



DPA Annual Report

2023



'Black Exodus,' 2018 by Mark Harris. Mixed media on panel.

The artwork featured on the front page of our annual report is now displayed at the entrance to our department office. This artwork was created by a local artist named Mark Harris, who is known for his mixed media collage pieces that explore themes of American hypocrisy and social dislocation. The artwork, titled 'Black Exodus', was made in 2018 and draws attention to those who were displaced due to development projects during the second half of the 20th century, as well as those who still remain. Harris uses collage as a form of reclamation, asserting the presence of Black voices, dignity, and humanity. Through his use of color and found imagery, Harris aims to challenge assumptions and spark conversations and reflections. The original artwork was selected for reproduction in a publication called (Dis)location: Black Exodus, which was created by the Anti Eviction Mapping Project to bring attention to the unprecedented displacement of Black San Franciscans. The San Francisco Arts Commission and a grant from Southern Exposure funded the reproduction. For more information on this project, please visit <https://www.artofmarkharris.com/>.



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Executive Summary

As the Executive Director of the Department of Police Accountability (DPA), I am pleased to present our 2023 Annual Report. This past year has been crucial for the DPA as we continue our mission to ensure justice, transparency, and accountability in law enforcement throughout San Francisco.

In 2023, we made significant progress in our oversight responsibilities. We received 785 new complaints of police misconduct, leading to 1,973 allegations. Despite staffing challenges, we successfully closed 748 cases, marking a 4% increase over the previous year. Our focus on accountability remained strong, with a 13% sustained rate of improper conduct, which is well above the national average. These achievements reflect our team's dedication to conducting thorough and impartial investigations that serve the community's interests.

I am also proud to highlight our award-winning audit work. Our audit on the San Francisco Police Department's (SFPD) use-of-force data received national recognition, earning us the prestigious Knighton Award from the Association of Local Government Auditors (ALGA). This audit was praised for its neutrality and in-depth analysis, and it serves as a critical tool for promoting transparency and trust in law enforcement. Our work ensures that SFPD policies are scrutinized and improved where necessary, further strengthening the integrity of our city's policing practices.

In addition to our casework and audits, we've continued our commitment to fostering racial equity and inclusion. Through our Law & Justice Reform Internship Program, we have mentored a diverse group of future leaders, many from underrepresented communities. Our partnership with Historically Black Colleges and Universities (HBCUs) has laid a foundation for future collaboration and the expansion of opportunities for students in public service.

The DPA remains at the forefront of innovation, transparency, and accountability. We have modernized our case management systems, launched a new public website, and significantly reduced the backlog of cases awaiting public disclosure under Senate Bill 1421. These initiatives have enhanced access to information, empowering the community to engage directly with the oversight process.

As we move forward, I am committed to making the DPA a model of excellence in law enforcement oversight. I am deeply grateful for the continued support of the Mayor's Office, the Board of Supervisors, and, most importantly, the San Francisco community. Together, we are building a future where trust between the public and law enforcement is anchored in fairness, transparency, and accountability.



Mission

The Department of Police Accountability is committed to providing the City of San Francisco with independent and impartial law enforcement oversight through investigations, policy recommendations, and performance audits to ensure that policing reflects the values and concerns of the community.



Our Values

Creating a culture of belonging where everyone is welcome; Being transparent, present, and independent; Delivering our best and holding ourselves accountable; and serving our community with honor, dignity, and respect.



2023 At a Glance

785

New Complaints

13%

Sustained Rate

*9% above the
National Average of
4%*

Transparency

46,282

SB1421 Cumulative
Pages Released

748

Closed Complaints

95

Evidence-Based
Policy Recommendations



DPA's accomplishments throughout the years

- Significantly reduced the backlog of cases yet to be disclosed to the public under SB1421 & SB 16
- Stepping in to ensure oversight of the San Francisco Sheriff's Office, at the request of the Sheriff
- Balancing our department budget
- Successfully identified, investigated and bias police investigations.
- Transitioning DPA into a more modern expanded facility to accommodate new partnerships and updated interview rooms to public spaces
- Increased the percentage of cases resolved by the state-mandated Section 3304 deadline by nearly 20%
- Expanding the data and information included in our annual reports
- Honored to be a three-time award winner for DPA Audits from the Association of Local Government Auditors (ALGA). Our recent audit concerning SFPD's use-of-force data also received national recognition from ALGA
- Updating DPA's case file management system from MS Access 97 to a cloud based system with increased reporting capabilities
- Successfully launching a new DPA website that shows reports, DPA statistics and division information.
- Created a Complainant Case Look-Up Portal at no cost to the City of San Francisco
- Increasing equitability by ensuring that 50% of the executive staff are either women or people of color
- Won a settlement agreement in an Officer Involved Shooting (OIS) case for a 45-day suspension with termination held in abeyance for 18 months



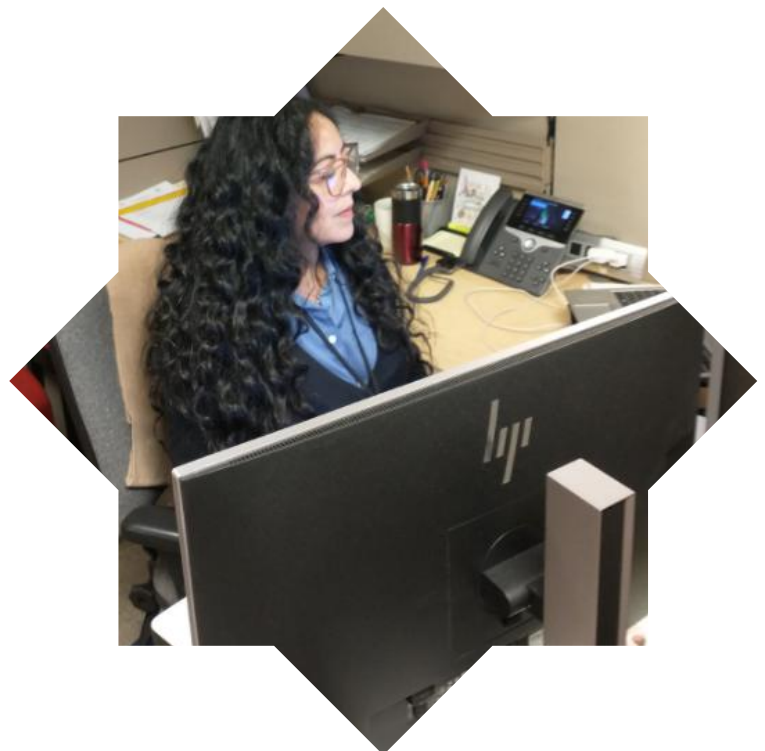
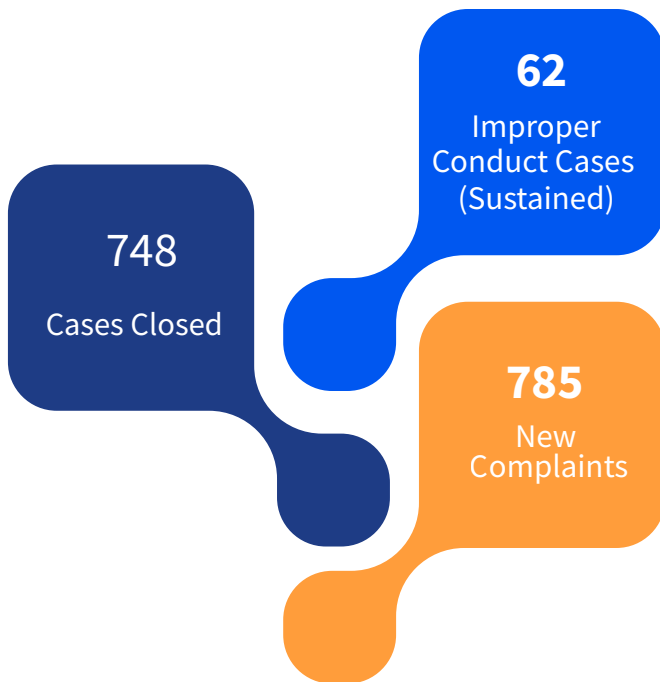
Investigations

In 2023, DPA received 785 complaints of police misconduct, marking a 12% increase over the previous year. These complaints led to 1,973 allegations against 689 officers (some officers received multiple complaints) of the 748 cases closed in this calendar year, which represents a 4% increase over the previous year. Sixty-two resulted in findings of improper conduct (sustained) against San Francisco police officers, yielding a 13% improper conduct (sustained) rate for the year.

Despite the City's ongoing hiring freeze, our investigation team managed to sustain operational momentum in 2023. DPA was faced with a decreased in staffing levels due to departures; however, the team successfully closed 748 cases, demonstrating a pragmatic and focused approach to their responsibilities.

DPA maintained commitment to accountability evidenced by the sustained rate of allegations of misconduct. DPA Investigators sustained 141 allegations of misconduct. This reflects the department's dedication to addressing internal issues transparently and effectively, even amid staffing constraints.

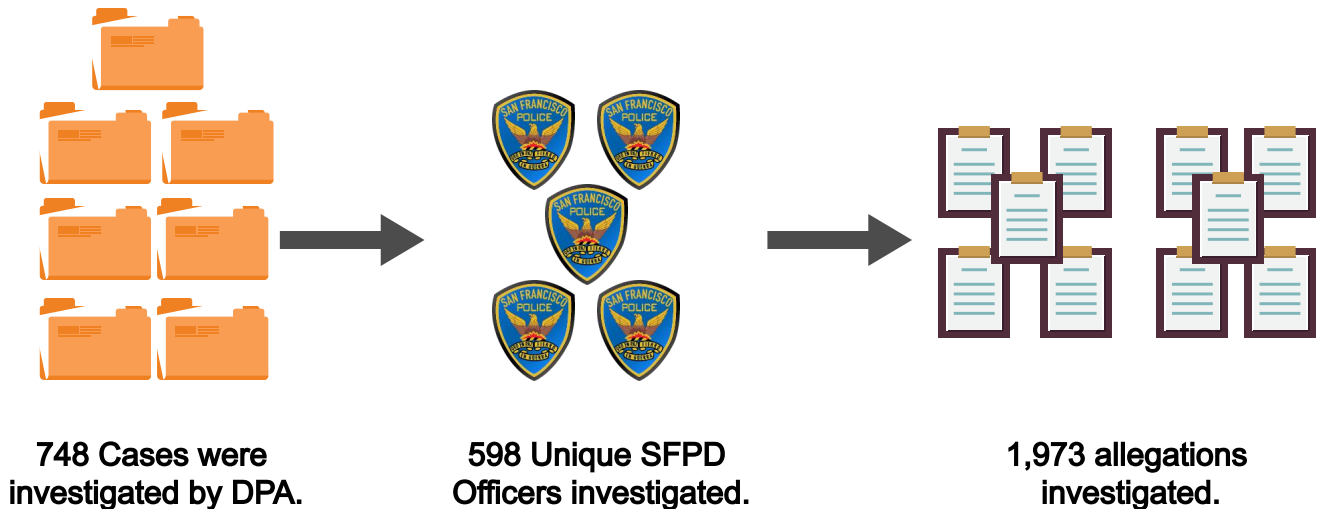
Furthermore, the investigation team responded to six Officer-Involved Shooting Incidents in 2023. The teams approach each investigation methodically, recognizing the inherent complexity and resource demands of such cases. Their efforts contribute to ensuring a thorough examination of critical incidents while maintaining the department's commitment to professionalism and impartiality.



