal Affairs Division (IAD) are evidence that the list of prohibited words have been re-evaluated and updated every year since the audit system went on-line May 20, 2016.</p>