

## Recommendation 86.2

TK

Tanya Koshy [REDACTED]  
Mon 4/12/2021 2:47 PM

To:

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

+7 others

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 86.2 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 86.2: The SFPD should ensure that there is diversity within the investigators that comprise the Background Investigation Unit.

Response to Recommendation 86.2:

In 2017, the Backgrounds Investigations Unit (BIU) issued Unit Order 17-02, which requires a biannual (March and September) review of the unit's diversity. Members of the panel consist of the Commanding Officer of Staff Services, Officer-in-Charge of Staff Services, the BIU Sergeant, the EEO for the Internal Affairs Division, and the SFPD Human Resources Manager. Under Unit Order 17092, the panel must compare BIU's diversity to the diversity of the Department and the CCSF census diversity reports. The panel documents its findings, and any recommendations to improve diversity, and forwards them to the Deputy Chief of Administration for review. SFPD provided an example of the memorandum forwarded to the Deputy Chief. SFPD acknowledged that in 2020 the diversity review panel did not convene because of the pandemic-related complications. The panel reconvened in February, ahead of schedule and will resume its normal September meeting.

SFPD provided charts showing that there has been increased diversity with the BIU since 2017. In 2017, the BIU was broken out demographically into 26% female, 74% male, 61% White, 10% Hispanic, 11% Filipino, 13% Black, and 5% Asian. Now, in 2021, the BIU is broken out demographically into 32% female, 68% male, 42% White, 13% Hispanic, 10% Filipino, 26% Black, and 9% Asian.

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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## Collaborative Reform Completion Memorandum

### Finding # 86:

The SFPD Background Investigation Unit is staffed and comprised of full-time Investigators as well as part-time Investigators.

### Recommendation # 86.2

SFPD should ensure that there is diversity within the investigators that comprise the Background Investigations Unit.

**Response Date: 03/02/2021**

### Executive Summary:

SFPD is committed to Recommendation 86.2 and has taken steps to ensure the diversity within the investigators that comprise the Background Investigation Unit (BIU). As part of the commitment to ensure diversity, Unit Order 17-02 (attachment #2) was implemented where Staff Services Division assembles a panel to conduct a biannual review of Background Investigation Unit's diversity. Members of the panel consist of the Commanding Officer of Staff Services, Officer-in-charge of Staff Services, Sergeant of the Backgrounds Investigation Unit(BIU), Internal Affairs Division – EEO Officer and SFPD Human Resources Manager. The panel will compare BIU's diversity against the Department wide diversity and the CCSF census diversity reports. The data is then forwarded to the Deputy Chief Of Administration for review. The Panel will also recommend ways to improve diversity in the Background Investigations Unit if there is a lack of diversity.

After Unit Order 17-02 was in place, the panel began initial review of the demographics of BIU in 2017 as documented by Project Manager Captain Struckman. After receiving this recommendation and putting the Unit Order in place, we can see the percentages in regards to diversity improve overall since 2017.

Since the review of diversity within BIU began, recommendations were made to improve the diversity of BIU. One of the recommendations during the BIU Diversity review was to reach out to PEG Groups in checking whether members were interesting in joining the BIU. This is mentioned in the 2019 diversity review (attachment #1).



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Out of an abundance of caution and safety amid the ongoing COVID-19 pandemic, the Background Investigation Unit Diversity Review Panel scheduled for 2020 were cancelled.

On 02/10/2021, the BIU Diversity Panel convened to review the demographics comprising the BIU. The Panel agreed that although diversity in the BIU could always be improved, the current composition of BIU was diverse. Suggestions of reaching out to the PEG groups to recruit diverse candidates in order to improve overall diversity were mentioned during the review. (attachment 4)

Since the recommendation and the creation of the Diversity Review Panel, SFPD has committed to ensuring diversity as clearly seen in the change in demographic data from 2017 to 2021 showing the increase in the diversity of the BIU. The 2017 demographic data breakdown of the Background Investigation Unit revealed the following percentages - female 26%, male 74%, White 61%, Hispanic 10%, Filipino 11%, Black 13%, Asian 5%. (See attachment 3)

Since then, diversity as been gradually improving annually. As of 2021, we have the following demographic breakdown for BIU- female 32%, male 68%, White 42%, Black 26%, Filipino 10%, Hispanic 13%, Asian 9%. Review of the data collected of the BIU assists the Commanding Officer in ensuring diversity. The change in statistics shows that SFPD is committed to ensuring diversity among the BIU.

