



AUDIT FOLLOW-UP MEMORANDUM

TO: Joyce M. Hicks, Executive Director, Office of Citizen Complaints

FROM: Tonia Lediju, Director of Audits, City Services Auditor Division 

DATE: May 29, 2012

SUBJECT: **Results of Follow-up of 2007 Audit of Office of Citizen Complaints**

EXECUTIVE SUMMARY

The Office of the Controller's City Services Auditor Division (CSA) issued an audit report in 2007, *Weak Case Management and Organizational Issues Degrade OCC's Performance*, on which it first performed a field follow-up in 2009. Of the 45 recommendations in the audit report, 38 were directed solely at the Office of Citizen Complaints (OCC), 4 were directed at the San Francisco Police Commission, and 3 were directed at the San Francisco Police Department. In September 2011 OCC reported that it had implemented all but 4 of the recommendations directed to it, and explained why it did not concur with those it had not implemented. This 2012 field follow-up addressed 6 of the report's recommendations, finding that all 6 have been fully implemented.

BACKGROUND, OBJECTIVE & METHODOLOGY

Background

OCC was established in 1983 as the result of a voter-initiated amendment to the San Francisco Charter. OCC's main functions are to receive, investigate, and make findings on complaints against members of the San Francisco Police Department (SFPD). CSA issued an audit report in January 2007, *Weak Case Management and Organizational Issues Degrade OCC's Performance*, on which it first performed a field follow-up in 2009. In April 2009 OCC reported progress indicating that it had fully implemented 18 (47 percent), partially implemented 11 (29 percent), and not yet implemented 9 (24 percent) of these 38 recommendations. Later in 2009, CSA followed up on 8 recommendations in the audit report, finding that 4 of the 8 had been fully implemented and 4 partially implemented. For this 2012 follow-up, CSA selected 6

recommendations: 4 not previously reviewed and 2 found to be partially implemented by CSA's 2009 follow-up. One of the recommendations reviewed was addressed to SFPD, not OCC.¹

Objective

The objective of this follow-up is to verify the degree to which OCC and SFPD have implemented six recommendations in CSA's January 2007 audit report. Consistent with Government Auditing Standards, Section 7.05, promulgated by the United States Government Accountability Office, the purposes of audit reports include facilitating follow-up to determine whether appropriate corrective actions have been taken. CSA follows up on its audits because their greatest benefit is not in the findings reported or the recommendations made, but in the implementation of actions to resolve audit findings. As a result of CSA's recommendations being implemented, OCC's operations should be more efficient, effective, transparent, and compliant with city law and policy.

Methodology

To conduct the follow-up, CSA met with key OCC personnel to discuss the status of the corrective actions taken to date and, for the six recommendations selected for this follow-up, obtained documentary evidence. CSA then verified OCC's reported progress on implementing five purposefully selected recommendations that address a variety of OCC responsibilities and, for the recommendation directed at SFPD, verified its reported progress. CSA then documented the results of its fieldwork.

RESULTS

Of the 6 recommendations assessed in this follow-up, all were determined to be fully implemented, as presented below.²

Recommendation 3 - To better assist investigators in managing their caseloads, OCC should create consistent standards for case reviews and train senior investigators on them.

CSA confirmed that OCC has developed a policy and procedures manual that covers all key aspects of investigation, including: establishing an investigation plan with timelines; the need for, and frequency of case reviews; and the maintenance of adequate documentation. OCC's senior investigators and management team also have electronic access to case summaries that can be reviewed at will.

Conclusion: Recommendation 3 has been implemented.

¹ Because this recommendation concerns SFPD responsiveness to OCC's document requests, OCC was able to provide information (partially based on data provided to it by SFPD) needed to determine the implementation status of the recommendation.

² Recommendation numbers below correspond to the numbering of the recommendations in the audit report.

Recommendation 8 - To meet the notification requirements of Charter §4.127, OCC should develop a standard notification letter to inform SFPD when sustained cases will take longer than nine months to close and develop a centralized method to track OCC's compliance with this notification requirement.

CSA's previous audit field follow-up determined that OCC had developed a notification letter template, but had issued most of the notification letters (10 of 12) after the nine-month deadline.

