

Key Issue Report:
Public Reporting on
Officer Misconduct and Discipline

*Interim Report for the Audit of SFPD's Handling of
Officer Misconduct*

CITY & COUNTY OF SAN FRANCISCO

Department of Police Accountability

December 7, 2022





Why We Did This Report

- DPA has a Charter mandate to audit SFPD's handling of misconduct.
- SFPD's reporting requirements exist to help the Police Commission ensure coordination with DPA, prevent the dismissal of sustained cases, and provide the public with transparency on officer bias.

This Report's Objective and Scope

Objective: To determine if SFPD provides the Police Commission and public necessary information on officer misconduct.





Scope: SFPD's reports issued between 2019-2021




Mandate	Reporting Requirement	SFPD Compliance
Administrative Code Chapter 96	Status of DPA-sustained allegations sent to SFPD for the Chief of Police's discipline determination (<i>monthly</i>)	
Police Commission Resolution 97-04	Number and type of Internal Affairs investigations opened or closed in the period (<i>quarterly</i>)	
	Status of Internal Affairs-sustained allegations with and without the Chief's discipline determination (<i>monthly</i>)	
SFPD Internal Affairs Division Unit Order 18-02	Results of SFPD's biased electronic communications monitoring program (<i>quarterly, annually</i>)	
✓ Fully complies ⚪ Partially complies ✗ Does not comply		

Key Issue Overview

1. SFPD did not publish all required information on officer misconduct investigations.
2. The Police Commission and city leaders could not address delays in the disciplinary process because SFPD did not provide information required by Administrative Code Chapter 96.
3. Reports on Internal Affairs investigations did not meet the Police Commission's content and timeliness requirements.
4. SFPD's misconduct information did not meet best practices for reporting data.

Issue 1: SFPD did not publish all required information on officer misconduct investigations.

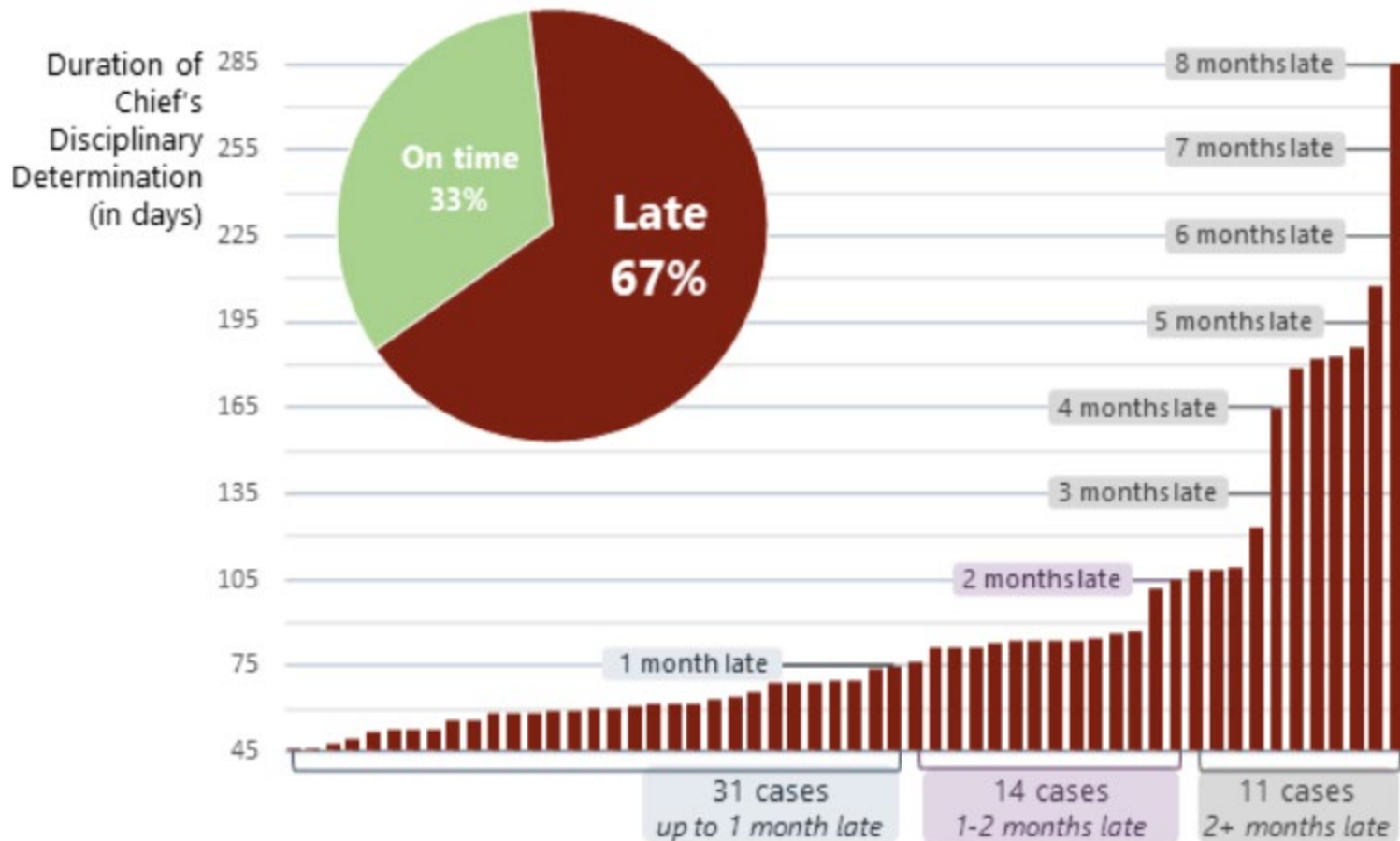
Mandate	Reporting Requirement	Compliance
<p>San Francisco Administrative Code Chapter 96</p> <p><i>Coordination Between the Police Department and the Department of Police Accountability (passed October 2003)</i></p>	<p>Monthly reports on the status of all DPA-sustained complaints sent to SFPD for a discipline determination.</p> <p><i>SFPD did not publish these reports.</i></p>	
<p>Police Commission Resolution 97-04</p> <p><i>Resolution Requiring the SFPD to Report to the Police Commission Regarding Pending Disciplinary Cases (adopted November 2004)</i></p>	<p>Quarterly reports on Internal Affairs investigations newly opened or closed.</p> <p><i>SFPD did not publish these reports.</i></p>	
	<p>Monthly reports on Internal Affairs-sustained investigations, both with and without the Chief's disciplinary determination.</p> <p><i>SFPD published reports for cases with discipline determinations, but not for those still pending the Chief's decision. The reports were not monthly and did not have the required level of detail.</i></p>	
<p>Internal Affairs Division Unit Order 18-02</p> <p><i>Internal Affairs Division Audit Procedure (issued January 2018)</i></p>	<p>Quarterly reports of the results of SFPD's biased electronic communication monitoring program, and a year-end report.</p> <p><i>SFPD published quarterly reports, but they did not include the required information on disciplinary outcomes of investigations. Also, SFPD did not issue year-end reports.</i></p>	