Case Findings Explained



This visual presents a high-level overview of a single DPA case and its associated officers and allegations. It shows that there can be multiple officers in a case, and each officer can have multiple allegations. This is crucial in understanding the amount of work completed for each case. For example, in 2023, DPA received one case with over 50 officers. If DPA finds improper conduct for each officer, that would result in 50 separate disciplinary hearings.



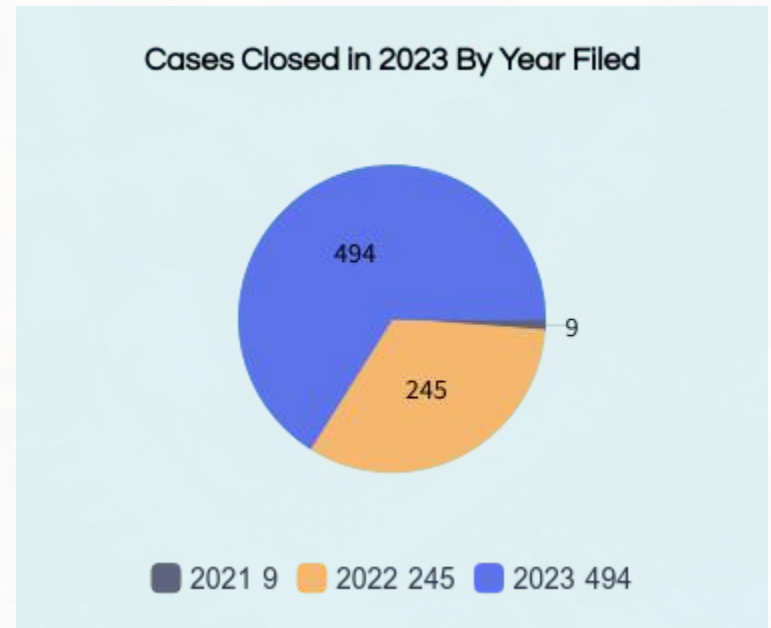


Case Findings

In 2023, DPA case numbers decreased from 2022. DPA continues to focus on closing cases. In 2023, cases pending by quarter saw a continued decrease across all four quarters. DPA continues to focus on meeting all 3304 statutory deadlines.



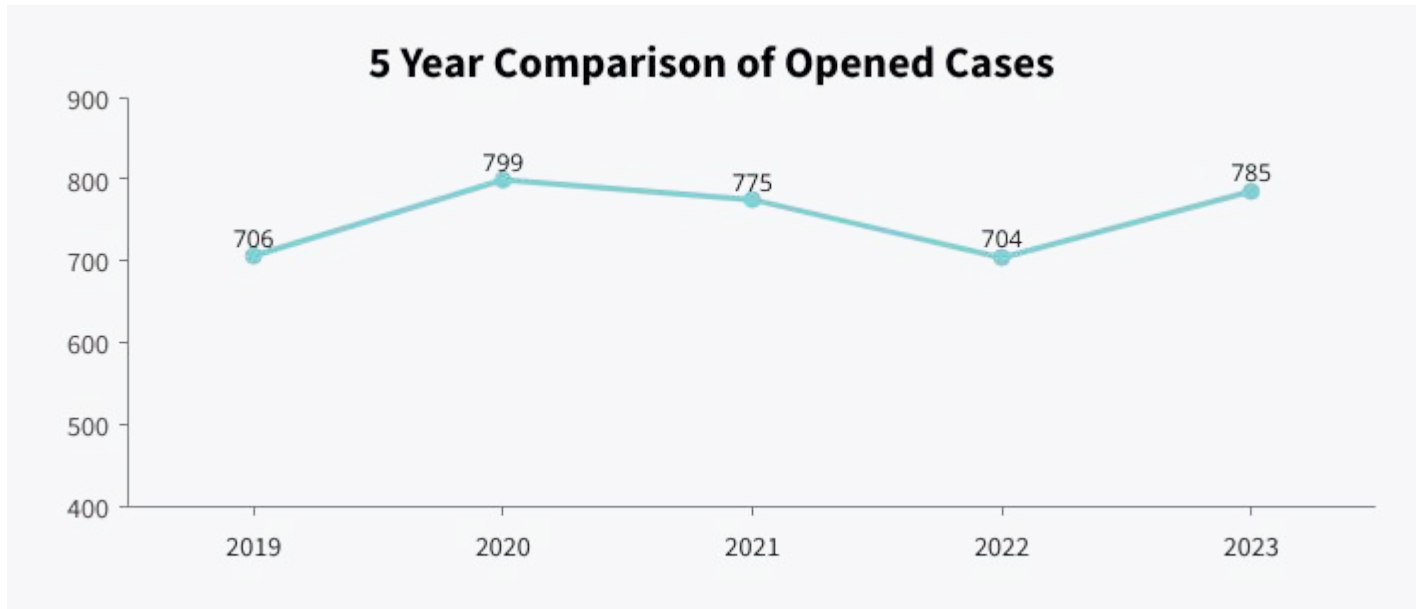
The "Cases Closed by Year Filed" graph is presented twice to show a visual of the number of cases closed by year filed. In 2023, DPA closed a total of 748 cases. DPA's pending case closures continue to decrease year after year.



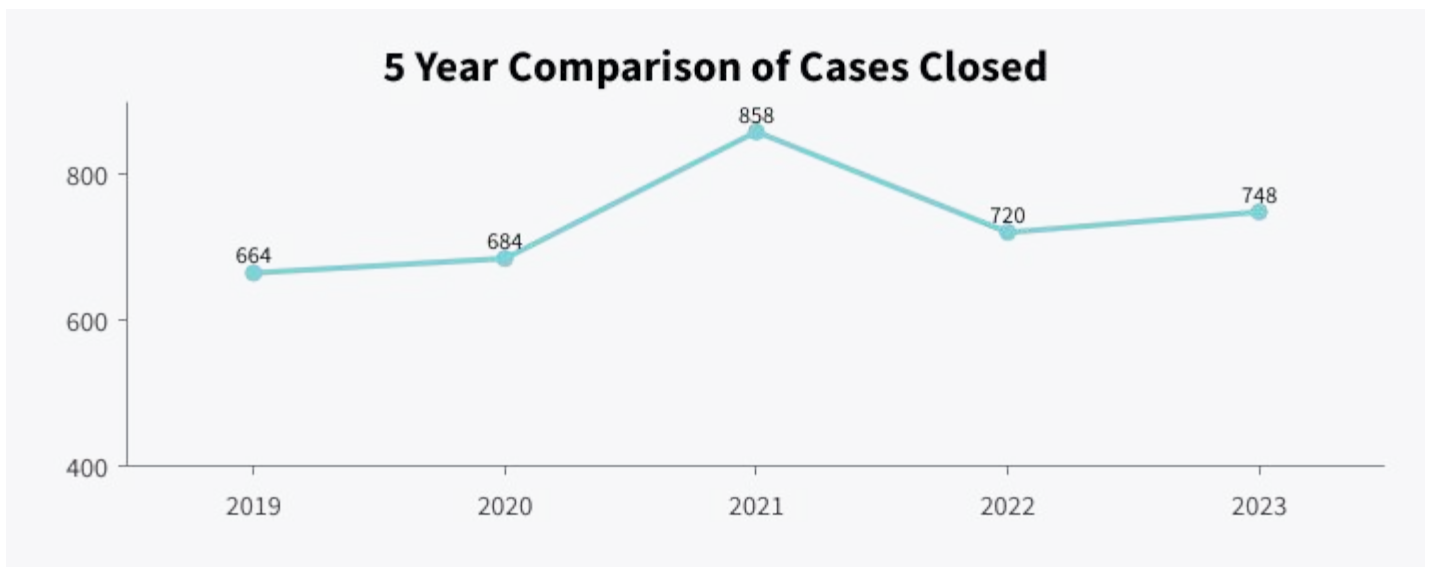


Case Findings

The accompanying graphs illustrate a five-year trend in the opening and closing of DPA cases. There was a notable increase in DPA cases in 2023, which marked a return to levels observed before the pandemic. Enhanced efficiency in case handling by our team has led to expedited resolutions. Consequently, there has been a 46% increase in case closures by the DPA over the last five years.



New cases increased by 11% from 2019 to 2023. New cases increased 12% from 2022 to 2023.





Complainant Demographics

The demographic characteristics of complainants are outlined in the tables and charts below. In 2023, White and African Americans accounted for the highest percentages of complaints, with rates of 23% and 16%, respectively. In terms of gender, 42% of complainants were male, 31% were female, and 26% declined to state their gender. The majority of complainants fell between the ages of 31 and 40.

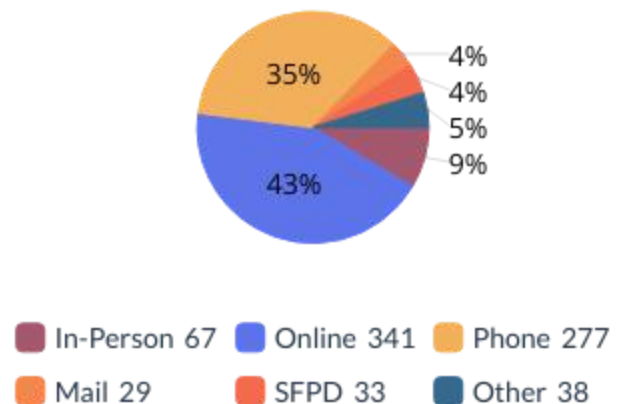
Complainants have various avenues for filing complaints with the Department of Police Accountability (DPA). In 2023, the most common method for filing complaints was by online (341), followed by Phone (277), and in-person (67).

