



From: Gabriel Martinez [redacted]

Sent: Friday, October 23, 2020 3:44:32 PM

To: [redacted]
[redacted]
[redacted] McGuire, Catherine (POL) [redacted] Scott, William (POL) [redacted] Altorfer, Eric (POL) <[redacted]>
[redacted]

Subject: Recommendation 56.2

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Dear Lt. Altorfer,

Our office has completed its review of the materials related to Recommendation 56.2 that have been submitted to us as part of the collaborative reform process. This package focused on SFPD allocating adequate resources to provide for status updates to complainants throughout the course of their cases. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 56.2: The SFPD should allocate appropriate staff and resources to enhance community outreach initiatives and to incorporate customer service protocols for periodic follow-up and status communications with complainants for the duration of their open cases.

Response to 56.2: On July 16, 2020, SFPD's Internal Affairs Division issued a memorandum, "Approval of IAD Customer Service Protocol." The memorandum implemented a customer service protocol and established processes when individuals submit complaints regarding SFPD. When a complaint is filed, the IAD Officer in Charge makes an assessment and assignments are made to investigators based on a rotating schedule. The assigned investigator must send the complainant a letter within five days to inform the complainant that the complaint was received and is being investigated. The investigator will then reach out to the complainant for interview or follow up.

Additionally, the memorandum requires the investigator to be in contact with the complainant monthly at minimum to provide the complainant status updates. The investigator must memorialize all contacts and attempted contacts in the investigator's chronological report. Once the case is closed, the senior clerk will mail out a letter updating the complainant of the conclusion of the investigation and the Department's findings.

Under the memorandum, the IAD clerk performs quarterly audits to confirm that complainants have been contacted by the assigned investigator. If the clerk finds deficiencies, the clerk will bring refer the matter to the Officer in Charge of IAD for corrective action. The Officer in Charge of IAD is responsible for following up and ensuring that investigators adhere to the protocol.

The Officer in Charge of IAD assessed the staffing needs to when developing the new protocol. As described above, the Officer in Charge determined the assigned IAD investigator and senior clerk would be best suited to support the Internal Affairs Division with the customer service protocol and assigned responsibilities accordingly.

[REDACTED]

Based upon all the above, the California Department of Justice finds that SFPD is in substantial compliance with this recommendation; however, Cal DOJ again suggests in the interest of transparency that the closing letter to complainants provide greater detail regarding how complaints were investigated and decided (without providing confidential information). Please let us know if you have any questions or would like to discuss these further. Thank you.

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Finding # 56	The SFPD does not engage in community outreach and information regarding the discipline process and rights of the community.
Recommendation # 56.2	The SFPD should allocate appropriate staff and resources to enhance community outreach initiatives and to incorporate customer service protocols for periodic follow-up and status communications with complainants for the duration of their open cases.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

The SFPD identifies that it has undertaken various efforts aimed at increasing transparency within the SFPD. In relation to this recommendation, the SFPD identified that they established a customer service protocol to better assist in the communication with citizen complainants. The SFPD Risk Management Attorney drafted a form letter which was recently adopted and implemented in February 2020. The assigned IAD investigator is tasked with sending out form letters to citizen complainants upon receiving their complaint. Once the IAD investigation is concluded, the clerk will send a secondary letter to notify the complainant of the outcome of the investigation and Department's findings in the matter. In relation to compliance measure 1, SFPD identified that it reviewed the nature and type of public complaints filed against SFPD officers annually for the last 3 years. Of the overall investigation load for SFPD, public complaints that result in an IA investigation are relatively low. For compliance measure 2, SFPD established a protocol based on initiation and closing complaints, managed by the supervisor and admin staff. This is an improvement over practices in place at the time of the assessment. The SFPD provided a recently updated protocol which requires monthly complainant outreach by the investigator to advise of progress and status. The policy was enacted on 7.20.20 but it has been too recent to evaluate the compliance with this policy as of this review. For compliance measure 3, SFPD provides various documents that represent the initial engagement letter and the closing letter. As part of the discussion with CalDOJ, SFPD was to provide evidence of ongoing communications for the period of the investigation – which sometime can take years. This evidence is now reflected in the file. For compliance measure 4, SFPD provides evidence on ongoing audit to ensure compliance with the protocol.

Compliance Measures		Status/Measure Met
1	Assessment of staffing needs to support community outreach, customer service protocols, and communications with complainants.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Establish a customer service protocol for complaints that includes status updates to complainants.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Evidence that communications with complainants are occurring.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4	Evidence of ongoing review improvement loop.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

The protocol leaves enforcement of Compliance Measure 3 with the unit supervisor. The policies and procedures should be in place to support the process with file entry required or a call log document as part of the investigative file.

Compliance Issues



Collaborative Reform Completion Memorandum

Finding #56:

The SFPD does not engage in community outreach and information regarding the discipline process and rights of the community.

Recommendation #56.2:

The SFPD should allocate appropriate staff and resources to enhance community outreach initiatives and to incorporate customer service protocols for periodic follow-up and status communications with complainants for the duration of their open cases.

Response Date: 05/05/2020

Executive Summary:

This finding and recommendation are related to transparency efforts made by the Department during various stages of the Internal Affairs Division (IAD) Investigation process. In order to implement a new customer service protocol and determine the appropriate staff leveling, the Internal Affairs Division has reviewed the total number of assigned cases in the past three years. While a majority of the cases are internally generated, there are about 40-50 citizen complainants per year. Given the number of citizen complaints, the Officer in Charge (OIC) of IAD has designated the IAD senior clerk and IAD investigators to support the Department's efforts in community outreach and communication with complainants.