This follow-up found that OCC's notification letter compliance rate has greatly improved. Of 64 letters sent in 2010, 40 (63 percent) were on time, and of 53 letters sent in 2011, 35 (66 percent) were on time. CSA also verified that OCC has developed a method of tracking cases along with the issuance dates of their respective nine-month notification letters. This information is readily electronically accessible to senior investigators.

Conclusion: Recommendation 8 has been implemented.

Recommendation 16 - SFPD should comply with the document protocol for responding to OCC requests for information.

A report summarizing SFPD's performance related to this recommendation in 2010 and 2011 indicates that SFPD is largely complying with the document protocol.³ The report shows that:

- SFPD's responses to OCC's document requests were late 12 percent of the time (265 late responses out of 2,240 requests).⁴
- SFPD had denied or partially denied 22 (1 percent of) requests.
- At the end of 2011, 9 non-routine requests were pending.⁵

The 2007 audit found that SFPD's actions in regard to OCC document requests were responsible for few (8 percent) of OCC's extended delays in completing investigations, but that when SFPD refused to comply with OCC document requests, delays were significant. The audit report noted that SFPD's refusals were often in high-profile cases that were the subject of a concurrent SFPD investigation. In its January 2007 response to the audit report, SFPD agreed with this recommendation. However, in a September 2011 response to a CSA audit follow-up, SFPD indicated that it had not implemented the recommendation. In both responses, SFPD stated that it attempts to comply with all OCC document requests, but that in rare cases it must refuse an OCC request when information cannot be released by law.

In assessing whether the recommendation has been implemented, CSA notes that the document protocol:

³ All data in the report is originally from SFPD. 2010 data was reviewed and corrected by OCC; 2011 data was not.

⁴ The report indicates only that responses were late, not how late (in days, weeks, or months).

⁵ The document protocol defines routine and non-routine document types.

- Allows SFPD to take longer than the protocol's timelines to produce documents if it notifies OCC and the Police Commission in writing of this, explains the basis for the delay, and estimates when the documents will be produced.
- Allows the police chief to deny an OCC document request if the chief determines that there is a legal basis to do so, and explains in writing to OCC and the Police Commission why each requested item cannot be provided.
- Gives OCC recourse in these cases if it disagrees with SFPD, with the Police Commission empowered to resolve such instances.

Whether SFPD met every requirement of the document protocol in 2010 and 2011 is not reflected in the data provided by SFPD and OCC, and is beyond the scope of this follow-up. Therefore, based on the data provided and on the fact that the document protocol does not require SFPD to comply with every OCC document request, CSA considers this recommendation substantively implemented.

Conclusion: Recommendation 16 has been implemented

Recommendation 23 - OCC should create and implement a strategic plan for the ongoing training needs of staff, and maintain a record of this training.

CSA confirmed that OCC has established strategic training plans for its entire staff. The level and degree of training provided varies with employees' classifications. For example, the training planned for investigators is more extensive and more formal than that planned for a clerk; however, OCC has a training budget intended to ensure that all of its employees can participate in general training provided by the City's Department of Human Resources, in addition to any specialized training deemed necessary by management.

Conclusion: Recommendation 23 has been implemented.

Recommendation 35 - OCC should develop and present an annual outreach strategic plan to the Police Commission at an agreed-upon time. OCC should also develop tools for measuring the success of its outreach efforts.

CSA's 2009 audit field follow-up determined that OCC had developed a strategic outreach plan but had not developed a strategy for measuring the success of its outreach efforts. CSA now finds that OCC has established procedures for obtaining feedback with which to measure the success and effectiveness of its outreach efforts. These results are included in the quarterly reports that OCC submits to the Police Commission.

Conclusion: Recommendation 35 was implemented.

Recommendation 38 - The Police Commission should require OCC to regularly submit reports detailing its outreach activities and progress toward its strategic outreach goals for the year.

The Police Commission confirmed that OCC submits to the commission monthly, quarterly, and annual reports. Samples of these reports show that they contain information on OCC's outreach activities and on the progress that OCC has made toward its annual strategic outreach goals.