RACE/ ETHNICITY	#	%
Asian	91	12%
Black or African American	151	19%
Hispanic or Latinx	62	8%
White	176	22%
Other	59	8%
Declined to State	246	31%
Total	785	100%

AGE	#	%
1-13	0	0%
14-16	0	0%
17-19	2	0%
20-30	59	8%
31-40	191	24%
41-50	135	17%
51-60	86	11%
61-70	55	7%
71-80	20	3%
Over 80	4	1%
Declined to State	233	30%
Total	785	100%

COMPLAINANTS	#	%
Complainants	756	96%
Anonymous Complainant	29	4%
Total	785	100%
Gender		
Female	215	27%
Male	344	44%
Genderqueer/Gender Non-binary	4	1%
Transgender	8	1%
Declined to State	214	27%
Total	785	100.00%

How cases were received





Case Findings - Allegations

Allegations by Type

Total = 1,973



Allegations outline instances of officer misconduct. Typically, multiple allegations are investigated for each case. In 2023, a total of 1973 allegations were investigated in 598 officer investigations (some officers were the subject of multiple investigations). The most prevalent allegations included Neglect of Duty, Conduct Unbecoming an Officer, and Unwarranted Action, accounting for a combined 85% of all allegations.

Each allegation type has subtypes.

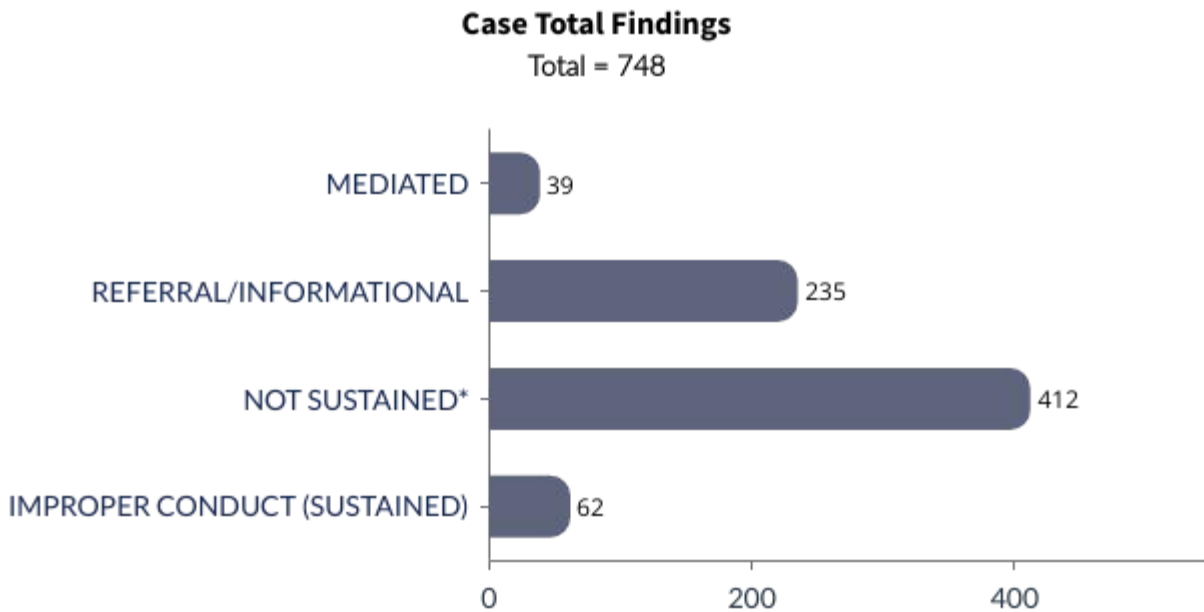
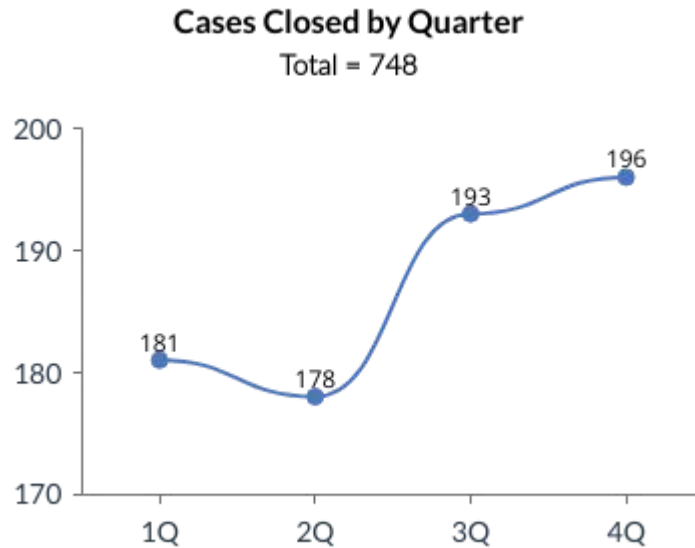
For instance, the Neglect of Duty allegation category encompasses situations where an officer fails to activate a body-worn camera or neglects to prepare an accurate incident report.

Neglect of Duty	Conduct Unbecoming an Officer	Unwarranted Action	Use of Force
Failure to activate body-worn camera	Inappropriate comments or behavior	Misused city property for personal use	Used a carotid restraint hold
Failure to follow SFPD policy or law	Racial bias	Issuing a citation without cause	Failure to comply with DGO 5.01
Failure to write an incident report	Sexual slurs	Handcuffing without cause	Unnecessary or excessive force
Failure to provide name and star number upon request	Misrepresenting the truth	Improper search or seizure of a person, property, or vehicle	Intentionally and improperly discharged a firearm
	Misuse of police authority		



Case Findings

In 2023, DPA closed 748 cases, reflecting a 4% increase compared to the 720 cases closed the previous year. Of these 748 cases, 62 were classified as Improper Conduct cases, 39 Mediations, and 647 were categorized as Not Sustained cases.



Not Sustained refers to cases with findings other than improper conduct, such as Proper Conduct, Withdrawal, Unfounded, No findings, or Insufficient evidence. Data from non-sustained cases are still collected and analyzed to provide evidence-based recommendations for trend transparency, policy adjustments, and outreach modifications.

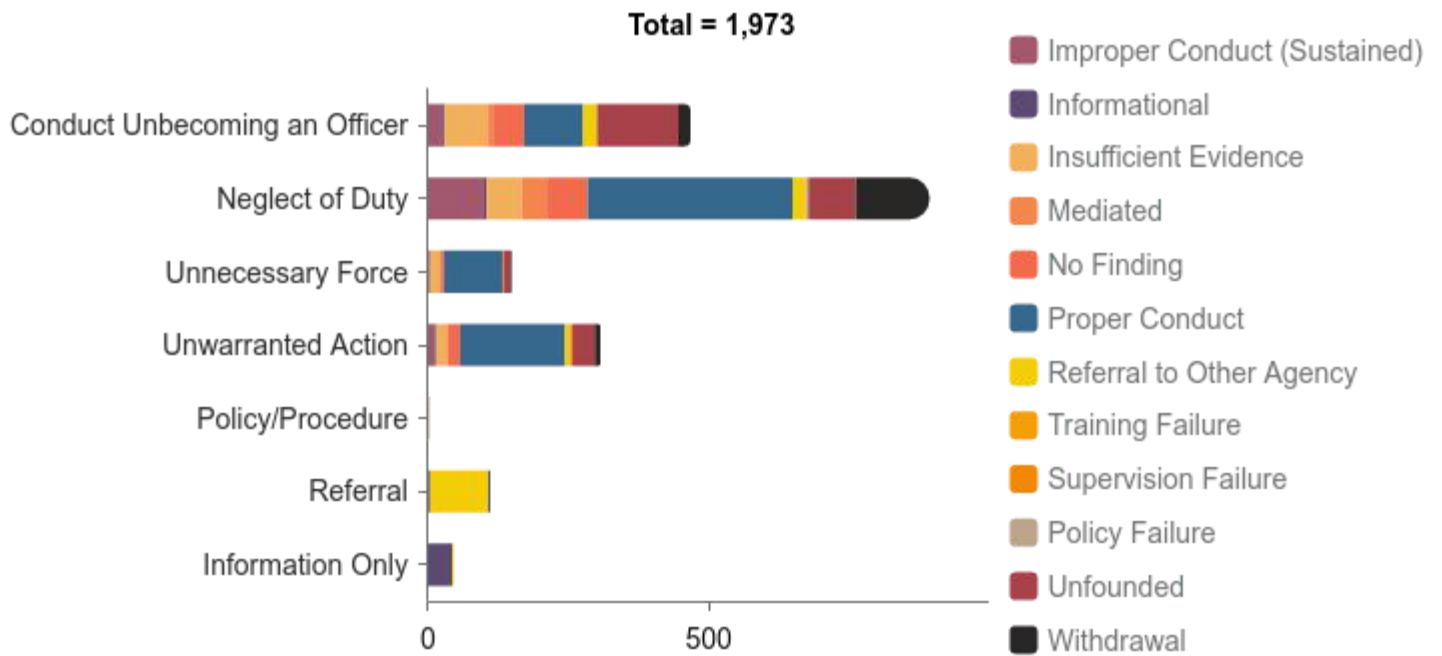


Case Findings

Out of 1,973 allegations, 39% were determined to be proper conduct, while 14% were classified as unfounded.

The chart below, "Findings by Allegation Type," delineates allegations findings by category. Multiple allegations are typically investigated for each case. In 2023, the predominant findings were Proper Conduct and Unfounded. The prevailing allegations were Neglect of Duty, Conduct Unbecoming an Officer, and Unwarranted Action.

	Improper Conduct (Sustained)	Informational	Insufficient Evidence	Mediated	No Finding	Proper Conduct	Referral to Other Agency	Training Failure	Supervision Failure	Policy Failure	Unfounded	Withdrawal
Conduct Unbecoming an Officer	26	3	76	10	56	105	25	0	0	0	145	21
Neglect of Duty	100	4	62	45	73	365	24	0	0	5	83	132
Unnecessary Force	3	0	19	0	6	104	0	0	0	0	13	2
Unwarranted Action	12	2	20	0	23	187	7	6	2	0	40	10
Policy /Procedure	0	0	0	0	0	0	0	0	0	2	0	0
Inattention to Duty	0	0	0	0	0	0	0	0	0	0	0	0
Referral	0	3	0	0	0	0	104	0	0	0	0	3
Information Only	0	43	0	0	0	0	2	0	0	0	0	0



Case Findings

In the subsequent sections, we have identified the subtype categories of sustained allegations of improper conduct, including Conduct Unbecoming an Officer, Unwarranted Action, and Use of Force.

Conduct Unbecoming an Officer - Allegations Summary

Total = 26



Unwarranted Action - Allegations Summary

Total = 12

- The officer conducted an improper search or seizure. 9
- The officer issued a citation without cause. 2
- The officer detained a person without reasonable suspicion. 1



Use of Force - Allegations Summary

Total = 3



- The officer used unnecessary or excessive force.
- The officer failed to comply with Department General Order 5.01.