On Monday, 03/01/2021, 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, suggestions and guidelines were discussed for this recommendation as described below.

*Unit Order 17-02 directs SFPD to conduct biannual panel reviews in March and September of every year to assess the diversity of its Background Investigations Unit. The recommendation package reflects that these two meetings did not take place in 2020 due to the pandemic.*

*SFPD held its first panel review of 2021 a few weeks ago, ahead of the March date mandated under the Unit Order. Cal DOJ and Hillard Heintze raised the concern that holding this meeting ahead of schedule gives the impression that SFPD did so for the purpose of submitting this package, and not because it is operating consistent with policy. Cal DOJ asked SFPD to provide an explanation in the Form 2001 for why meetings could be held in 2020 and why the meeting was held in February 2021 ahead of schedule. Hillard Heintze asked SFPD to be mindful of this issue for all recommendation packages.*

Background Investigation Unit was in the midst of adapting to the new procedures and protocols of the COVID Pandemic which caused a lot uncertainty while employees were trying to figure out the working transition. During this period, meetings were



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not a priority as the safety of the employees came first so meetings were canceled pending further guidance from the City Government and Department. Also, not all members were set up to conduct online meetings until later on in the year. Eventually, BIU was able to transition back and a make up meeting for the 2020 meetings was conducted as soon as possible which was why a meeting was held in February 2021. The next meeting will be scheduled for September 2021 as mentioned in the meeting minutes (attachment #4) which will adhere to the Unit Order.

### Compliance Measures:

#### **1) Evidence of review and activities, if needed to ensure diversity of the Background Investigation Unit.**

In response to this recommendation, Staff Services conducts review of the Background Investigation Unit's Diversity. These reviews were created as a result of this recommendation and are outlined in Unit Order 17-02. If the panel determines lack of diversity, recommendations are then discussed in regards to how to improve the diversity. For example, In 2019, the review (see attachment #1) determined the diversity could be improved and steps were taken to ensure diversity by reaching out to the PEG groups to see whether their members were interested as well as BIU reaching out to retired members to improve diversity in BIU.

Panel discussion during the 02/2021 review (attachment #4) agreed that although there was indeed diverse demographics in BIU, there was always room for improvement when it comes to overall diversity in the BIU. Recommendations were also made on how to improve diversity.

Please see attached Review Memorandum and Unit Order 17-02 (Attachment 1 & Attachment 2).

#### **2) Evidence of continued oversight and review to ensure diversity of the investigators.**

Unit Order 17-02, which was implemented in response to this Recommendation provides continued oversight and review to ensure diversity. After Panel reviews the BIU diversity data, recommendations are then suggested in efforts to ensure diversity in the Background Investigation Unit by supervisors and Officer-in-Charge.

For example, the following diversity review summary is attached which shows the process implemented as a result of Unit order 17-02,



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Background Investigation Unit Diversity Review Panel convened on September 26, 2019 (see attachment 1). The Panel positively identified that compared to 2017, that in 2019, that the female representation of the SFPD Background Unit has progressively increased by 8%.

The review panel discussed and recommended outreach by word of mouth and to all the PEG (Police Employee Group). The panel agreed to directly contact the SFPD Asian Officers Association to establish if any of their retired membership would be interested in becoming a Background Investigator. It was successful. Within a month, the SFPD Background Investigation Unit gained two Asian male officers and one African American Officer.

Police Employee Groups (SFPD Offices for Justice, SFPD Asian Police Officer Association, Latin Police Officers Association, SFPD Pride Association, San Francisco Police Officers Association...etc.). These employee groups help to overcome institutionalized and systemic opportunity barriers.

On 02/10/2021, BIU Diversity Review Panel convened and discussed the overall diversity of BIU. (attachment 4) The panel reviewed the demographics and believed BIU was diverse but also made suggestions on how to improve the diversity. Another diversity review was scheduled for 09/2021.

These recurring meetings show continued oversight and review to ensure diversity of the investigators, which is one of the focuses of the review.

As we can see from the above listed demographic breakdown, there is significant improvement from 2017-2021 in the overall diversity of BIU. SFPD's continued oversight and review of the BIU demographics is ensuring the diversity of the BIU which has been successfully put in place as a result of Recommendation 86.2.