Conclusion: Recommendation 38 was implemented.

CSA extends its appreciation to you and your staff who assisted with this review. If you have any questions or concerns, please contact me at (415) 554-5393 or tonia.lediju@sfgov.org.

cc: John Monroe, Police Commission
Ben Rosenfield, Controller's Office
Mark Tipton, Controller's Office
Edvida Moore, Controller's Office

ATTACHMENT A: RECOMMENDATIONS AND FOLLOW-UP WORK

Recommendation	2011 Status per OCC	Auditor's Follow-up Work	Results
<p>Recommendation 3</p> <p>To better assist investigators in managing their caseloads, OCC should create consistent standards for case reviews and train senior investigators on them, including: (1) Establishing an investigation plan with timelines at the beginning of each investigation; (2) How often to review cases including overall timelines to ensure the nine-month guideline is met; (3) What items to check for in reviews and how to document them; and (4) What to document if investigators are not complying with senior investigator requests.</p>	<p>OCC has developed a standard notification letter known as the 270 -day letter to provide to SFPD notifying it when cases will take longer than nine months.</p> <p>OCC has developed a tracking system that keeps a record that SFPD was notified at the nine-month point.</p> <p>In 2009 17 percent of its 270-day letters were timely. In 2010 45 percent of its 270-day letters were timely.</p> <p>OCC has implemented tools in its investigator browser to show the age of a case in relation to 270 days.</p>	<p>Verified that OCC has developed a policy and procedures manual that covers all of the issues in this recommendation. Auditor obtained a hardcopy of the manual from OCC's chief investigator.</p> <p>Determined that these procedures have been incorporated into the investigators' performance plans.</p> <p>Reviewed a senior investigator's performance plan and found that it incorporates those procedures that relate to case reviews and to ensuring that investigators are, in fact, conducting investigations according to OCC's stated policies and procedures.</p> <p>Observed that OCC's senior investigators and management team have real-time electronic access to case summaries that can be reviewed at will.</p>	<p>Implemented.</p>

Recommendation	2011 Status per OCC	Auditor's Follow-up Work	Results
<p>Recommendation 8</p> <p>To meet the notification requirements of Charter §4.127, OCC should:</p> <ul style="list-style-type: none"> a. Develop a standard notification letter to send SFPD when cases will take longer than nine months. b. Develop a centralized system (using the case tracking system if practicable) to keep a record that SFPD was notified at the nine-month point for sustained cases taking more than nine months to close. 	<p>OCC has developed a standard notification letter known as the 270-day letter to provide to SFPD notifying it when cases will take longer than nine months.</p> <p>OCC has developed a tracking system that keeps a record that the SFPD was notified at the nine-month point.</p> <p>In 2009 17 percent of its 270-day letters were timely. In 2010 45 percent of its 270-day letters were timely.</p> <p>OCC has implemented tools in its investigator browser to show the age of a case in relation to 270 days.</p>	<p>Reviewed the 270-day letters issued in 2010 and 2011, along with a schedule listing all the 270 letters that were issued in 2010 and 2011.</p> <p>Verified data on schedule (i.e., date of complaint, date of 270-day letter, case number) by tracing to 270-day letters.</p> <p>Determined OCC's rate of compliance with notification deadline for 2010 and 2011</p> <p>Determined if OCC has implemented a tracking system to keep a record of pending 270-day due dates for sustained cases.</p>	<p>Implemented.</p>
<p>Recommendation 16</p> <p>SFPD should comply with the document protocol for responding to OCC requests for information and Administrative Code Chapter 96, "Coordination Between the Police Department and Office of Citizen Complaints."</p>	<p>OCC reports quarterly to the Police Commission about SFPD's compliance with OCC's document requests made pursuant to Police Commission Ordinance 44-03 (Protocol Between OCC and the SFPD re: Responding to Requests for Documents for OCC Investigations). OCC policy analyst routinely notifies SFPD when it is out of compliance with the document protocol.</p>	<p>Reviewed the status report on SFPD's compliance for 2010 and 2011, discussed SFPD's compliance with an OCC policy analyst, and reviewed SFPD's responses to this recommendation in 2007 and 2011. Although SFPD sometimes responds late to OCC's document requests and in a few cases denies them, these actions are allowed under certain conditions by the document protocol, and testing whether those conditions were met is beyond the</p>	<p>Implemented.</p>

