

DPA Recommendations: DGO 5.03, Prop E Edits-Department Responses

July 8, 2024

	DPA Recommendation for DGO 5.03	Date recommendation received	SFPD response	SFPD explanation
R1	5.03.04.C.2 should be renumbered as its own section: 5.03.04.D because it is not a subsection of Certificate of Release.	6/14/24	Recommendation has not been included in draft DGO	The department is not opposed to this formatting recommendation however the edit was not made ahead of commission submission. Documenting detention and searches using BWC applies to anyone detained and as such could be a stand alone section.
R2	Documentation of Detention and Searches: Subsection 2.d should require officers to write an incident report in all instances where a detention is not captured on BWC. A detention which is later questioned should be documented under penalty or perjury and not added as a note to CAD.	6/14/24	Recommendation has not been included in draft DGO	The Department disagrees with this recommendation as DGO 10.11 BWC does not require an incident report if there are instances where BWC is not activated. DGO 10.11 requires members to articulate the reasoning in a report, statement or other form of Dept. approved documentation and DGO 5.03 reaffirms that requirement.
R3	The final block paragraph of documenting detentions and searches using BWC should have it's own section heading 5.03.04.E, because it is a different concept than documenting by BWC. The paragraph should strike "depending on the nature of the incident" because the officer is already afforded the discretion if they "deem it necessary." The section should also strike the final sentence because incident reports should be required when not recorded on BWC.	6/14/24	Recommendation has not been included in draft DGO	Much of this content is from the 1994 version of the DGO "Incident Reports", where members were required to prepare an incident report in all cases when a Certificate of Release was issued. However with the passing of Prop E, the Department must reduce all recordkeeping an reporting requirements to the extent allowed by the law. Not all detentions require an incident report so the department does not agree with striking the last sentence. While this last block can be seen as a different concept from documenting by BWC, the Department believes that it can remain as-is to provide a reminder to members that writing an incident is still an option during circumstances where documenting by BWC is allowed.