

San Francisco Police Department Disciplinary Review Board Presentation 2024 Q1



CITY & COUNTY OF SAN FRANCISCO

Police Department

09/11/2024



Safety with Respect

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Presented By:

Lieutenant Lisa Springer

San Francisco Police Department

Legal Team Manager Diana Rosenstein

Department of Police Accountability



First Quarter Disciplinary Review Board Findings and Recommendations

July 18, 2024

Members present:

Voting Board Members

- Acting Assistant Chief Peter Walsh (chair)
- Acting Deputy Chief Derrick Jackson

Advisory Board Members

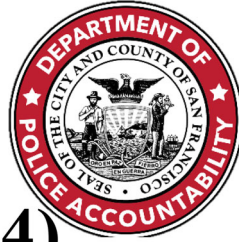
- (Not present)
- Legal Team Manager Diana Rosenstein

Assignments

Chief of Staff/Administration Bureau
Field Operations Bureau

Police Commission

Department of Police Accountability



Aggregate Trends Identified by IAD & DPA (Q1 2024)

IAD aggregate trends

- Neglect of Duty, Body Worn Camera (25.77%)
- Neglect of Duty, General (20.62%)
- Conduct Unbecoming an Officer (18.56%)
- Neglect of Duty, Failed to Appear, Range (16.49%)

DPA aggregate trends

- Improper Search or Seizure of a Person Property, Vehicle or Location (16%)
- Inappropriate Comments/Behavior (14%)
- Failure to Activate BWC (12%)
- Failure to Comply with SDCS (9%) / Failure to Prepare an Incident Report (9%)



Policy Failure Findings Identified by IAD (Q1 2024)

There were **three** IAD cases closed in the 1st Quarter that resulted in a “Policy Failure” finding.

The first case involved six officers responding “Code 3” that resulted in a three-vehicle collision. The IAD investigation focused on five allegations. The “Policy Failure” was regarding the activation of the officers’ BWCs. The policy stated that “When responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, members shall begin recording by pressing the *Event* button while enroute and prior to arriving on scene.” At the time, Department Bulletin 20-175 had lapsed. Subsequently, DN 23-045 was issued which address activating “while enroute”. DGO 10.11 did not include information on BWC activation while enroute to calls therefore there was no policy in effect. In addition to the time lapse, the investigation revealed that there is no mention of activating while responding Code 3 in any policy. Once revised, DGO 10.11 will include the requirement to activate when responding Code 3.

The second case involved a member cleaning their firearm in their office. The investigation revealed that the only information in writing is that members shall “place the muzzle of the pistol into the opening of the bullet trap container” when loading the P226R and 229R pistol. There is nothing in writing about designated firearm cleaning areas. DGO 5.01.08.G.1 does not mention that firearms should be cleaned in a designated cleaning area nor does DN 18-259.



Policy Failure Findings Identified by IAD (Q1 2024)

Continued.....

The third case involved disclosing confidential information online that may have compromised an investigation. The named member admitted to posting the DPA Document Protocol Quarterly Report-4th Quarter 2022 (Cover Memo and spreadsheet with unredacted identifying information). The report was the first one they had seen since arriving at the unit. The member was never trained, provided with any policy, protocol, or unit order regarding the posting of the DPA Document Protocol Quarterly Report online.

Prior to posting the document, the member was unaware that the predecessor would only post the cover memo and not the spreadsheet. The member believed the document was in its final form and ready to be posted as is in its entirety. Action was immediately taken to remove the document from the website when it was discovered.



Policy Failure Findings Identified by DPA (Q1 2024)

DPA had **three** policy failure cases in the first quarter.

The first case involved a first phase recruit and his FTO who detained a driver for allegedly conducting an illegal U-turn. The recruit also believed they could arrest the driver for violating VC 12500 despite the driver's possession of a temporary driver's license. The recruit handcuffed and pat searched the driver, but ultimately issued an equipment violation citation without entering STOP data information after the FTO explained to the recruit that the U-turn was lawful, and the temporary license was legitimate.

The second case involved a complainant that was arrested for assault with a weapon on a neighbor. As she and the officers were exiting the building, complainant became combative and began spitting at the officers. To prevent the conduct, the officer held complainant's head against the wall.



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Policy Failure Findings Identified by DPA (Q1 2024)

Continued.....

The third case involved officers who inadvertently provided a suspected online stalker with the stalking victim's address by serving him with the EPO listing the victim's address. The officers did not know they could request an EPO without the victim's address on it.



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Training Failures Identified by IAD (Q1 2024)

IAD had **zero** cases that resulted in a training failure finding.



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Training Failures Identified by DPA (Q1 2024)

DPA had **zero** 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 Q1 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 Q1 2024

Recommendation #1: Revise DN 18-259 (Rules, Protocols and Procedures for Firearm Safety) to include specific orders regarding acceptable locations to clean firearms.

Recommendation #2: Update the FTO training manual (obstacles discussed). The FTO Manual should emphasize the FTO's responsibility to intervene, *if necessary*, when their recruit makes mistakes. FTOs need to be provided discretion as to when to intervene to allow for essential learning to occur as field training is designed to be a "fail forward" program.

Recommendation #3: Update the arrest and control manual and/or DGO 5.01 so that officers receive clear and adequate training on how to properly restrain a spitting individual. Doing so will clear up any confusion about whether spitting is considered an exigency, or under what circumstances spitting may be considered an exigency and provide officers guidance on what to do when presented with a spitting subject.

Recommendation #4: Update policies and training to direct officers to ask the victim of a stalking whether the suspect knows their address and/or whether they would like the EPO to be issued without the victim's address.



Next Step Outcomes and Inputs:

- **The Q1 quarterly IAD report submitted to the Discipline Review Board identified open and closed cases, allegations in opened cases, complaint summaries, aggregate trends, findings in closed cases, and disciplinary action taken.**
- **The 2nd Quarter 2024 Discipline Review Board has yet to be scheduled.**
- **The Office of Equity and Inclusion (OEI) will review the Q2 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.**