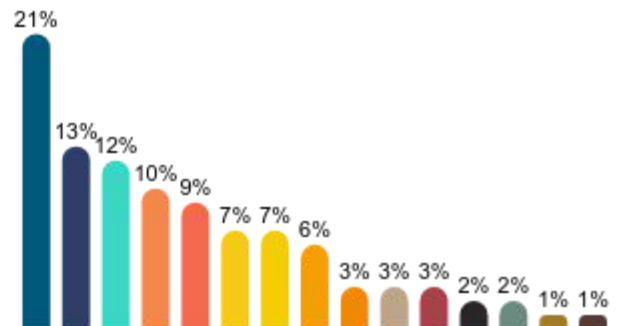
Case Findings

In the following sections, we've highlighted improper conduct sustained allegations by subtype. Thirty-eight percent of the sustained Neglect of Duty allegations involved an officer failing to comply with a Department General Order or Department Bulletin. *These are the Department issued rules and policies that officers shall follow, or expected.

Neglect of Duty - Allegations Summary

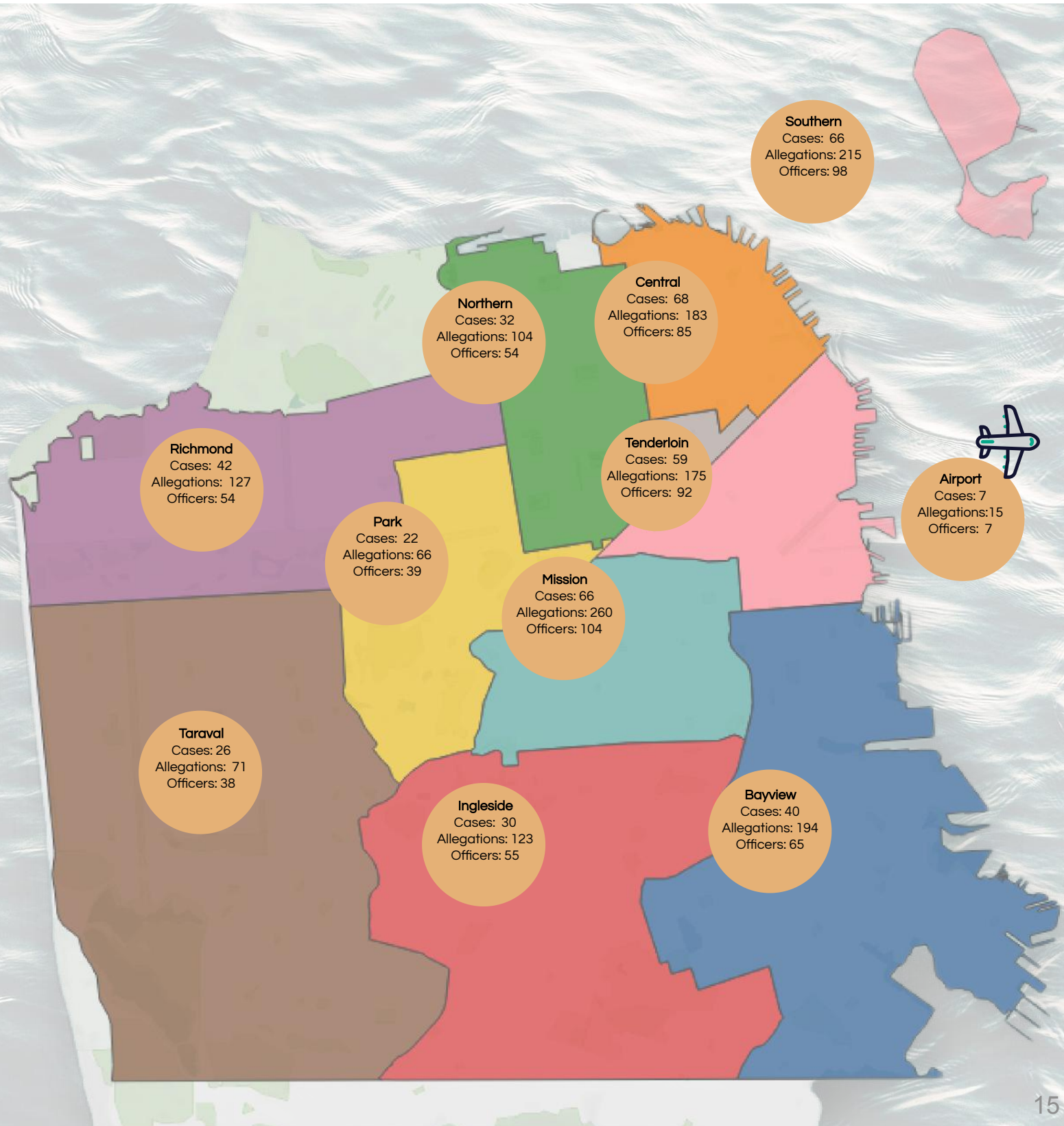
Total = 100

- The officer failed to activate a body-worn camera as required.
- The officer failed to comply with Department General Order or Department Bulletin.
- The officer prepared an incomplete or inaccurate incident report.
- The officer failed to properly investigate.
- The officer failed to Comply with the Department's Stop Data Collection requirement.
- The officer failed to take required action.
- The officer failed to write an incident report.
- The officer failed to properly search an arrestee or detainee.
- The officer failed to properly supervise.
- The officer drove improperly.
- The officer failed to properly care for, process, or book property.
- The officer drove a City vehicle in a grossly negligent or reckless manner.
- The officer failed to make an arrest.
- The officer failed to issue a Certificate of Release.
- The officer failed to Mirandize.



Case Findings - Districts

The map illustrates the distribution of cases, allegations, and officers by district. In 2023, Central Station recorded the highest number of cases (68), officers (85), and allegations (183). It's important to note that a high number of complaints does not necessarily correlate with a high number of improper conduct allegations.



Law and Justice Reform Fellowship Program

DPA's 2023 summer internship cohort was the largest and most diverse ever! Twenty-three students from nine universities and law schools participated in our 10-week Professional Development Program. Among our cohort, 87% were underrepresented minorities, and 34% identify as LGBTQ+. Each intern was paired with a mentor who, guiding them through their professional development journey. Seventy-five percent of our students secured outside summer funding, with the majority funded through Mayor Breed's Opportunities For All (OFA) Program. We were excited to collaborate with 10 City agencies that provided internship experiences for our students.

During the program, our students had the opportunity to visit various sites and listen to 22 guest speakers. Among the speakers were Judge Roger Chan from the San Francisco Superior Court, representatives from the San Francisco District Attorney's Office, District 10, the Housing Authority, the Department on the Status of Women, and the Juvenile Probation Department. Additionally, we organized a specially curated panel with Historically Black Colleges and Universities (HBCUs) through the Warriors Basketball Team at Chase Center. These experiences were valuable for our students as they were able to witness first-hand the significance of diversity, equity, and inclusion in both a professional setting and our community.

This summer provided rich and fulfilling experiences, expanding the diversity pipeline into San Francisco government. At the program's conclusion, our cohort presented a policy recommendation to the Police Commission for the San Francisco Police Department on "Optimizing Officer-Witness Interactions to Reduce Implicit Bias," based on the book "Biased" by Dr. Jennifer Eberhardt. Leveraging their skills, resources, and support from DPA staff, our students worked collaboratively to promote racial equity and inclusion for all.

Summer Program Overview

10-week program (June to August)
Roughly 75% of Interns Funded

23 Interns (Largest Summer Cohort)
50% Law, 50% Undergraduate
87% Underrepresented Minority





Our Executive Director, Paul Henderson, was honored with the Charles Houston Bar Association’s 2023 Hon. Justice Clinton W. White Advocacy Award for the impactful work of the Law & Justice Reform Internship Program. This recognition celebrates our efforts to build a pipeline for youth from diverse backgrounds into public service.

With the continuous support and assistance of the San Francisco Human Rights Commission and Opportunities For All, we successfully hosted our inaugural HBCU Cohort. Thanks to the support of OFA, we provided housing and transportation for our HBCU students, many of whom were experiencing San Francisco and California for the first time. Throughout the summer, our HBCU students had the opportunity to connect and network with HBCU alumni through our speaker series and were paired with mentors to support them throughout their journey.



Provided Transportation and Housing for 8 Weeks



12 Fieldtrips & Activities



Collaborations with 10 City Departments



22 Guest Speakers

Program Experience

Our HBCU cohort has served as a model for Mayor Breed, City and business leaders, and community stakeholders, which lead to the establishment of an HBCU satellite campus in San Francisco's Downtown. The initiative, known as Black 2 San Francisco ("B2SF") and led by HRC, will commence hosting HBCU programming in the City in the summer of 2024. The long-term objective of the initiative is to establish a satellite campus partnership with several HBCUs, complete with a physical location and a comprehensive suite of academic and professional programming. DPA will spearhead this initiative, serving as the "base" for these students as part of our award-winning professional development program.





Budget

DPA operates as a General Fund department, relying entirely on the City & County's General Fund budget to support its operations and services. On July 27, the Mayor approved a \$13.9 billion City budget for Fiscal Year 2023, which allocated a total operating budget of \$9.9 million for DPA. This funding facilitated the execution of various operational and programmatic projects throughout the fiscal year. DPA rigorously monitored expenditures to ensure alignment with the budget and remained dedicated to supporting the citywide mandate to minimize non-essential spending.

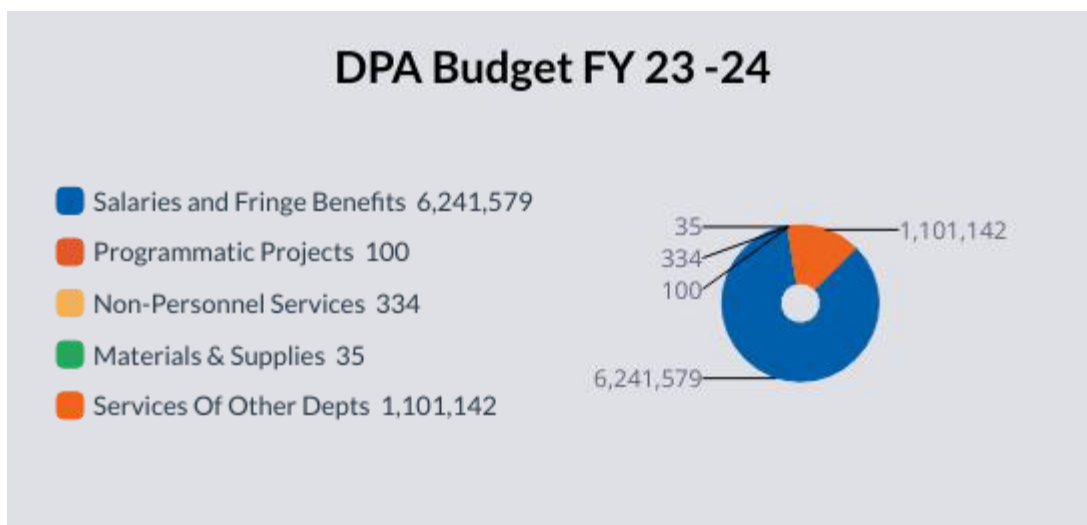
Throughout 2023, DPA continued to refine its departmental policies and procedures for tracking financial and procurement transactions, thereby enhancing budget development and reporting processes. Despite increased attrition, DPA maintained its existing staffing levels and operational resources, prioritizing its commitment to serving the community effectively.

