

San Francisco Police Department Disciplinary Review Board Presentation 2024 Q2



CITY & COUNTY OF SAN FRANCISCO

Police Department



Presented By:

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San Francisco Police Department

Legal Team Manager Diana Rosenstein

Department of Police Accountability



Second Quarter Disciplinary Review Board Findings and Recommendations

October 22, 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 (Q2 2024)

IAD aggregate trends

- Failure to Appear, Range (24/27.59%)
- Neglect of Duty, General (19/21.84%)
- Conduct Unbecoming an Officer (17/19.54%)
- Neglect of Duty, Body Worn Camera (13/14.94%)

DPA aggregate trends

- Neglect of Duty, Body Worn Camera (5/13.9%)
- Neglect of Duty, Failure to take Required Action (4/11.1%)
- Conduct Unbecoming an Officer (3/8.3%)



Policy/Training Failure Findings Identified by IAD (Q2 2024)

There was **one** IAD case that resulted in both a “Policy Failure” and a “Training Failure” finding in Q2 2024.

There was **one** IAD case closed in the 2nd Quarter that resulted in a “Policy Failure” finding.

The first case involved a Sergeant and his squad that were assigned to the Mobile Field Force Detail for the purpose of targeting illegal stunt driving events occurring in San Francisco. Around 2000hrs on 09/27/2020, the Sergeant observed a suspicious Dodge Charger with a passenger holding a handgun out of the rear right passenger side window. The vehicle stopped abruptly in front of 1630 Vicente Street. The officers detained the occupants and the subject with the firearm was determined to be an off-duty law enforcement officer from an outside agency. It was later determined that the officer lived at the aforementioned location. The off-duty officer appeared to be intoxicated. The Sergeant seized the officer’s handgun as property for safekeeping and issued him a Certificate of Release. The officers did not believe that the subject had committed a criminal offense, however they seized and booked his firearm for safekeeping. The off-duty officer was released to his wife at the scene and the outside agency was notified of the incident.



Policy/Training Failure Findings Identified by IAD (Q2 2024)

Continued.....

The IAD investigation centered on three allegations. The training failure in this case was regarding an MPC Code that the officers were unaware of. MPC 3602(a) Carrying of Firearms Prohibited While Under the Influence of an Alcoholic Beverage or Drug.

The policy failure in this case was regarding muting the BWC. IAD's review of the Sergeant BWC footage revealed that their camera was muted and unmuted several times during the incident. The Sergeant told IAD that they muted their BWC at unknown times during the investigation and that they muted their camera because they were discussing sensitive law enforcement administrative information. The Sergeant said that they also documented in their police report that they muted their BWC in accordance with Department policies. The narrative of the report gives an overly broad statement:

“My camera was muted and turned off at times in conjunction with our Department Policies citing police tactics/confidential information/administrative investigation.”



Policy Failure Findings Identified by IAD (Q2 2024)

The second case involved an incident that occurred on November 17, 2023. At approximately 2200 hours, a Sergeant reported off-duty after working an extended shift due to APEC. The Sergeant believed that they left their department issued radio on their desk at the Hall of Justice to charge. The Sergeant returned to their desk on November 21, 2023, after a weekend off and their radio was no longer at their desk. The Sergeant searched for their radio and was not able to locate it. They believed that another officer may have grabbed the radio thinking it was theirs.

At the time, the Robbery Detail shared its office space with a group of non-sworn analysts. The office was configured with a walkway conjoining both units and a separate doorway on each side. This detail was not reported as any type of accusation, just to show that their office security was a potential issue.



Policy Failure Findings Identified by DPA (Q2 2024)

DPA had **two** policy failure cases in the second quarter.

The first case involved DPA received an anonymous complaint, requesting investigation into a sworn member's improper entry of stop data information. The investigation showed that the sworn member conducted 1,198 stops and listed 1,193 stops as involving white people in his Stop Data. During the DPA interview, the sworn member admitted to a multi-year practice which disregarded Department protocol around traffic stops and data entry, that included:

1. A “self-taught” practice of opening and closing a CAD as a 10-7I or (investigative detail), and then using that same CAD number for all his BWC videos for the day.
2. Failing to communicate his stops to dispatch.
3. Not conducting criminal record checks on people if he felt they were “completely normal working types.”
4. Listing drivers' races as “O” for “other” on all his traffic citations.
5. Listing those citations as “White” in his mandatory Stop Data.



Policy Failure Findings Identified by DPA (Q2 2024)

Continued.....

DPA determined that a robust stop data auditing system likely would have identified the anomalies in the sworn member's stop data entries and provided SFPD with an opportunity to intervene and correct the officer's action. The *DOJ Collaborative Reform Initiative Assessment of the San Francisco Police Department* outlined various methods for auditing Stop Data. (*COPS DOJ* at p. 357, How Data Should Be Collected and Analyzed, Data Integrity.) These methods include comparing "Stop Data with a secondary data source that tracks some or all targeted stops (e.g., computer aided dispatch files, issued citations)



Training Failures Identified by DPA (Q2 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 Q2 2024

Recommendation #1: Issue a Department Notice informing members of MPC 3602(a).

Recommendation #2: SFPD should consider options such as implementing a comprehensive E-Citation system department-wide, discontinuing the use of written citations, or creating an MOU with the Traffic Court to share a unified citation database, ensuring all handwritten citations are archived before being sent to the Traffic Court.

Recommendation #3: SFPD should provide clear guidance emphasizing the importance of maintaining communication with Dispatch during traffic stops. Communication with dispatch is crucial for officer safety and allows members to take notes through dictation. This update could include guidance at Advanced Officer Training, a Department Notice, or other training, to emphasize Department expectations about maintaining radio contact during traffic stops and the importance and benefits of accurate stop data entry.

Recommendation #4: DPA suggests that the updated DGO 6.14 include specific instructions and guidance on when searching individuals who are detained pursuant to *Welfare and Institution Code* section 5150 is appropriate. Additionally, the updated DGO should address when officers should ride to the hospital with the medics, follow the medics to the hospital, respond to the hospital, or may simply hand off custody of the individual to the medics.



Next Step Outcomes and Inputs:

- **The Q2 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 3rd Quarter 2024 Discipline Review Board has yet to be scheduled.**
- **The Office of Equity and Inclusion (OEI) will review the Q3 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.**