 Fully complies
  Partially complies
  Does not comply

Issue 2: The Police Commission and city leaders could not address delays in the disciplinary process because SFPD did not provide the information required by Administrative Code Chapter 96.

- Administrative Code Chapter 96 requires SFPD to publish monthly reports on the status of DPA-sustained cases sent to SFPD for a discipline determination.
- The administrative code also requires the Police Commission to publicly discuss cases where SFPD has not decided discipline within 45 days.
- The Police Commission is required to provide notification on delayed cases to the Mayor and Board of Supervisors.

Issue 2: The Police Commission and city leaders could not address delays in the disciplinary process because SFPD did not provide the information required by Administrative Code Chapter 96.



Issue 3: Reports on Internal Affairs investigations did not meet the Police Commission's content and timeliness requirements.









- Police Commission Resolution 97-04 requires public reports on Internal Affairs cases.
- SFPD did not publish monthly reports, and the reports did not include cases pending a disciplinary determination.
- Reports did not have the required level of detail on the alleged misconduct.

Issue 3: Reports on Internal Affairs investigations did not meet the Police Commission's content and timeliness requirements.

Police Commission Resolution 97-04 calls for greater details on alleged misconduct than SFPD provides in its Internal Affairs sustained complaint reports.

Examples Provided in Resolution 97-04	Actual Descriptions in SFPD Reports
<ul style="list-style-type: none">- The officers initiated a traffic stop without justification.- The officers detained two citizens at gunpoint without justification.- The officers handcuffed civilians without justification.	<ul style="list-style-type: none">- Conduct Unbecoming an Officer- Neglect of Duty- Unnecessary Force- Unwarranted Action

Issue 4: SFPD's misconduct information did not meet best practices for reporting data.

