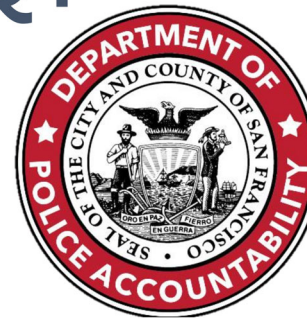


San Francisco Police Department Disciplinary Review Board Presentation 2023 Q3 & Q4



CITY & COUNTY OF SAN FRANCISCO

Police Department

09/29/2023



Safety with Respect

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Presented By:

Assistant Chief Denise Flaherty

San Francisco Police Department

Legal Team Manager Diana Rosenstein

Department of Police Accountability



Third & Forth Quarter Disciplinary Review Board Findings and Recommendations

March 4, 2024

Members present:

Voting Board Members

- Assistant Chief Denise Flaherty
- Deputy Chief Peter Walsh (chair)
- Acting Deputy Chief Eric Vintero

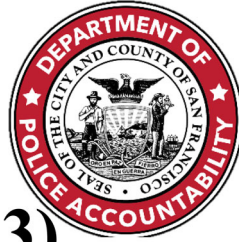
Advisory Board Members

- (Not present)
- Chief of Staff Sarah Hawkins

Assignments

Chief of Staff
Administration Bureau
Field Operations Bureau

Police Commission
Department of Police Accountability



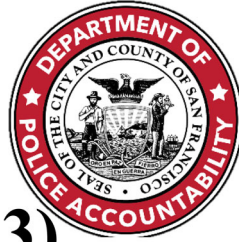
Aggregate Trends Identified by IAD & DPA (Q3 2023)

IAD aggregate trends

- Neglect of Duty, General
- Neglect of Duty, Failed to Appear, Range
- Conduct Unbecoming an Officer
- Neglect of Duty, Body Worn Camera

DPA aggregate trends

- Neglect of Duty, Body Worn Camera
- Neglect of Duty, General



Aggregate Trends Identified by IAD & DPA (Q4 2023)

IAD aggregate trends

- Neglect of Duty, General
- Neglect of Duty, Failed to Appear, Range
- Conduct Unbecoming an Officer
- Neglect of Duty, Body Worn Camera

DPA aggregate trends

- Neglect of Duty, SDCS (Stop Data)
- Neglect of Duty, Failure to write/complete incident report

The Board also held a follow-up discussion regarding the definition of "aggregate trends" as used by DPA and IAD. It was noted in Q2 that the term was used specifically by the Board to refer to trends seen in cases and complaints as reviewed by the Board, but an aggregate trend may not necessarily indicate a significant number of cases or complaints.



Policy Failure Findings Identified by IAD (Q3 2023)

There were no IAD cases closed in the 3rd Quarter that resulted in a “Policy Failure” finding.



Policy Failure Findings Identified by DPA (Q3 2023)

DPA had one policy failure case in the third quarter.

The case was regarding an officer-involved shooting that occurred during a standoff between multiple officers and a barricaded subject in the trunk of a vehicle. The involved officers were investigating a robbery with a firearm. The suspect discharged his firearm and officers returned fire, striking the suspect.

DPA found that the scene lacked a command structure in the lead up to this OIS. Several officers arrived on scene and surrounded the barricaded suspect. Officers yelled commands at the suspect in both English and Spanish, leading to unnecessary chaos and confusion. Within four minutes of arriving on scene, one officer grabbed an ERIW and deployed it at the suspect. Prior to this deployment, there were several sergeants on scene, but none had formulated a plan or given directions to the officer who had the ERIW.



Policy Failure Findings Identified by IAD (Q4 2023)

There were 2 cases closed in the 4th Quarter that resulted in a “Policy Failure” finding.

The first case involved an SFPD officer establishing a non-profit organization to fund trips for children to Ghana, Africa. During the investigation, IAD learned that SFPD does not have an MOU with several non-profit organizations. It was recommended that MOUs be created for programs that include on-duty SFPD officers’ participation to outline the officers’ roles and responsibilities.