Recommendation	2011 Status per OCC	Auditor's Follow-up Work	Results
		scope of this follow-up. Thus, SFPD appears to be substantively complying with the recommendation.	
<p>Recommendation 23</p> <p>OCC should create and implement a strategic plan for the ongoing training needs of staff, maintaining recordkeeping that shows:</p> <ol style="list-style-type: none"> a. The topics in which employees need training. b. What training employees already have and the date completed. c. Timing and funding for training sessions. 	<p>Yes, OCC has created a Strategic Training Plan for Investigators and maintains records of that training.</p>	<p>Reviewed documentary evidence to support the claim that OCC has created a Strategic Training (ST) Plan for Investigators. Evidence includes:</p> <ul style="list-style-type: none"> • OCC's ST Plan for Investigators • OCC's Continuing Education Plan for Investigators • OCC Training Plan for New Investigators • OCC's ST Plan for Staff <p>Reviewed OCC's training logs from 2010 and 2011, and statement from OCC executive director on OCC's annual training budget and other available funds used for training purposes.</p>	<p>Implemented.</p>
<p>Recommendation 35</p> <p>OCC should develop and present an annual outreach strategic plan that is presented to the Police Commission at an agreed-upon time. The plan should identify:</p> <ol style="list-style-type: none"> a. The outreach efforts that will be undertaken during the year and the reason for the efforts. b. Strategies for reaching the targeted 	<p>In 2008 OCC developed its first Community Outreach Strategic Plan. Each year, thereafter, it has presented its plan to the Police Commission and posted it on its website. The 2010 Community Outreach Strategic Plan can be found at http://www.sfgov3.org/Module/ShowDocument.aspx?docu</p>	<p>Reviewed OCC's 2011 Community Outreach Strategic Plan, which:</p> <ul style="list-style-type: none"> • Identifies OCC's outreach goals. • Identifies strategies for reaching its target audiences including: <ul style="list-style-type: none"> ▪ Means of communicating ▪ Publicity ▪ Distribution <p>Discussed the plan with OCC</p>	<p>Implemented.</p>

Recommendation	2011 Status per OCC	Auditor's Follow-up Work	Results
<p>audiences, including communication mechanisms, publicity, and distribution.</p> <p>c. Strategies for measuring outreach success.</p>	<p>mentid=353. OCC will present its 2011 Community Outreach Strategic Plan to the Police commission in October 2011.</p> <p>To analyze its outreach efforts, OCC designed an evaluation for attendees to fill out after OCC presentations. During 2009 evaluations indicated that presentations met the expectations of the audience, were given by presenters knowledgeable about the subject matter, and provided substantive written materials. Every evaluator indicated that he or she would attend future OCC presentations and would recommend the presentation to others.</p>	<p>attorney responsible for measuring the results of OCC's outreach efforts.</p> <p>Reviewed documentation of self-evaluations and independent feedback/surveys obtained after presentations and other outreach events.</p>	
<p>Recommendation 38</p> <p>The Police Commission should require OCC to make regular (e.g., quarterly or semiannual) reports to the Police Commission on:</p> <p>a. The outreach activities performed by OCC in the reporting period.</p> <p>b. OCC's progress toward its strategic outreach goals for the year.</p>	<p>Not applicable. Not responded to in 2011.</p>	<p>Reviewed the Police Commission's website. Found that commission meeting agendas regularly include presentation of periodic reports by OCC director. Agendas list monthly, quarterly, and annual reports. Examples of agenda items include:</p> <ul style="list-style-type: none"> • Presentation of OCC's Strategic Plan • Presentation of a monthly report on OCC's outreach activities 	<p>Implemented.</p>

Recommendation	2011 Status per OCC	Auditor's Follow-up Work	Results
		<ul style="list-style-type: none">• Presentation of OCC's quarterly statistical reports (which include information on outreach) <p>To obtain additional assurance that OCC submits these reports to the Police Commission, requested that commission secretary confirm that the commission receives these reports from OCC.</p>	

