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MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

October 7, 2022

Honorable Police Commission
City and County of San Francisco
1245 3rd Street, 6th Floor West
San Francisco, CA 94158

Re: Second Quarter 2022 Disciplinary Review Board Findings and Recommendations

Dear Commissioners:

On Wednesday September 21st, 2022, at approximately 1300 hours, pursuant to and in compliance with Department General Order 2.04.08, Subsection B, the Disciplinary Review Board (DRB) convened to review aggregate trends appearing in Internal Affairs Division (IAD) and Department of Police Accountability (DPA) cases from the second quarter of 2022. The DRB also reviewed policy failure complaints and cases. The meeting was held via Microsoft Teams and the DRB was comprised as follows:

Voting Board Members

Assignments

- Acting Deputy Chief Nicole Jones(Chair)..... Administration Bureau
- Commander Paul Yep.....Chief of Staff

Advisory Board Members

Assignments

- Chief of Staff Sarah Hawkins.....Department of Police Accountability

Also present were Captain Mark Cota and Lieutenant Angela Wilhelm of the Risk Management Division, as well as Sergeant Joseph Minner of the Administration Bureau and Sergeant Stacy Youngblood of the Police Commission Office.

The Board reviewed the Recommendations that were put forth at the previous DRB meeting and the relevant attendee provided any updates on the progress of those recommendations.

Lieutenant Wilhelm displayed a PowerPoint presentation to the Board regarding any policy and training failure cases from IAD and DPA as well as cases that showed complaint trends identified by both IAD and DPA in the second quarter of 2022. The trends identified by IAD included failure to activate BWC, and failure to care for department property. The trends identified by DPA included improper use of BWC's in hospital setting, improper searches and seizures, incorrect processing of property and detention without justification.

IAD and DPA then presented any cases that identified policy failures during the second quarter of 2022.

Policy Failure:

IAD had two cases that resulted in a policy failure finding. The first case was one where an officer was accused of misusing a law enforcement database. However, the Department Bulletin that pertained to information regarding the use of that specific database had expired.

The second policy failure case was one in which an officer was accused of improperly using facial recognition technology. The San Francisco City administrative code regarding a prohibition on facial recognition technology went into effect in 2019, but the SFPD policy providing guidance for members did not get published until January 2021.

DPA had two cases that resulted in a policy failure finding:

The first case was one where property was seized for safekeeping during an investigation as an investigator wanted to determine it was evidence of a crime. The policy regarding property offers no guidance on any timeline for the investigator to determine if property is indeed evidence and/or when it should be returned to whomever possessed the property.

The second case was not discussed at the meeting, due to the fact Chief of Staff Hawkins advised she was conflicted from that specific case.

Training Failure:

IAD had one training failure case:

The improper staging of police vehicles at the Emergency Vehicle Operations Course (EVOC) site resulted in a police vehicle being stolen. Training and protocols were developed to address the issue and ensure the vehicles were secure.

DPA had no second quarter cases that resulted in a training failure finding.

Both IAD and DPA then presented on cases that showed the trends in cases and complaints for the second quarter of 2022.

Internal Affairs Division:

IAD presented two cases that exemplified the discipline trends seen in the second quarter of 2022.

In one incident an officer accessed a District Station's social media account and posted an improper comment on the account in response to a post by an elected official.

In the second incident, officers responded to a domestic violence call but did not document the incident in a report as required by policy, did not conduct a full investigation and one officer failed to activate their BWC..

Department of Police Accountability:

DPA presented a case in which officers compromised a person's privacy as they kept their BWC's active for several hour in this person's hospital room. The officers also failed to activate their BWC's while subsequently transporting the individual.

The second case DPA presented was a case in which officers activated their BWC in hospital setting as they had been trained to do so for the legitimate law enforcement purpose to capture a suspect's statement and possible dying declaration. Another officer present did not activate their BWC but used their Department cell phone to record the statement as dictated by policy.

The DRB then proposed several recommendations to address the complaint trends discussed and the cases presented to them for the second quarter 2022. The recommendations are as follows:

1. The Department Bulletin 20-140 regarding social media use should be updated to provide guidance to who is authorized to post on Department social media accounts and so the approved posts are in line with the Department's messaging and vision.
2. The update of DGO 10.11 regarding BWC's should include clarification and better guidance regarding the use of BWC's in a hospital setting. As well that the Department should consider that a Department Bulletin be issued in the interim regarding this specific issue while the DGO is under revision.
3. Written Directives should review Department Bulletin 18-162 regarding the use of the Accurint Database to determine whether or not it should be renewed or updated to provide better guidance.

The findings of the Disciplinary Review Board for the second quarter of 2022 are hereby forwarded for your review and consideration.

Sincerely,



WILLIAM SCOTT
Chief of Police