FY 23 & FY24 Budget Priorities

DPA remains committed to meeting the mandated level of investigations by leveraging existing programs and resources effectively. Through responsible budgeting and financial planning, DPA is still advancing its initiatives including Sheriff's Office investigations, SB1421 record requests, SB16, SB2, and racial equity projects.

As the volume of annual complaints fluctuate, DPA continues to conduct audits related to SFPD's use of force and its handling of claims of officer misconduct, along with audits of SFPD's compliance with their policy on investigations involving First Amendment activities.

Moreover, DPA is actively engaged in investigating complaints filed against the Sheriff's Office, until the establishment and operation of the Sheriff's Department of Accountability (OIG). Through a revised Letter of Agreement, DPA will accept Investigative referrals from the Sheriff's Office and expand its jurisdiction to receive complaints directly from the public and external agencies. Additionally, DPA is collaborating with Civic Bridge to develop a website that will empower community stakeholders to search the status of cases, view investigator assignments, and submit documents seamlessly.





DPA's Key Policy Achievements in 2023

Highlights:

1. Recommendations on Traffic Stop Data Accuracy:

- Convene a working group including SFPD, DPA, academic partners, and data experts for a Stop Data review.
- Allow DPA to collaborate with the Controller's Office or academic partner to review SFPD's Stop Data.
- Audit Stop Data entries for accuracy:
 - Compare with databases like citations or CADs.
 - Verify race data consistency.

2. Body-Worn Cameras for Plainclothes Operations:

- DPA recommends revising SFPD's policy to:
 - Require audio and video recording for all plainclothes operations.
 - Allow nearby officers to use covert cameras if necessary for safety.

3. Streamlining Disciplinary Process:

- DPA suggests amendments to DGO 2.07:
 - Hold Chief's Hearings within 180 days of appeal notice.
 - Require hearing officers to decide within 90 days.

4. Curbing Pretext Stops:

- DPA contributed to developing DGO 9.07 to reduce pretext stops and racial disparities.

5. Public Posting of Policies:

- Advocate for SFPD to post all policies publicly to enhance transparency.

6. Staffing for Crisis Intervention Unit:

- Recommend amending DGO 5.21 to ensure a minimum of eight officers in the CIT Unit for effective crisis response.

7. Expanded Body-Worn Camera Use:

- Propose requiring all armed SFPD members to wear and activate body cameras during police activities.

8. Joint Body-Worn Camera Viewing Platform:

- Seek access for DPA to SFPD's body-worn camera viewing platform to aid investigations.

Audit Highlights

In May 2023, DPA staff attended the Association of Local Government Auditors' 2023 annual conference. At this conference, DPA accepted the Exemplary Knighton Award for its 2022 audit, *The San Francisco Police Department Still Needs to Improve Policies and Practices Around Investigations Involving First Amendment Activities*. Knighton Awards recognize the best performance audit reports of the year. Judges appreciated its neutral tone and the deviation from a standard check-the-box compliance audit format. DPA also presented the results of this audit to conference attendees.

In December 2023, DPA issued its full audit report on SFPD's handling of officer misconduct. This report, titled *The San Francisco Police Department Needs to Improve Policies, Processes, and Data Tracking to Ensure the Timely, Consistent, and Transparent Handling of Officer Misconduct*. This report fulfills the San Francisco Charter requirement that DPA audit or review SFPD's handling of claims of officer misconduct.

This full report integrates and expands upon information from DPA's three interim key issue reports (SFPD's public reporting on misconduct and discipline, SFPD's monitoring of electronic communications for officer bias, and SFPD's management of officer discipline).

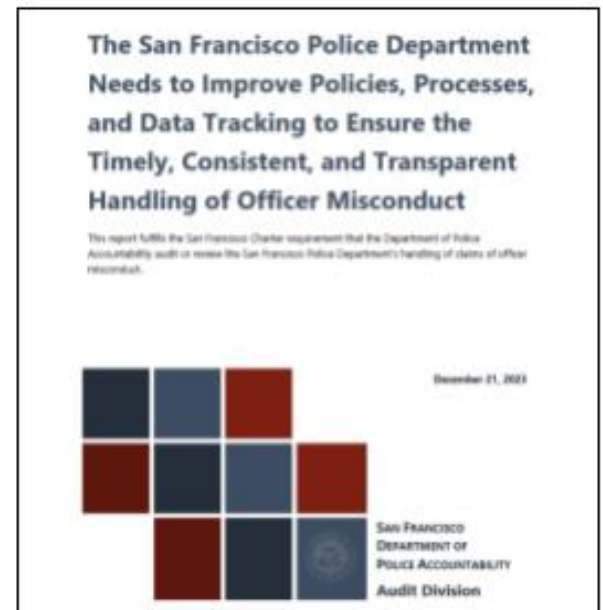
The full report also includes additional information on needed improvements to SFPD's data and policies to ensure the timely investigation and resolution of officer misconduct allegations. The audit found that:

- SFPD's Internal Affairs Division (IAD) needs to improve data tracking to ensure that it completes the misconduct investigation and discipline notification process within the statute of limitations. If IAD does not complete this process within one year, SFPD may be limited to non-punitive measures, even in cases where punitive actions are warranted.
- SFPD needs to strengthen its approach to handling allegations of officer bias. For example, SFPD's lack of investigation tracking and limited guidelines hinder the effectiveness of IAD's handling of allegations of officer bias. IAD did not require investigators to identify and track investigations involving officer bias. Also, limitations in IAD's investigation guidelines may hinder SFPD's ability to address bias.

The full report, as well as the three key issue reports, are available to the public on DPA's website.

DPA continues to perform follow-up on the status of SFPD's implementation of recommendations made in 2020's use of force audit. As of November 2023, 7 of the report's 37 recommendations were open.

Also in 2023, DPA began auditing SFPD's processes for ensuring the accuracy and completeness of stop data. Law enforcement collection of stop data is required by California law. Ensuring the accuracy and completeness of this data is essential for promoting accountability, transparency, and public trust in law enforcement.





Operations

In 2023, DPA embarked on a significant technological upgrade and cybersecurity fortification initiative. Recognizing the critical role of technology in modern-day operations, DPA replaced all outdated desktop computers with state-of-the-art laptops. This upgrade not only enhanced the efficiency of DPA's workforce but also bolstered the security infrastructure, providing a more robust defense against cyber threats.

In collaboration with the San Francisco Office of Cybersecurity, DPA conducted a thorough review of its systems and protocols to ensure compliance with the latest cybersecurity standards and practices. This proactive approach aimed to safeguard sensitive data and mitigate potential risks associated with cyberattacks, thus reinforcing the department's resilience in the face of evolving threats.

Moreover, DPA implemented innovative solutions to streamline its IT support processes. The adoption of the ServiceNow ticketing system facilitated seamless tracking and resolution of support tickets, enabling the IT team to address issues promptly and efficiently. Additionally, enhancements in network connectivity, achieved through fiber connectivity upgrades, contributed to improved performance and data encryption, enhancing the overall security posture of DPA's operations.

While navigating the complexities of technological advancements and cybersecurity challenges, DPA remained cognizant of budgetary constraints. Consequently, the department initiated a comprehensive review of its existing operations to identify opportunities for optimizing resource utilization and increasing operational efficiencies. This strategic approach aimed to maximize the impact of limited resources while ensuring continued delivery of high-quality services to the community.

Furthermore, DPA strengthened its governance and compliance frameworks by implementing streamlined procurement processes and deploying data encryption tools to safeguard critical information. These initiatives not only enhanced security but also facilitated regulatory compliance, positioning DPA as a model of excellence in the public sector.

In parallel, DPA collaborated closely with the Office of Inspector General to develop and implement a robust case management system. This system, designed to streamline internal workflows and enhance communication channels, marked a significant milestone in DPA's commitment to transparency, accountability, and operational excellence.

Overall, the technological advancements and cybersecurity enhancements undertaken by DPA in 2023 underscored the department's unwavering dedication to fulfilling its mission while adapting to the evolving landscape of public service delivery. Through prudent resource management and strategic investments in technology, DPA remained at the forefront of innovation, poised to address emerging challenges and uphold the highest standards of integrity and professionalism in its operations.

Mediation

In 2023, DPA facilitated successful mediations in thirty-nine cases. These mediation efforts encompassed direct dialogues with named officers in ten cases. In the other twenty nine cases, the mediations involved designated SFPD representatives, typically a Sergeant or Captain, who were able to address the broader scope of the issued raised.

In October 2023, DPA organized the DPA Community Connect: Mediation Forum. The Forum was an in-person event designed to foster an understanding of Officer duties and to mitigate conflicts between SFPD and the communities it serves. This initiative recognized that many challenges stemming from police-civilian interactions stem from miscommunications or misunderstandings, underscoring DPA's pivotal role in bridging these divides.

Building on this momentum, in November 2023, DPA extended its outreach efforts with an online presentation. The presentation consisted of a panel of mediators who wanted to further their commitment to nurturing community relations through informed discusses and mediation sessions. These initiatives shed light on significant concerns within police-community interactions, laying the groundwork for constructive dialogue and conflict resolution.

To augment the efficacy of its mediation endeavors, DPA conducted specialized training sessions for its volunteer mediators. These sessions addressed pivotal topics such as Implicit Bias, an Overview of DPA's Policy Division, and the integration of the WebEx platform for remote mediation sessions, which will equip our team with the necessary skills to navigate mediation dynamics in the digital landscape.

Neglect of Duty (Failure to take Required Action) was the allegation most commonly mediated, followed by Conduct Unbecoming an Officer (Behaved or Spoke Inappropriately).