ATTACHMENT B: DEPARTMENT RESPONSE

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

May 14, 2012

Tonia Lediju
Director of Audits
City Services Auditor Division, Controller's Office
City Hall
1 Dr. Carlton B. Goodlett Place, Room 316
San Francisco, CA 94102

Re: OCC Response to the Controller's May 3, 2012 Draft Memorandum on the
Results of the Follow-up Review of Audit of the OCC

Dear Ms. Lediju,

This letter responds to the Controller's May 3, 2012 draft memorandum on the follow-up review of the January 27, 2007 audit of the OCC. The OCC appreciates the work of the City Services Auditor in evaluating OCC's progress toward achieving compliance with recommendations made in the Auditor's January 27, 2007 report on the operations of the Office of Citizen Complaints. We concur with your findings that the OCC has fully complied with the six recommendations you assessed.

My charge upon beginning my tenure as the Director of the Office of Citizen Complaints on November 26, 2007 was to implement the 38 recommendations contained in the January 27, 2007 City Services Auditor Division's report. I am pleased to advise you that with the hard work and dedication of the OCC staff over the past four years, we have implemented all but four of the recommendations or nearly 90% of them in spite of severe budget constraints. Two of the four remaining recommendations will be addressed as budget adjustments occur. Those two recommendations are 1) Auto prompt calendaring system for key deadlines and 2) Online complaint filing. These two recommendations will cost approximately \$20,000 to implement. We have determined that the remaining two recommendations regarding formalized document protocol and training for City departments other than the Police Department are unnecessary because noncompliance is at a minimum.

While this round of audits did not assess the OCC's compliance with Recommendation number 2 in the 2007 audit report, it is important to address the OCC's challenges to comply with this recommendation as the recommendation underpins customer satisfaction with the OCC's work. Recommendation number 2 is to, "...aim to complete OCC investigations within 9 months and no later than 10 months." The OCC's lack of sufficient staffing continues to present

Tonia Lediju
Director of Audits
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challenges to achieving this goal.¹ In 2011, only 67% of cases were closed within nine months. The length of time to complete an investigation where one or more allegations were sustained was an average of 304 days. Only 22% of cases with one or more sustainable allegations were completed within nine months. Should the OCC receive a budget augmentation for personnel to increase its journey level investigator positions from 16 to 20 and to add a senior investigator, an attorney and an information technology business systems analyst, the OCC would have sufficient staffing to meet its goal of completing its investigations within 9 months or no later than 10 months.

Conclusion

In spite of staffing and budget challenges, the OCC will continue its implementation of the recommendations contained in the 2007 audit report to assist it in achieving its Charter mandate of conducting prompt, fair and unbiased investigations of civilian complaints of police misconduct and making policy recommendations of police policies and practice.

Sincerely



Joyce M. Hicks
Executive Director

CC: Mark Tipton
Edvida Moore

¹ In conducting the 2007 audit, the Controller concluded that a best practices caseload for investigators was 16 cases. OCC investigators have had caseloads of nearly 40 cases and now on average 23 cases, largely due to a 20% decline in complaint filing since 2009. Based on 350 pending cases, the OCC would need four additional journey level investigators to attain caseloads of 16. Higher than best practices caseloads continue to be a challenge for the OCC's goal of promptly completing investigations.

The OCC has also determined that its staff of four attorneys is understaffed by one and contributes to the length of time it takes to close investigations at several stages from sustainability reviews to policy and training failure analyses to reviewing sustained reports for form and legality. OCC attorneys additionally prosecute cases in Chief's hearings and before the Police Commission. An OCC attorney also manages the OCC's mediation and outreach program. In 2011, the legal unit prosecuted 27 cases, made 15 policy recommendations and facilitated 61 mediations.

The OCC is a data driven organization and its one information systems business analyst must maintain the OCC database, provide technical assistance to the OCC's 35-member staff, generate reports and manage the OCC's phones, computers, copiers, scanners and website. The OCC has determined that an additional information systems business analyst would provide the necessary support to maintain the OCC's systems.