# Key Issue Report:
# SFPD's Monitoring of Department Communications for Bias

Interim Report for the Audit of SFPD's Handling of Officer Misconduct

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Department of Police Accountability

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## Executive Summary

In 2016, the U.S. Department of Justice found that the San Francisco Police Department (SFPD) did not audit department communications following two separate text messaging scandals and recommended SFPD conduct ongoing reviews. In response, SFPD requires its Internal Affairs Division to monitor department member communications for derogatory words, statements, or media.

### A High False Positive Rate in SFPD's Communications Audits May Impair the Program's Effectiveness

*(Key Issue 1)*

- From 2019 to 2021, SFPD determined that only 10 of 3,809 (0.3%) communications monitored indicated potential bias; the rest were false positives.

**99.7% false positives**

- False positives can occur when the system flags a bias word contained within a larger word (e.g., if the prohibited word is "fun" it flags e-mails with the word "funeral" for review), or from department-wide e-mails with news and crime alerts.
- Investigators need to manually review every hit. False positives make extra work for investigators and take time away from their other assignments.

### SFPD Can Better Ensure That the Monitoring Program is Current and That Results Are Reported Completely

*(Key Issues 2, 3, and 4)*

| Requirement *from Internal Affairs Division Unit Order 18-02* | SFPD Compliance |
|---|---|
| Conduct quarterly reviews of the bias word list<br>*SFPD does not systematically track its reviews of the bias word list, increasing the risk that necessary updates do not occur* | ⊖ |
| Ensure biannual updates to the department's cellular phone list<br>*SFPD does not ensure that department-issued cellular phones are enrolled in the monitoring system, increasing the risk it will not detect biased text messages* | ✕ |
| Provide quarterly reports of the monitoring results to the Police Commission<br>*SFPD issued quarterly reports but did not include required information on the disciplinary outcomes for investigations resulting from the monitoring* | ⊖ |
| Complete and present a year-end audit report<br>*SFPD did not issue year-end audit reports* | ✕ |

✓ Fully complies ⊖ Partially complies ✕ Does not comply

## Background

In 2016, the U.S. Department of Justice found that the San Francisco Police Department (SFPD) did not conduct a comprehensive audit of electronic communications—including those on department-issued e-mails, communications on mobile data terminals, and text messages on department-issued phones—following two separate incidents in 2012 and 2015 where multiple SFPD officers used racist and homophobic language in text messages as a matter of routine discussion.[1]

The U.S. Department of Justice recommended that SFPD establish a policy and practice for ongoing audits of electronic communication devices to determine whether they are being used to communicate bias.[2] SFPD's Internal Affairs Division Unit Order 18-02 *Internal Affairs Division Audit Procedure* (IAD Unit Order 18-02) requires the division to audit all department members' electronic communications for derogatory words, statements, or media.

In September 2019, the California Department of Justice cited IAD Unit Order 18-02 and SFPD's practice of auditing electronic communications in finding SFPD to be in substantial compliance with the U.S. Department of Justice's recommendation.

## Key Issues

### Issue 1 - A high false positive rate in SFPD's communications audits may impair the program's effectiveness.

The vast majority of SFPD's electronic communications with hits (when SFPD's monitoring processes detect a bias word in a communication on a department-issued device or account) are false positives, or incorrect indicators of bias. In its quarterly reports required by IAD Unit Order 18-02, SFPD stated that only 10 of the 3,809 hits (0.3%) from 2019 to 2021 showed potential bias.

**Exhibit 1 – SFPD's communications monitoring program has a 99.7% false positive rate - only 10 of 3,809 hits triggered investigations, with no sustained findings of bias.**


| Communications Monitored | Hits | Potentially Biased |
|---|---|---|
| CLETS | 484 | 0 |
| Text Messages | 460 | 7 |
| E-mails | 2,865 | 3 |
| **Total** | **3,809** | **10** |

Notes: In September 2022, SFPD reported to the Police Commission that no investigations resulting from audits in 2019 to 2021 found bias.
CLETS stands for California Law Enforcement Telecommunications System.

Source: DPA analysis of SFPD's electronic monitoring of communications quarterly reports from 2019 to 2021 and SFPD's September 2022 presentation to the Police Commission, and DPA interviews with Internal Affairs Division personnel.