Public Records

Senate Bill 1421 & Senate Bill 16

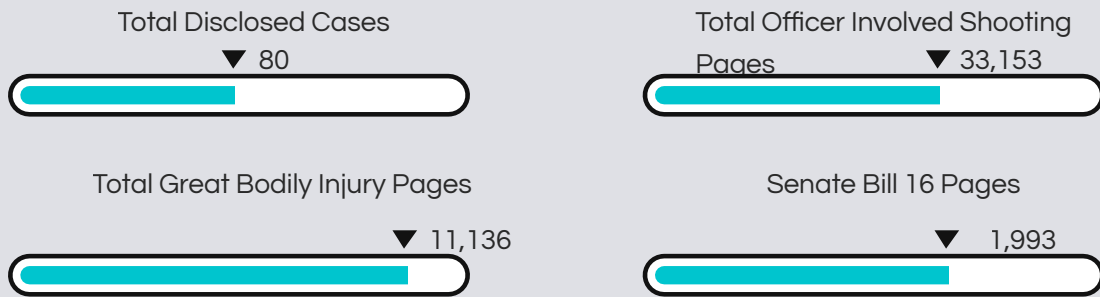
From 2019 to 2022, DPA witnessed a significant transformation in police misconduct transparency. Senate Bill 1421 marked a groundbreaking moment by mandating public disclosure of police records in four specific areas. Subsequently, on January 1, 2022, Senate Bill 16 came into effect, further expanding the types of police misconduct records that are now disclosable to the public, doubling the categories from four to eight. This sudden shift meant that sustained cases involving unlawful search and seizure, prejudicial behavior, discriminatory conduct, and the failure to intervene in unreasonable or excessive force incidents became open to public scrutiny. Notably, Senate Bill 16 cases not only require a sustained finding by DPA but must also endure a potentially lengthy appeal process.

In response to these legislative changes, DPA staff embarked on the monumental task of reviewing nearly 40 years' worth of cases to determine their eligibility for disclosure across the eight specified areas of conduct. By the end of the year, DPA had received over 170 requests for records. Throughout 2023, DPA remained committed to its extensive endeavor of scrutinizing archived cases for disclosure, alongside addressing other independent record requests it regularly receives.

In 2023, DPA released 7 separate cases totaling 1,121 pages of redacted documents and 13 hours of audio and video files.

Disclosed Records

The records disclosed in 2023 contribute to a total of 73 disclosed cases, and a total of 46,282 disclosed pages



You can view or request records from DPA at Plans at [Requests - NextRequest - Modern FOIA & Public Records Request Software](#)



Established in 2019, the California Civilian Oversight Alliance has been instrumental in fostering a network among civilian oversight agencies. In 2023, DPA remained dedicated to its role as a host for quarterly meetings with the CCOA. The CCOA provides a platform for civilian oversight agencies across California to come together to exchange ideas, and in-depth discussions on pertinent issues and emerging trends in law enforcement oversight. By sharing innovations, best practices, and policies, the CCOA aimed to enhance the thoroughness, impartiality, and professionalism of investigations and oversight within the State.

In February 2023, the team held a particularly enriching quarterly meeting. It featured, Continuing Legal Education training sessions, which covered search and seizure and discussions on the future landscape of civilian oversight in California. Attendees also participated in Critical Mindset Coordinated Response training, facilitated by the San Francisco Police Department, and observed panel discussions on policing reform.

Throughout the year, the CCOA's virtual meetings continued to serve as a platform for oversight practitioners. It allows these groups the opportunity to share and present information on topics such as policy recommendations, internship programs, training opportunities, budgeting, and outreach strategies. As 2023 drew to a close, the CCOA embarked on collaborative efforts to pave the way for stimulating conversations in 2024 about the future trajectory of civilian oversight.





Sheriff's Office Cases



The DPA Welcomes the new Inspector General, Terry Wiley

On November 3, 2020, San Francisco voters approved Proposition D, a charter amendment introduced by Supervisor Shamann Walton. This amendment established the Sheriff's Department Oversight Board (SDOB) and the Office of the Inspector General (OIG) to provide independent oversight for the San Francisco Sheriff's Office (SFSO). The seven members of the SDOB were sworn into office in 2022.

After a year-long nationwide search and rigorous vetting process, the San Francisco Sheriff's Oversight Board appointed Terry Wiley as San Francisco's first Inspector General. Former Mayor Willie Brown administered the oath of office to Inspector General Wiley on December 20, 2023. Inspector General Wiley brings extensive managerial, investigative, and oversight experience to the role and will begin work in January 2024.

To support the launch of the Office of the Inspector General and the OIG staff, DPA has prepared a new office suite and developed a customized case management system and infrastructure. Pursuant to its agreement with the Office of the Inspector General, DPA will continue to provide investigative and administrative support while the OIG acquires resources and hires its staff.

History of DPA's Oversight for the San Francisco Sheriff's Office

In early 2019, SF Sheriff Vicki Hennessy asked DPA Director Henderson to investigate serious misconduct allegations against SFSD members.

On May 2, 2019, a MOU formalized this agreement as the first independent civilian oversight of SFSD..

In 2020, new elected San Francisco Sheriff Paul Miyamoto renamed the department to the San Francisco Sheriff's Office and requested that DPA independently investigate deputy misconduct.

On December 22, 2020, Director Henderson and Sheriff Miyamoto signed a Letter of Agreement expanding DPA's jurisdiction..

This gave DPA the ability to directly receive public complaints, investigate serious misconduct cases and investigate serious misconduct cases, including use of force resulting in injury or death, use of weapons, sexual misconduct, patterns of retaliation, biases toward inmates, reckless disregard for inmate health or safety, suspicious deaths of in custody individuals, deputy involved weapon discharges and off duty conduct that may bring discredit to the SFSO.



Sheriff's Office Cases

2023 Military Use Equipment Policy Oversight Agreement between the DPA and the SFSO

In October 2023, DPA's oversight role expanded with their review of SFSO's military equipment use and violations, in accordance with California Assembly Bill No. 481 (Military Equipment Use Policy)

With the signing of California Senate Bill No. 519, which expands access to in-custody death investigation records and reports, DPA again expanded its jurisdiction to include the investigation of all deaths in SFSO custody, including those related to on duty actions of uniformed SFSO members.

2024 Amended Letter of Agreement between the DPA and the SFSO

As of January 2024 and with the signing of an amended Letter of Agreement, DPA now responds to SFSO death investigations 24/7.

DPA Investigative Process

All SFSO investigations are assigned to a team of investigators and attorneys specially trained in SFSO policy, procedure, recordkeeping, specialized terms, jail operations, and other unique SFSO information.

Once the investigation is complete, findings and evidence are presented to the SFSO. The Undersheriff reviews the DPA's work and either affirms or disagrees with the findings and determinations for each allegation. Affirmed sustained findings are then presented to the Sheriff for discipline determination. DPA does not have the authority to determine the type or level of discipline. Following a Skelly hearing, the deputy subject to discipline may accept the Sheriff's discipline or appeal through a San Francisco Deputy Sheriff's Association grievance, resolved by binding arbitration.

Unique Challenges

Investigating complaints of misconduct within custodial facilities poses unique challenges. The types of serious violations authorized for investigation are complex, and the locations are not publicly visible, limiting independent evidence sources. Video footage is restricted to certain areas covered by surveillance and body cameras, which can be obscured during physical confrontations. Witnesses, often employees, contractors, or inmates, may be reluctant to provide statements due to fear or lack of stable addresses. Credibility issues often arise due to witnesses criminal history or mental health/substance abuse problems. Single complaints can lead to large, complicated investigations involving multiple deputies, witnesses, and pieces of evidence. Rapidly evolving situations and physical altercations make it difficult to attribute individual responsibility. Despite these challenges, DPA employs best investigative practices and innovative approaches to address them effectively.

Highlights of DPA's SFSO Work

Conducted Investigations

In 2023, DPA completed twenty eight (28) investigations. Three (3) investigations resulted in a sustained finding. Twenty one (21) cases involved unnecessary force allegations with three (3) of them resulting in a sustained misconduct finding. The officer sustained rate for DPA SFSO cases is 11%.

Identified Training Gaps

DPA's investigations identified SFSO training gaps. The SFSO has already begun developing a new training program to address those gaps. In addition to training gaps, DPA has recommended ways for SFSO to improve their interactions with inmates and the public., leverage technology for better data management, negotiated access to electronic platforms and streamlined procedures to accelerate resolution and fair outcomes.

DPA Recommendations

Based on DPA's investigations, DPA has developed a series of recommendations for the SFSO to improve interactions with inmates and the public, leverage technology for better data management and investigations, and streamline procedures to accelerate resolution and fair outcomes.

Created Secure Electronic Sharing Pathways: Through established relationships with partner agencies and stakeholders, DPA created and negotiated access to important electronic platforms that host critical information. Digital sharing of information optimizes investigations and work processes.

Launched an Online Complainant Portal: DPA added an additional avenue for the public to report sheriff deputy misconduct. In addition to lodging complaints in-person and by mail, DPA created and launched an online complainant portal that allows the public to file a complaint from wherever there is internet access. The online complainant portal is supported by Google Translate which vastly improves accessibility with over a hundred languages. The portal connects to DPA's case management system integrating data capture and case tracking. Additionally, the system issues case numbers and personal identification numbers for the complainant and the subject of the investigation to electronically check the status of their case.

Created Informational Literature: DPA designed the brochure as an informational tool to bring awareness to the general public about the SFSO civilian oversight office.

Sheriff's Office Cases



Total 2023, Sheriff's Office Cases



Total of Deputies investigated through 2023



Total Serious Misconduct Cases through 2023



2023 Total of Deputies investigated

In 2023, DPA investigated a total of 116 Deputies; 76 of 116 deputies were the subject of multiple allegations and cases.



Hours of Video Footage reviewed by DPA Staff in 2023

The 21 cases opened in 2023, consisted of a total of 416 hours and 25 minutes of recorded BWC and surveillance footage, interviews and other recordings.



Cases referred to SFSO Internal Affairs

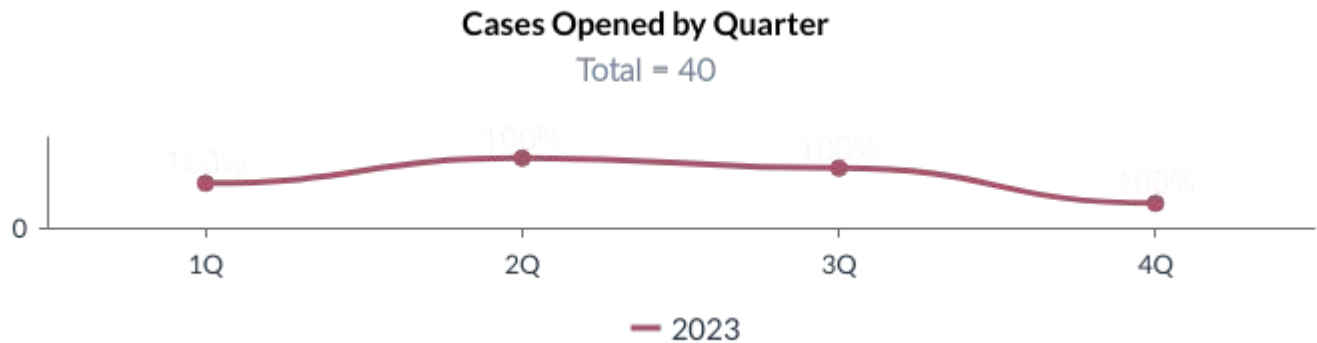
In 2023, DPA referred 25 cases to SFSO Internal Affairs Division once a preliminary investigation determined the alleged misconduct was outside DPA's investigative purview.