The second case involved a use of force incident. The investigation centered on two allegations; unwarranted action for sitting a subject on the ground without articulating safety concern and failure to notify a supervisor of a use of force. There were no recommendations since the policy has since been updated.



Training Failures Identified by IAD (Q3 2023)

IAD had no cases that resulted in a training failure finding.



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Training Failures Identified by DPA (Q3 2023)

DPA had one case that resulted in a training failure finding.



Training Failure Findings Identified by DPA (Q3 2023)

There was one DPA case closed in the third quarter that had a training failure finding.

The case was regarding officers conducting a probation search of a probationer's residence although no one was home at the time & the probationer was taken into police custody a few days prior to the search.

Officers received information that an associate of the complainant's boyfriend was in unlawful possession of a firearm near her residence. Officers were aware that the complainant's boyfriend had an active search condition and lived with the complainant. When the associate was not located, officers executed a search of the residence to locate associate and/or firearms. Officers unlocked and opened the front door of the residence. Prior to officers entering the residence, the complainant arrived and told the officers that her boyfriend (the probationer) was already in custody, and nobody was home. Despite this fact, the officers entered the residence, conducted a brief search, and left.



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Training Failures Identified by IAD (Q4 2023)

IAD had no cases that resulted in a training failure finding.



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Training Failures Identified by DPA (Q4 2023)

DPA had no cases that resulted in a training failure finding.



Office of Equity & Inclusion (OEI) Review Regarding Equity and Discipline

The Office of Equity and Inclusion (OEI) submitted their review of the Q3 & Q4 IAD Quarterly Report. Based on a review of the information, no findings indicated any negative trends towards bias, disparities, or inequities in the discipline imposed on officers. No corrective action was recommended.



DRB Recommendations from Q3 & Q4 2023

Recommendation #1: MOUs should be created for programs that include on-duty SFPD officers' participation in order to outline the officers' roles and responsibilities.

Recommendation #2: The new verbiage added for "aggregate trends" be adopted.



Next Step Outcomes and Inputs:

- **The 1st Quarter 2024 Discipline Review Board has yet to be scheduled.**
- **The Q3 & Q4 quarterly IAD report submitted to the Discipline Review Board identifies open and closed cases, allegations in opened cases, complaint summaries, aggregate trends, findings in closed cases, and disciplinary action taken.**
- **The Office of Equity and Inclusion (OEI) will review the Q1 IAD quarterly report. Based on a review, they will determine if any findings indicate any negative trends towards bias, disparities, or inequities in the discipline imposed on officers and determine if corrective action is needed.**



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

March 12, 2024

Honorable Police Commission
City and County of San Francisco
1245 3rd Street, 6th Floor West
San Francisco, CA 94158

Re: Third and Fourth Quarter 2023 Disciplinary Review Board Findings and Recommendations

Dear Commissioners:

On Monday March 4th, 2024, at approximately 1430 hours, pursuant to and in compliance with Department General Order 2.04.08, Subsection B, the Disciplinary Review Board (DRB) convened to review aggregate trends appearing in Internal Affairs Division (IAD) and Department of Police Accountability (DPA) cases from the third and fourth quarter of 2023. The meeting was held via Microsoft Teams and the DRB was comprised as follows:

Voting Board Members

Assignments

- Assistant Chief Denise Flaherty..... Chief of Staff
- Acting Deputy Chief Eric Vintero..... Field Operations Bureau
- Deputy Chief Peter Walsh..... Administration Bureau

Advisory Board Members

Assignments

- Attorney Sarah Hawkins..... Department of Police Accountability

Also present were Acting Commander Mark Im of the Chief of Staff office, Lieutenant Lisa Springer of the Internal Affairs Division (IAD), Lieutenant Carla Hurley of the Office of Equity and Inclusion (OEI), Sergeant Stacy Youngblood of the Police Commission Office, Sergeant Joseph Minner of the Administration Bureau, and Attorney Diana Rosenstein of DPA.

The Board reviewed the recommendations that were put forth at the previous DRB meeting and attendees provided updates on the progress of those recommendations. All the recommendations were in progress or had been completed.