1 U.S. Department of Justice, Office of Community Oriented Policing Services, *An Assessment of the San Francisco Police Department*, 2016, Finding 24.
2 ibid., Recommendation 24.3

SFPD stated that its monitoring system generates hits automatically when an e-mail contains a term on the department's bias word list. However, Internal Affairs Division investigators said that the monitoring system causes false positives because it flags e-mails with a bias word contained within a larger word. For example, if the prohibited word is "fun" the system sends investigators e-mails with the word "funeral" for review.

**False positives can lower effectiveness and efficiency**—they create additional work for investigators, taking their time away from other assignments.

Due to system limitations, IAD personnel **manually** review the context of every hit to determine if further investigation is needed.

Too many false positives may cause investigators to become desensitized to the hits (called "alert fatigue").

Other false positives occur because of e-mails that SFPD sends to all department members. Separate from its ongoing monitoring, SFPD reviewed department e-mails for inappropriate, derogatory, or biased communications *specific to* the January 6 United States Capitol attack. SFPD's report on this review stated that there were approximately 800,000 e-mail hits from the period of November 2020 to January 2021.[3] This report stated that these hits were caused, in part, by press clipping e-mails SFPD sent to members, as well as the department's daily crime summary e-mails.[4] Even though the e-mails had a legitimate SFPD purpose, these communications generated false positives because they contained words on the list SFPD used for this audit.

## Issue 2 – SFPD does not systematically track its reviews of the bias word list, increasing the risk that necessary updates do not occur.

SFPD cannot show that it reviews the bias word list quarterly. Although the Internal Affairs Division has memoranda written by investigators requesting changes to the bias word list in May 2019, May 2020, and August 2021, it does not have memoranda to evidence list review for other periods from 2019 to 2021.[5]

IAD Unit Order 18-02 requires quarterly reviews of the bias word list along with the audits. The policy states that investigators should add new bias words to the list and request the removal of words that are problematic, impractical, or cause overwhelming false positives.

The Internal Affairs Division stated that it considers each hit a partial review of the list, and that personnel discuss adding words to the list based on social, political, and cultural trends. However, the Internal Affairs Division does not systematically track these reviews in a manner that is complete and readily available. Without systematic tracking of reviews, SFPD may be unable to show that it

[3] SFPD did not include the results of its special review of communications about the January 6 United States Capitol attack in its quarterly reports. An Internal Affairs Division investigator reviewed these hits but did not find any content that violated department policy.
[4] Other false positives occurred because of briefing e-mails sent by law enforcement partners to SFPD members.
[5] The May 2020 memoranda stated that SFPD had not updated the bias word list in one year. The officer-in-charge of the Internal Affairs Division said that it was likely that SFPD did not review the bias word list during this period.

removes words that cause false positives and reduce program effectiveness and efficiency, or that it adds new bias words quarterly.

## Issue 3 - SFPD does not ensure that department-issued cellular phones are enrolled in the monitoring system, increasing the risk it will not detect potentially biased text messages.

SFPD does not ensure that all department-issued cellular phones are enrolled in the system used to monitor text messages. As a result, SFPD may not be able to ensure the accuracy and the completeness of its audits of these communications. It also increases the risk that SFPD may not detect potentially biased text messages on department-issued cellular phones.

IAD Unit Order 18-02 requires the Commanding Officer of Risk Management to work with the Technology Division Director to ensure biannual updates to SFPD's cellular phone listings occur.

The Captain of the Risk Management Office stated that he did not work with the Technology Division to ensure the required updates because he did not believe it was necessary. The Technology Division stated that it relies on the cellular phone vendor to enroll department devices into the text message monitoring system; however, the vendor stated that it is not contractually obligated to add the monitoring service to the phone lines. The vendor stated that it manually adds the text message monitoring service to the cell phone lines "after any notable order" and will check for any numbers that do not have the monitoring service "a few times a year" as a courtesy. The Technology Division stated that it does not receive confirmation from the vendor when it enrolls the devices in the monitoring system and that SFPD does not have any other checks or processes in place to ensure that the vendor enrolls all department-issued cellular phones in the monitoring system.

## Issue 4 - SFPD does not fully follow its own reporting requirements, reducing the transparency of its responses to potentially biased communications.

SFPD did not fully follow IAD Unit Order 18-02's reporting requirements. SFPD quarterly reports include the total number of hits and the number of those hits determined to be potentially and confirmed biased; however, those reports do not include required details on disciplinary outcomes of investigations resulting from the monitoring. In addition, SFPD did not complete and present required year-end reports to the Police Commission.