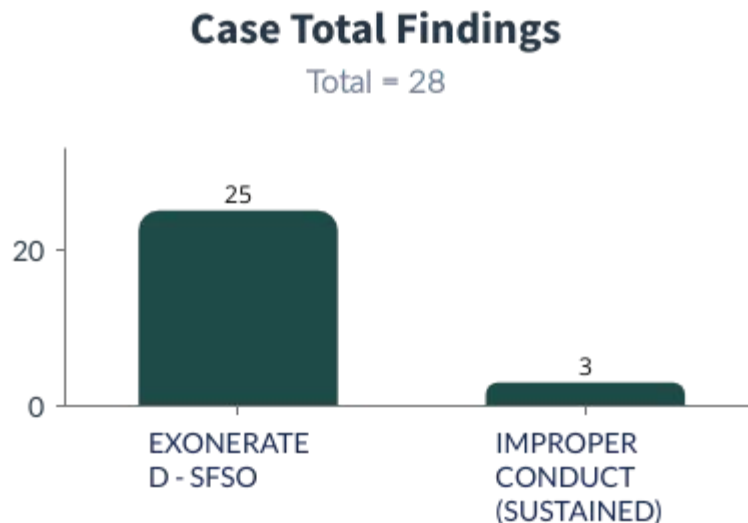
SFSO

Investigations

Despite a slight reduction in complaints, the OIG observed an increase in the number of cases sustained for improper conduct. Teams of investigators and attorneys persevered through the challenges of remote work to conduct thorough investigations and close cases.



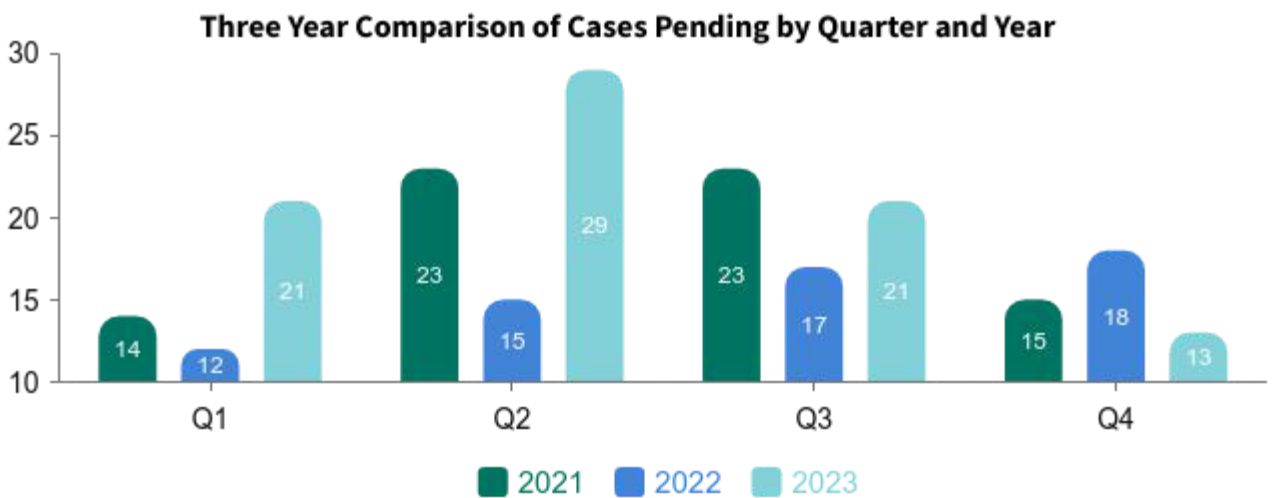
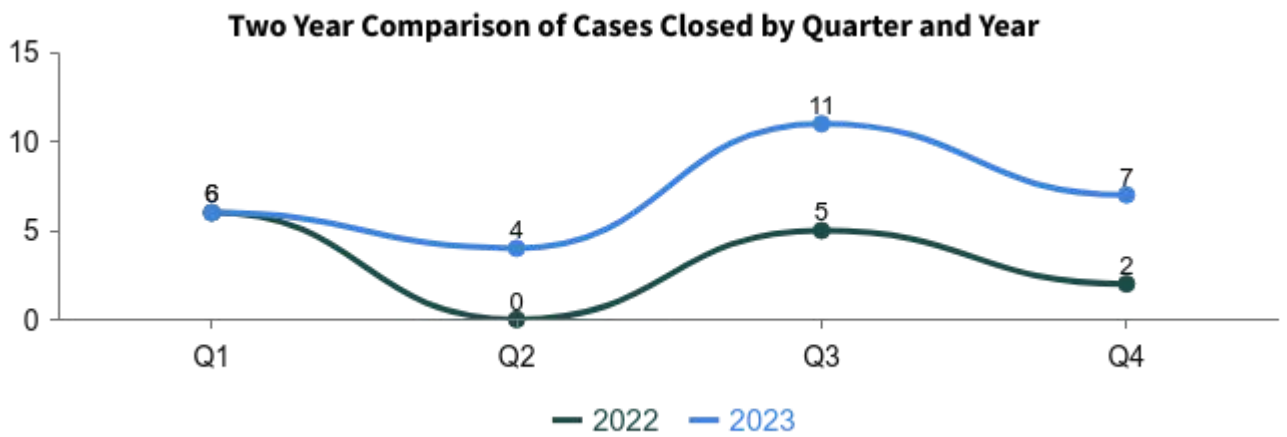
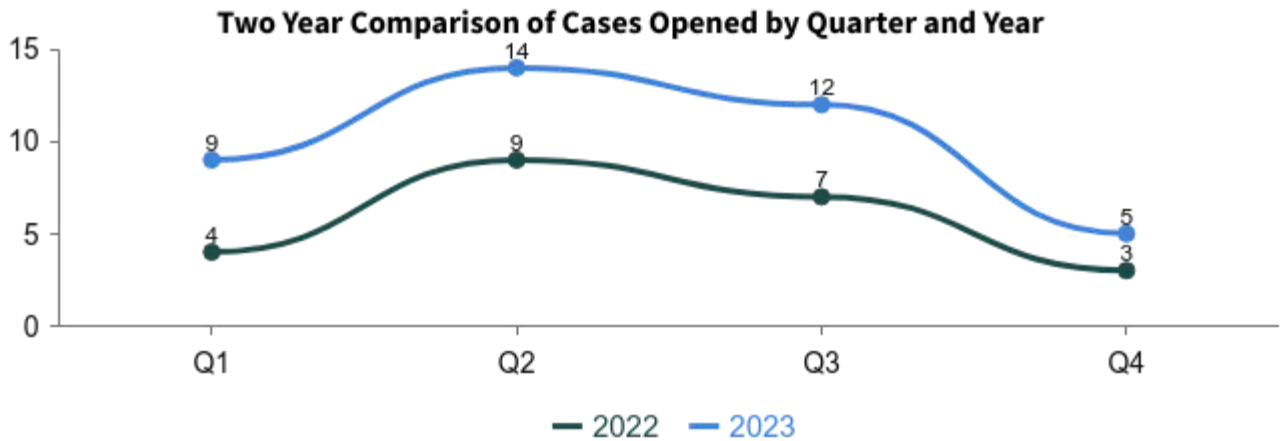
In the past year, the OIG closed 28 cases, marking a significant 115% increase from the previous year's 13 closures. Among these 28 closed cases, 3 were categorized as Improper Conduct, while the remaining 25 were classified as Not Sustained.





SFSO

Case Findings





SFSO

Complainant Demographics

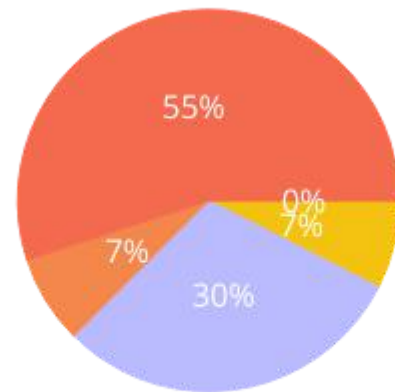
The demographic characteristics of complainants are detailed in the tables and charts below. In 2023, African Americans and Caucasians filed a majority of the complaints, accounting for 38% and 14% of the total, respectively. Regarding gender, 67% of complainants were male, 10% were female, and 19% declined to state their gender. The majority of complainants fell between the ages of 20 and 30. Complainants have various avenues for filing complaints with the DPA. In 2023, the most common method for filing complaints was by referral (9), followed by phone (7), and other methods (2).

RACE/ ETHNICITY	#	%
Asian	0	0%
Black or African American	20	50%
Hispanic or Latinx	1	3%
White	6	15%
Other	0	0%
Declined to State	13	32%
Total	40	100%

AGE	#	%
1-13	0	0.00%
14-16	0	0.00%
17-19	1	2.50%
20-30	13	33.00%
31-40	8	20.00%
41-50	3	8.00%
51-60	2	5.00%
61-70	1	3.00%
71-80	0	0.00%
Over 80	0	0.00%
Declined to State	12	30.00%
Total	40	100.00%

COMPLAINANTS	#	%
Complainants	38	95%
Anonymous Complainant	2	5%
Total	40	100%
Gender		
Female	5	13%
Male	20	50%
Genderqueer/Gender Non-binary	0	0%
Transgender	4	10%
Declined to State	11	27%
Total	40	100%