Comparison of Best Practices for Reporting Data and SFPD's Misconduct Reporting		
Key Points	Include a concise and organized executive summary to improve the structure of the report and ensure users can easily follow relevant points.	
User Needs	Include data that is summarized, stratified, and provided in appropriate detail to meet the needs of stakeholders relying on the data.	
Context	Provide context to assist users in interpreting data and facilitate informed decision making.	
Visualization	Represent data, especially more complex data, through graphics that accurately show trends, relationships, and the most significant information.	
Access	Reports or data dashboards, and their underlying data sets, should be made available for stakeholders to easily access. Reports should be compatible with adaptive technologies.	
 Fully complies  Partially complies  Does not comply		

SFPD's presentation of data in its sustained complaint reports does not help users:

- Understand key issues
- See trends
- Identify relationships

Issue 4: SFPD's misconduct information did not meet best practices for reporting data.

Other police departments present misconduct data in more meaningful ways.

The Los Angeles Police Department's April 2022 Disciplinary Penalties Report organizes data by allegation type and penalty.

BODY WORN/DIGITAL IN-CAR VIDEO VIOLATION			
Penalty Type	Term(Days)	Misconduct	
Admonishment		- On-duty, failed to properly activate Body Worn Video as required by policy.	
Penalty Type	Term(Days)	Misconduct	
Suspension	7	- On-duty, failed to activate BWV in a timely manner on three separate occasions.	
DISCOURTEOUS CONDUCT			
Penalty Type	Allegation Type	Term(Days)	Misc
Admonishment	Unbecoming Conduct - Computer Violation	10	- Off-duty, engaged in a personal relationship with of the relationship.
	Other Policy/Rule	5	- On duty, inappropriately used the Department co

Definition of Findings

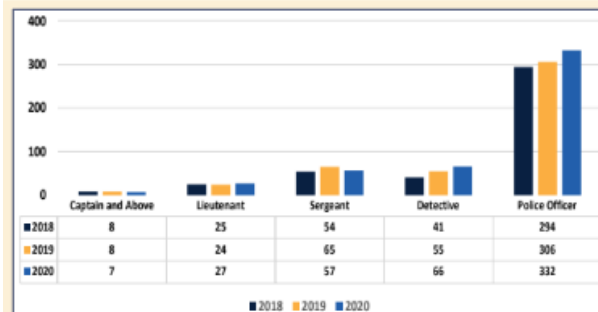
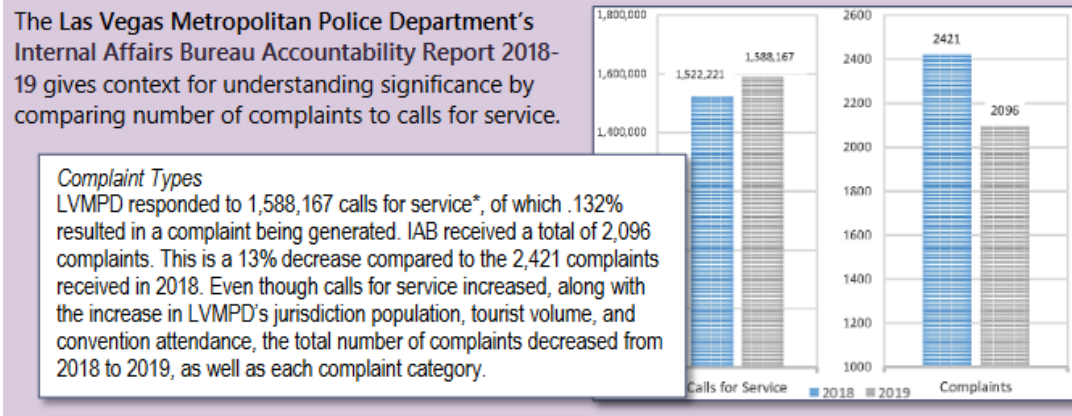
Sustained: Investigation classification when the investigator determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

Unfounded: Investigation classification when the investigator determines, by clear and con-

The Albuquerque Police Department's Internal Affairs Professional Standards Second Quarter Report April-June 2022 provides users with definitions for the types of investigation findings.

Issue 4: SFPD's misconduct information did not meet best practices for reporting data.

Other police departments present misconduct data in more meaningful ways.



The New York Police Department's 2020 Discipline Report presents data visually to show trends over time and comparisons across different groups of officers.

Challenges and Opportunities in Addressing These Issues

Addressing these issues presents the Police Commission and SFPD with opportunities to:

- Streamline reporting requirements
- Better respond to police misconduct
- Build community trust

The Police Commission can:

- Define needs
- Address barriers

SFPD can:

- Meet user needs
- Communicate barriers

Audit Next Steps

- DPA will issue a full audit report that assesses whether SFPD handles and reports on allegations of misconduct, including officer bias, effectively and efficiently.
- Continued release of key issue reports.
 - Next key issue report on SFPD's monitoring of electronic communications for bias.
- Final report with findings and recommendations in 2023.

Questions?