IAD Unit Order 18-02 requires quarterly and year-end reports on the results of SFPD's monitoring of electronic communications for bias.

SFPD's communication audits are part of its efforts to address practices that reflect explicit bias. Without complete reporting, stakeholders like the Police Commission, SFPD command staff and members, and the public may not be able to make fully informed decisions about the effectiveness

of these efforts. Without year-end reports, these stakeholders may not have a basis for understanding if SFPD is fulfilling the intention of the U.S. Department of Justice's recommendation, how the department has evolved, and what issues within the department have changed or remained constant.

## Opportunities to Address These Issues

The California Department of Justice cautioned that, to remain in substantial compliance with the U.S. Department of Justice's recommendation, SFPD needs ongoing review of processes to ensure that the audits effectively screen for biased communications.

*If addressed, the issues raised in this report may help SFPD better achieve the goals of IAD Unit Order 18-02 and fulfill the policy's requirements.*

Specifically, addressing these issues may help SFPD:

- **Make monitoring of department communications more efficient and cost-effective**. Revisiting monitoring platform output controls and exempting certain department e-mail addresses from the audits may help SFPD reduce e-mail false positives which, in turn, may reduce the amount of time and resources needed to review hits.
- **Ensure that monitoring is current and complete**. Evaluating the controls intended to ensure that the monitoring program is current—including regular reviews of the bias word list and the timely enrollment of department cellular phones in the monitoring system—can help SFPD ensure that its audits are both complete and effective.
- **Report complete and accurate information**. Reviewing controls over communication may help SFPD improve reporting, allowing stakeholders like the Police Commission to make fully informed decisions about the effectiveness of the department's efforts to detect and address practices that reflect explicit biases.

The U.S. Government Accountability Office's (GAO) *Standards for Internal Control in the Federal Government* provides a framework for designing, implementing, and operating an effective internal control system. SFPD can use this framework to ensure the auditing program's efficiency and effectiveness, report reliable information about its operations, and comply with its own policy requirements.

## Key Terms

**Bias Word List** – A list of words that SFPD identifies as potential indicators of biased behavior. SFPD uses this list to monitor for misconduct in member communications.

**Hits** – These occur when a SFPD's monitoring processes detect a bias word in a communication on a department-issued cell phone, e-mail address, or a California Law Enforcement Telecommunication System (CLETS) terminal.

**Internal Affairs Division** – A unit within SFPD's Risk Management Office. The Internal Affairs Division investigates allegations of policy violations brought against department members.

**Internal Affairs Unit Order 18-02 (IAD Unit Order 18-02)** – Titled *Internal Affairs Division Audit Procedure*, this policy requires the division to monitor members' device usage for derogatory words, statements, or media.

**Internal Control** - A process effected by an entity's oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved.

**Police Commission** – The San Francisco Police Commission, the governing body that oversees SFPD and the San Francisco Department of Police Accountability (DPA).

**Potentially Biased** – Words and statements in SFPD communications that are indications of misconduct.

**Risk Management Office** - The Risk Management Office ensures that SFPD complies with all the applicable laws and legal requirements imposed by local, state, and federal mandates. The Internal Affairs Division is within the Risk Management Office.

**Unit Order** – A directive that applies to specific unit operations issued by the Commanding Officer or Officer-in-Charge of the unit.

### The Audit's Next Steps

DPA will issue a full audit report assessing SFPD's effectiveness and efficiency in handling and reporting on allegations of misconduct, including officer bias. San Francisco Charter Section 4.136 requires DPA to regularly audit SFPD's use of force and handling of police misconduct.

**This Interim Report's Objective**
Does SFPD follow the requirements of IAD Unit Order 18-02?

**Overall Audit Objective**
Is SFPD's handling of officer misconduct, effective, efficient, and transparent?

This interim report provides information from DPA's audit work for the attention of the Police Commission and SFPD. DPA will incorporate this information in findings with recommendations in the final audit report.

**Auditing Standards** – DPA is conducting this performance audit in accordance with generally accepted government auditing standards. These standards require obtaining sufficient, appropriate evidence to provide a reasonable basis for findings to answer the audit objectives. This interim report provides information from the audit work to allow SFPD and the Police Commission to take corrective action before the final report is complete.