How Complaints Were Received



■ In-Person 0
 ■ Online 3
 ■ Phone 12
 ■ Mail 3
 ■ Referral 22



SFSO

Case Findings

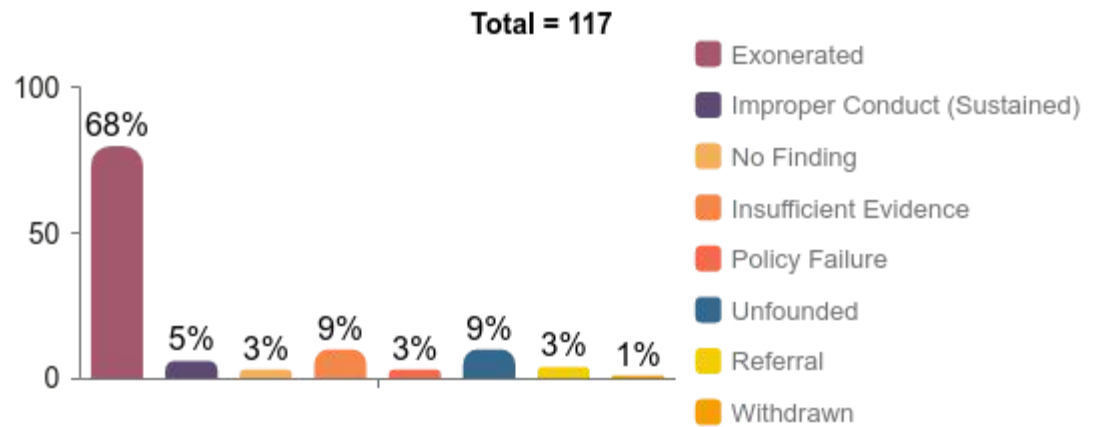
Allegation	Sustained Findings	Exonerated	Insufficient Evidence	Unfounded	No Findings	Policy Failure	Referral	Withdrawn	Number of Allegations
Behaved or Spoke Inappropriately				2	1		1		4
Biased policing or discrimination			3	1					4
Discourteous Behavior or Statement									0
Failed to Supervise	1	6		1		1			9
Failed to Check on Inmate in Safety Cell									0
Failed to Conduct Safety Rounds									0
Failed to Provide Medical Treatment									0
Failed to take Required Action		11	1						12
Inattentive to Duty		1				2	1		4
Inaccurately Filled out Round Sheets									0
Inaccurately Filled out Safety Cell Observation Sheet									0
Inappropriately Withheld Medication									0
Incomplete or inaccurate incident report	1		2						3
Violated Americans With Disability Act									0
Improper Sexual Touching				5					5
Improperly Used Liquid Chemical Agent	1	4							5
Improperly Used Safety Cell									0
Inappropriately Discharged a Taser									0
Inappropriately Disciplined an Inmate									0
Issued an Invalid Order									0
Misrepresented the Truth									0
Retaliatory Behavior			1	1					2
Unnecessary Force	3	58	3		2			1	67
Outside of jurisdiction							2		2



SFSO Allegation Findings

Of the 117 allegations, 68% were found to be Exonerated - SFSO, and 5% were Improper Conduct (Sustained).

The chart below outlines the findings of allegations by allegation types. Typically, multiple allegations are investigated for each case. In 2023, the most frequent findings were "Exonerated - SFSO" and "Improper Conduct (Sustained)". The most common allegations included "Misconduct", "Unacceptable Job Performance", and "Neglect of Duty".



Below are the subtype categories for improper conduct sustained allegations, which include Inattention to Duty, Misconduct, and Unacceptable Job Performance.

Unacceptable Job Performance

Total = 1



Failed to properly supervise.

Misconduct

Total = 5



Used unnecessary or excessive force.

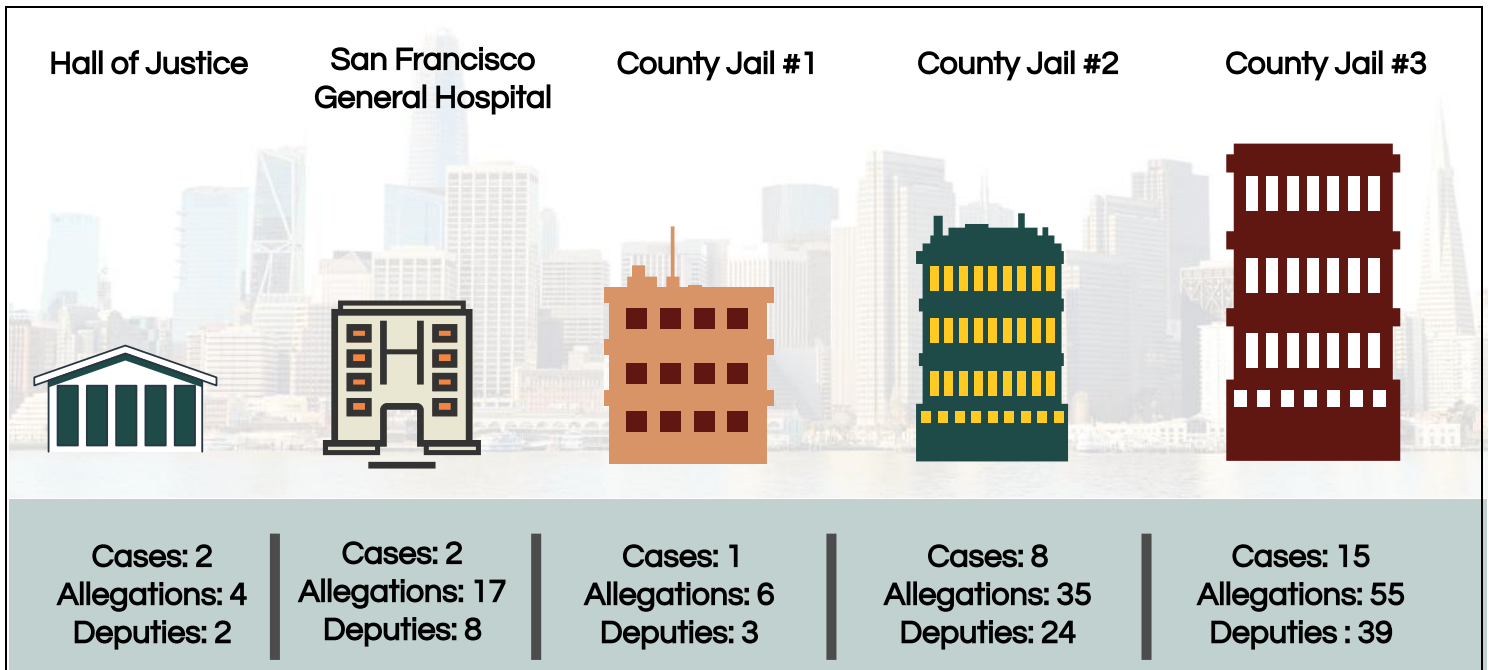
Prepared an incomplete or inaccurate incident report.

Improperly used a liquid chemical agent.

SFSO

Case Location

This chart illustrates the number of cases and allegations made against deputies at different facilities. The Hall of Justice and San Francisco General Hospital each had 2 cases; the Hall had 4 allegations with 2 deputies involved, while the Hospital had 3 allegations with 3 deputies involved. County Jail #1 had 1 case with 6 allegations against 3 deputies, County Jail #2 had 8 cases with 35 allegations against 24 deputies, and County Jail #3 recorded the highest number with 15 cases and 55 allegations against 39 deputies.



DPA investigated 116 deputies; 76 deputies were the subject of multiple allegations and cases.



Police Oversight Comparison

Component	Department or Agency			
	Department of Police Accountability	Oakland Community Police Review Agency	San Jose Independent Police Auditor	BART Office of the Independent Police Auditor
Monthly Reports				
Quarterly Reports				
Case Summary Report				
Annual Report				
Mediation				
Policy				
Performance Audits				
Senate Bill 1421				



DPA

Definitions

Allegation - An allegation is a way to describe an individual act of potential misconduct. Complaints usually have more than one allegation to investigate. There are four categories of allegations: Unwarranted Action, Neglect of Duty, Use of Force, and Conduct Unbecoming.

Complaint - Complaints are also called cases or investigations.

Conduct Unbecoming an Officer - Type of allegations that an officer's rude or inappropriate behavior undermines public confidence or reflects poorly on the Police Department. (Replaced and combined the historical categories of conduct reflecting discredit, discourtesy, racial slurs, sexual slurs.)

Findings - Investigative conclusions are called findings. Each allegation is resolved with a finding that indicates whether or not the allegation was proven.

Improper Conduct (Sustained) - Finding indicating that the evidence gathered during an investigation proved that an officer broke a rule or law by doing something improper or by failing to complete a task.

Informational - Finding indicating that the allegations were not rationally within DPA's investigative jurisdiction.

Insufficient Evidence - Finding indicating that there was not enough evidence to prove or disprove an allegation.

Mediated - Finding indicating that an allegation was voluntarily resolved through mediation.

Neglect of Duty - Type of allegation that an officer failed to complete a required task.

Policy Failure - Finding indicating that, although an officer's actions complied with police rules, DPA recommends that the rules be changed.

Proper Conduct - Finding indicating that an officer's actions complied with police rules, training, and applicable laws.

Referral - Finding indicating that an allegation was referred to an agency with jurisdiction.

Supervision or Training Failure - Finding indicating that an officer's improper actions or failure to complete a required task were the result of inadequate supervision or training.

Unfounded - Allegations are unfounded when a complaint is made about something that did not occur or when an officer specifically identified by the complainant was not actually involved.

Unwarranted Action - Type of allegation that an officer's actions were unnecessary or unrelated to a legitimate police purpose.

Use of Force - Type of allegation that an officer used more force than was reasonably needed to perform a necessary police action.

Withdrawal - A withdrawn finding indicates that DPA discontinued investigating a complaint that was voluntarily withdrawn.

No Finding - A "No finding" outcome occurs when an involved officer cannot reasonably be identified or is no longer employed by SFPD and therefore cannot be disciplined.



Sheriff Office Cases: Definitions

Misconduct – Violation of any department rule or regulation, policy or procedure, or law, or conduct unbecoming a sworn employee or reflecting adversely on the department.

Criminal Misconduct – Violation constituting a misdemeanor or felony crime. Criminal misconduct cases are also referred to the appropriate criminal prosecution agency.

Gratuities/Rewards – Improperly accepting or soliciting any gratuity, gift, loan, fee, or any other thing of value arising from or offered because of employment, or any activity connected with the department without authorization.

Harassment/Discrimination – Harassment or discrimination on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, sex, or age including retaliation against a person for making a harassment complaint.

Impermissible Behavior – Any rude, insolent, impertinent, antagonistic, discourteous, or disrespectful conduct either written, oral, or by gesture towards a supervisor of higher rank that is outside the definition of insubordination. Employees shall treat supervisors, subordinates, and peers with respect. To be always courteous and civil.

Insubordination – Failure or deliberate refusal of any employee to obey a lawful order by a superior officer.

Referral - Finding indicating that an allegation was referred to an agency with jurisdiction.

Neglect of Duty – Type of allegation that a deputy failed to complete a required task.

Truthfulness – Type of allegation requires all deputies to be always truthful, whether under oath or not.

Unacceptable Job Performance – Type of allegation that a deputy failed to adhere to the job responsibilities as set forth in the Department's objectives.

Use of Force – Type of allegation that a deputy used more force than was reasonably needed to perform a necessary law enforcement action.

Sustained – Finding indicating that evidence from the investigation supports a misconduct finding by a preponderance of the evidence.

Not Sustained – Finding indicating that evidence from the investigation is insufficient to support a misconduct finding.

Exonerated - Finding indicating that evidence from the investigation proves that the complained conduct was justified, lawful, and proper within policy.

Unfounded - Finding indicating that evidence from the investigation proves that the complained conduct did not occur.

No Finding—Finding indicating that the complainant did not provide additional requested evidence, the complaint requested withdrawal of the complaint, the deputy could not reasonably be identified, or the deputy is no longer with SFSO and is therefore no longer subject to SFSO discipline.

DPA Annual Report

2023