

**DPA Recommendations: DGO 5.04, Prop E edits and Department Responses
July 8, 2024**

	DPA Recommendation for DGO 5.04	Date recommendation received	SFPD response	SFPD explanation
R1	DPA agrees with the decision to remove incident report requirements in the listed categories. We receive several cases per year from people who made frivolous or unfounded claims and then complaint the officer did not conduct a citizens arrest. For clarity, we suggest reformatting the section and providing additional context around the terms. For example, An incident report is not required if the officer: 1) accepts all the allegations as true and no crime has been committed, 2) the allegations are without merit or made for the purpose of harassing an opposing party, or 3) an investigation clearly established the allegation is not true. The (2) and (3) are the definitions of frivolous and unfounded from Cal. Civ. Proc. Code § 128.5 and Cal. Pen. Code § 832.5. The definitions could come after the terms or replace the terms.	6/14/24	Recommendation has not been included in draft DGO	This recommendation does not make the section substantially clearer to members.
R2	Consider alternative language for (1) above: "when a person alleges a crime, but does not describe any activity indicating a crime was committed."	6/14/24	Recommendation has not been included in draft DGO	This recommendation does not make the section substantially clearer to members.
R3	The implanted chip example is sensational and unnecessary. An officer would be better served by examples like: (1) if a person wants a store manager arrested for harassment because they refused his business, or (2) a person wants a protestor arrested for assault because they feel threatened by the protestors signs.	6/14/24	Recommendation has not been included in draft DGO	The example listed in the draft DGO was a hybrid of several real life experiences reported by officers and is not as sensational as one would imagine.
R4	Our office would like clarity on the retention of BWC videos where an officer determines no incident report is required. We often receive complaints weeks or months after an incident so we would like these videos retained longer than the average "no incident." The DGO should direct officers to "tag" their videos with a specific tag.	6/14/24	Recommendation has not been included in draft DGO	This recommendation relates to the BWC retention policy which is not listed in this DGO. SFPD has automated tagging of BWCs attached to the retentions policy which makes this unnecessary and may create a conflict with internal process.
R5	SFPD should continue to use the private person arrest Form 80, and not allow an officer to simply document a verbal affirmative response. The Form could be shortened to reduce administrative burden, but this action should still create documentation outside of a BWC video. This is in line with the practices across the state, including: LASD, LAPD, Sacramento PD, Santa Clara PD, San Diego Sheriff, Long Beach PD.	6/14/24	Recommendation has not been included in draft DGO	This recommendation goes against the intent of Prop E (SF Admin Code 961.2(a)and (b)which is to reduce administrative processes not required by law.