Lieutenant Springer displayed a PowerPoint presentation to the Board regarding policy and training failure cases from IAD and DPA as well as cases that showed complaint trends identified by both IAD and DPA in the third and fourth quarter of 2023.

For the third quarter IAD's aggregate trends were neglect of duty: body worn camera and neglect of duty: general. DPA identified their third quarter trends as neglect of duty: body worn camera, neglect of duty: failure to appear at the Police Range and conduct unbecoming.

For the fourth quarter, IAD identified their trends as neglect of duty: e-stop and neglect of duty: failure to write/complete incident report. DPA identified their fourth quarter trends as neglect of duty: general, neglect of duty: body worn camera, neglect of duty: failure to appear at the Police Range and conduct unbecoming.

The Board then held a discussion regarding the definition of “aggregate trend” as used by DPA and IAD in DRB meetings. Lt. Springer read some new language that had been drafted regarding the definition. The Board noted that further discussion will be had, but the new language was an improvement to address the request by Chief Scott to update the definition.

IAD and DPA then presented cases that identified policy failures during the third and fourth quarter of 2023.

Policy Failure:

IAD had no cases in the third quarter with a policy failure finding.

DPA had one policy failure case in the third quarter which stemmed from a case that was to be presented and discussed later in the meeting.

IAD had two cases that resulted in a policy failure finding in the fourth quarter.

DPA had one case that resulted in a policy failure finding in the fourth quarter.

Training Failure:

IAD had no cases that resulted in a training failure finding in the third quarter.

DPA had one case that had a training failure finding in the third quarter. This case also had a policy failure finding.

IAD had no cases that resulted in a training failure finding in the fourth quarter.

DPA had no cases that resulted in a training failure finding in the fourth quarter.

Internal Affairs Division:

IAD presented two cases for the third and fourth quarter of 2023 for review and discussion.

The first case involved an officer who established a non-profit organization related to his work with the SFPD. Questions were raised as to what Department members should or should not do while serving on the board of the non-profit. Several violations were noted including Violation of the Department’s Statement of Incompatible activities, inappropriate comments, failure to investigate alleged misconduct and failure to disclose a personal relationship. During the investigation, it was learned the SFPD does not have a Memorandum of Understanding (MOU) with the non-profit.

The second case was regarding officers who were accused of not reporting the use of force and violating Department policy by having a detained subject sit on the ground. The investigation determined there was no reportable use of force as the SFPD and DPA had collaborated to

revise the updated Use of Force policy and shortly after this incident it was rescinded and updated so the control hold the officer used in this incident was not considered a reportable use of force.

.DPA then presented two cases for the third and fourth quarter of 2023.

The first case involved officers conducting a probation search of a residence though they were informed prior to the search the subject was in custody and not present, a violation of established case law. This case law was included in a 2012 Department Bulletin, but the supervisors interviewed in this case could not recall the bulletin. DPA presented this case to highlight a previous DRB recommendation that the Department needs to continue to improve and continually update their Fourth Amendment training for officers.

The second case was an Officer Involved Shooting from 2018 that had policy failure findings. Following this shooting, DPA and the Department worked together to address the pertinent policies with DPA making several recommendations. Two Department General Orders (DGO) were updated with the recommendations from DPA included. One DGO (8.02) has already been adopted by the Police Commission and the second (8.01) is currently pending Meet and Confer with the police union.

After the presentation of the cases, Lt. Carla Hurley of OEI presented her review of disciplinary data to determine if there were any variances or bias in the discipline imposed on officers based upon their demographics. Her analysis found no variances or discrepancies in the imposition of discipline.

After the presentations, the DRB proposed one recommendation.

The recommendation was:

1. ***The SFPD should have a MOU in place with any program that SFPD assigns officers to work with while on duty. These MOUs should clearly define the officer's roles and responsibilities.***

The DRB was unanimous in approval of this memo.

The findings of the Disciplinary Review Board for the third and fourth quarter of 2023 are hereby forwarded for your review and consideration.

Sincerely,



WILLIAM SCOTT

Chief of Police