San Francisco Police Department Disciplinary Review Board Presentation
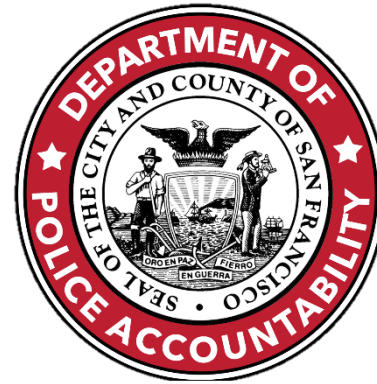
CITY & COUNTY OF SAN FRANCISCO

Police Department

October 19, 2022

Presented By:

Acting Assistant Chief Denise Flaherty………San Francisco Police Department

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

First Quarter 2022 Disciplinary Review Board Findings and Recommendations

June 28, 2022

Members present:

Voting Board Members   **Assignments**

- Assistant Chief Robert Moser (Chair)...Chief of Staff
- Deputy Chief Robert O'Sullivan...Administration Bureau

Advisory Board Members

- Commissioner Cindy Elias………………………………………...…Police Commission
- Chief of Staff Sarah Hawkins………………...................................Department of Police Accountability

Second Quarter 2022 Disciplinary Review Board Findings and Recommendations

September 21, 2022

Members present:

Voting Board Members	Assignments
• Commander Paul Yep (Chair)	Risk Management Office
• Acting Deputy Chief Nicole Jones	Administration Bureau

Advisory Board Members Assignments

• (Not Present)	Police Commission
• Chief of Staff Sarah Hawkins	Department of Police Accountability

Aggregate Trends Identified by IAD (Q1 & Q2 2022)

First Quarter 2022

- Failure to activate BWC
- Failure to write incident report
- Failure to thoroughly investigate

Second Quarter 2022

- Failure to activate BWC
- Failure to care for Department property

Aggregate Trends Identified by DPA (Q1 & Q2 2022)

First Quarter 2022

- Failure to write an incident report

- Failure to activate BWC

- Failure to comply with mask mandate
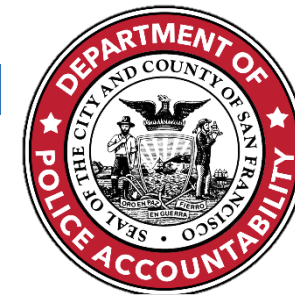
Second Quarter 2022

- BWC (activation in a hospital)

- Improper search and seizure

- Process property

- Detention without justification

Policy Failures Identified by IAD (Q1 & Q2 2022)

IAD had one case in the First Quarter and two cases in the Second Quarter that resulted in a "Policy Failure" finding.

1. The Background Unit lacked policy regarding how to conduct investigations which led to discrepancies in an applicant's background file.

2. An officer misused a law enforcement database. The policy governing said database was expired.

3. An officer improperly used facial recognition technology. The San Francisco Administrative Code went into effect in 2019, however, the SFPD policy providing guidance for members was not published until January 2021.

Policy Failures Identified by DPA (Q1 & Q2 2022)

DPA had four cases in the First Quarter and one case in the Second Quarter that resulted in a "Policy Failure" finding.

1. Property booked for safekeeping was not able to be released due to a lack of clear policy regarding the procedure.

2. A First Amendment auditor was detained at a District station. The Department lacks clear policy to address auditors who film the police and/or police facilities.

3. A recovered stolen vehicle was released to the owner but not removed from the system quickly enough. The owner was pulled over by another law enforcement agency. The Department lacks an efficient method of removing recovered vehicles from the system.

4. An Officer tried to search a suspect's cell phone to obtain identifying information without permission. The Department lacks updated policy on the search of cell phones.

5. Property was seized during an investigation. The policy lacks direction on making a timely determination if seized property can be associated with a crime or should be returned to the owner.

Training Failures Identified by IAD (Q1 & Q2 2022)

IAD had two cases in the First Quarter and one case in the Second Quarter that resulted in a "Training Failure" finding.

1. A recruit officer in their first week of Field Training wrote an inaccurate citation.

2. A prisoner in a holding cell attempted suicide. It was determined that the officer working as the station keeper at the time had not taken the required training for station keepers.

3. A police vehicle was stolen from the EVOC training site. Following the theft, training was created for the unit to stage vehicles in a more secure manner going forward and improve key security.

Training Failures Identified by DPA (Q1 & Q2 2022)

DPA did not have any cases in the First or Second Quarter that resulted in a "Training Failure" finding.
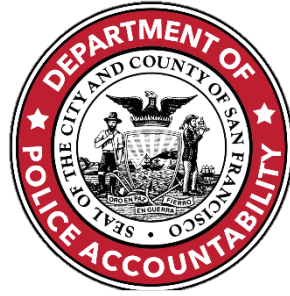
Proposed DRB Recommendations:

Recommendation #1 (Q1): IAD to conduct a review and update or edit as necessary the Background Investigations Manual.

Recommendation #2(Q1): Update DGO 6.15 and/or issue a Department Notice to address the release of property for safekeeping to citizens and to also reflect the new process and programming used to book evidence.

Recommendation #3(Q1): Review policies regarding 1st Amendment policies/training to determine if they address 1st Amendment Audit activities.

Recommendation #4(Q1): Create a cell phone application or electronic form so officers in the field can immediately remove recovered vehicles from the stolen vehicle system.

Recommendation #5(Q1): Disseminate a summary report of quarterly disciplinary cases, Police Commission cases and outcomes as well as the quarterly DRB report directly to Station Captains.
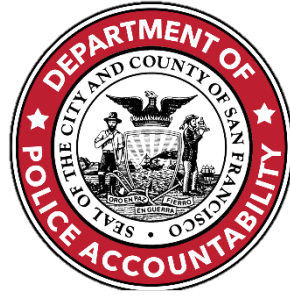
DRB Recommendations continued…

Recommendation #1(Q2): Update DB 20-140 regarding social media to provide guidance to officers who post on Department social media accounts in order to ensure the post is in line with the Department's messaging and vision.

Recommendation #2(Q2): Update DGO 10.11 to include clarification and better guidance regarding the use of BWC's in a hospital setting. Consider that a Department Bulletin be issued in the interim.

Recommendation #3(Q2): Written Directives to review DB 18-162 regarding the use of the Accurint Database to determine whether the policy should be renewed.

Next Step Outcomes and Inputs:

The 3rd Quarter 2022 Discipline Review Board has yet to be scheduled.