The Internal Affairs Division has established a customer service protocol to better assist in the communication with citizen complainants. The IAD Attorney drafted a form letter which was recently adopted and implemented in February 2020. The assigned IAD investigator will send out form letters to citizen complainants upon receiving their complaint. Once the IAD investigation is concluded, the clerk will send a secondary letter to notify the complainant of the outcome of the investigation and Department's findings in the matter.

Compliance Measures:

1) Assessment of staffing needs to support community outreach, customer service protocols, and communication with complainants.

The Officer in Charge of the Internal Affairs Division has assessed the staffing needs in order to successfully implement the new customer protocol. The OIC reviewed all the assigned IAD cases from 2018, 2019 and 2020. The total number of citizen generated complaints against sworn and civilian members are listed below:

Calendar Year	Total # Citizen Complaints	Total # of IAD Cases
2018	42	232
2019	53	261
2020	11***	75***

*** As of 05/15/2020



Collaborative Reform Completion Memorandum

By evaluating the total number of complaints received in the past years, the OIC determined the majority of IAD cases are internally generated by Department members through memorandums. The percentage of citizen complaints make up a small percentage of the total number of IAD cases. As of 2020, the Internal Affairs Division has received eleven citizen complaints.

The OIC of IAD has determined the assigned IAD investigator and senior clerk would be most suited to support the Internal Affairs Division with the customer service protocol. When the citizen complaint is assigned, the IAD investigator will be responsible for reaching out to the citizen and maintaining communication with the complainant for the duration of the case. The clerk maintains the IAD case tracking spreadsheet for all assigned cases; therefore, the clerk can easily access the spreadsheet for various information, such as date complaint received, investigator assigned to a case and the status of a case etc. At the conclusion of the case, the clerk is then responsible for notifying the citizen complainant of the Department's findings.

The Commanding Officer of Risk Management has approved a memorandum which designated the IAD Investigator and senior clerk with the shared responsibilities of sending form letters. The clerk will be also responsible for filing the form letters in the appropriate case files, maintaining records and conducting quarterly audits. (Attachment #1)

2) Establish a customer service protocol for complaints that includes status updates to complainants.

The Internal Affairs Division has established a customer service protocol to improve communication with complainants. This new protocol will ensure citizen complainants are notified in a timely manner and provided updates on the status of their IAD investigation. The new protocol will be established in an approved memorandum. (Attachment #1)

Citizen complaints are generated through various means (i.e. referrals from the Department of Police Accountability (DPA), direct complaints to IAD Office or citizen's complaints forwarded from various offices/stations etc.) All citizen complaints received by the Internal Affairs Division will be reviewed and assigned by the Officer-In-Charge.

The OIC will designate the IAD Duty Officer to complete an IAD Form 83 (Attachment #2) and assign the case to an IAD investigator by using the Unit's rotation schedule. The OIC may assign a case to an investigator outside of the rotation schedule if deemed necessary.

SFPD Risk Management Attorney [REDACTED] created a form letter to be sent out to citizen complainants. The form letters were reviewed and approved by the Chief of Police and implemented in February 2020.



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When the Internal Affairs Division receives a citizen complaint, the assigned IAD investigator will send a form letter out to the complainant(s) via certified mail within (5) working days of receiving the complaint. (Attachment #3) This letter will inform them that the Internal Affairs Division received their complaint. The IAD investigator will then reach out to the complainant for interview or follow up during the investigation of the case. Once the case is closed, the senior clerk will mail out a secondary letter via certified mail to update the complainant of the conclusion of the investigation and the Department's disposition on the matter. (Attachment #4)

The OIC of the Internal Affairs Division has tasked the IAD Investigators and senior clerk with the shared responsibility of sending out form letters. The clerk is also responsible for maintaining records. The new protocol will ensure citizen complainants are notified in a timely manner and provided updates at the conclusion of the IAD investigation.

3) Evidence that communications with complainants are occurring.

With the implementation of the new customer service protocol, the Internal Affairs Division has mailed out the form letters to the complainants on two separate IAD investigations. The clerk is also tasked with maintaining records and copies of sent letters.

A sample of an initial form letter sent to a citizen complainant.



A sample of secondary form letter sent to a citizen complainant.



Collaborative Reform Completion Memorandum



[Redacted]

Re: Disposition of Complaint

Dear [Redacted]

The Department has completed investigating your complaint regarding Officer [Redacted]. In accordance with Penal Code section 832.7(d)(3), please be informed that the disposition of this case was found to be "improper conduct."

If you have questions about your complaint, you may contact the Internal Affairs office at (415) [Redacted]

Sincerely,

Lieutenant of Internal Affairs NAME
Officer in Charge
Internal Affairs Division

4) Evidence of ongoing review improvement loop.

To ensure the customer service protocol is adhered to, the IAD clerk is tasked with assisting the Officer in Charge of IAD or designee in conducting audits. The audits will be performed on a quarterly basis. The clerk will review the IAD case tracking sheet with the OIC or designee and select random citizen generated complaints. The designee or clerk will check the log to confirm the form letters were sent to the complainant and to ensure the complaint been contacted by assigned IAD investigator.

If deficiencies are found, the IAD clerk will bring it to the attention of the Officer in Charge of IAD and corrective action will be taken. The OIC of IAD is responsible for follow up and to ensure the protocol is adhered to.

The Internal Affairs Division has recently implemented the customer service protocol. One of the last steps in the protocol is to conduct quarterly audits. The IAD will anticipate conducting the audit in June 2020.