

San Francisco Police Department Disciplinary Review Board Presentation



CITY & COUNTY OF SAN FRANCISCO

Police Department



Presented By:

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

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



Fourth Quarter 2022 Disciplinary Review Board Findings and Recommendations

March 30, 2023

Members present:

Voting Board Members

Assignments

- Commander Paul Yep (Chair).....Chief of Staff
- Acting Deputy Chief Nicole Jones.....Administration Bureau
- Not in attendance.....Field Operations Bureau

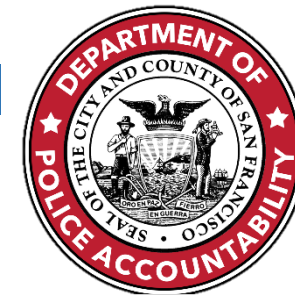
Advisory Board Members

- Commissioner Cindy Elias.....Police Commission
- Managing Attorney Diana Rosenstein.....Department of Police Accountability



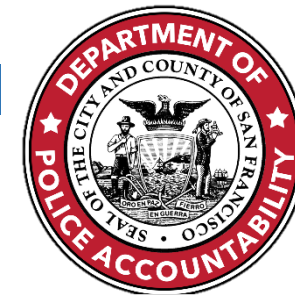
Aggregate Trends Identified by IAD (Q4 2022)

- Theft of firearm
- Failure to thoroughly investigate
- Failure to appear for DPA interview
- Failure to submit Member Response Form to DPA



Aggregate Trends Identified by DPA (Q4 2022)

- Failure to receive a private person's arrest
- Failure to activate BWC
- Detaining a person without reasonable suspicion
- Failure to properly supervise



Policy Failure Findings Identified by IAD (Q4 2022)

IAD had one case in the Fourth Quarter that resulted in a “Policy Failure” finding.

An investigator seized a cellphone from an arrestee. A property receipt was provided. The investigator took the property home and brought it to work the following day. The investigator retained the phone with the intent of having it “dumped” pending a search warrant. Recommendation to update language in DGO 6.15.



Policy Failure Findings Identified by DPA (Q4 2022)

DPA had one case in the Fourth Quarter that resulted in a “Policy Failure” finding.

A subject was brought to a district station for booking and placed in a holding cell. The subject was kept in a holding cell for approximately 21 hours. The prolonged time that SFPD held the complainant at the district station was due to the Sheriff’s department policy that temporarily prevented admission of new inmates into the jail. Recommendation to update DM-12 and FOB Unit Order 21-01.



Training Failures Identified by IAD (Q4 2022)

IAD had one case in the Fourth Quarter that resulted in a “Training Failure” finding.

The complainant responded to a district station to file a police report. The complainant is deaf and requires ASL or other ADA accommodations in order to file a report. The station’s telecommunications device (TDD/TTY) was not hooked up. The Language Line icon was not installed on the desktop computers at the front counter.

DGO 5.23.04.L speaks to the duties of the Department’s Language Access Liaison member. As a result of the “Training Failure” finding, a recommendation was made for the Language Access Liaison member to complete the following:

1. Audit the equipment, signage, etc. at District Stations to ensure compliance with DGO 5.23
2. Review / update DN 21-042 “Request for Sign Language Interpreters”
3. Provide training for district stations as required by DGO 5.23.04.M



Training Failures Identified by DPA (Q4 2022)

DPA had one case in the Fourth Quarter that resulted in a “Training Failure” finding.

Officers responded to a well-being check about a person with a knife. Upon arrival, they encountered a person who was in an altered mental state, but not committing a crime. They used de-escalation techniques, but decided to pat search the person because there was reason to believe the person may have a knife or be able to access a knife.

The DPA found that the named officers’ lack of training resulted in the unlawful pat search. The named officers did not have the training to properly articulate under what circumstances a pat search is permissible when a traditional detention is not involved (i.e., a consensual encounter, or a potential victim that may be armed).



DRB Recommendations from Q4 2022

Recommendation #1: Update DGO 6.15 to include language that prohibits investigator's from taking evidence home.

Recommendation #2: Update DM-12, FOB unit order 21-01, and holding cell policies to address prolonged detentions due to exceptional circumstances

Recommendation #3: All district station LEP equipment should be audited to ensure compliance with DGO 5.23 and DN 21-042, and to provide proper training to station personnel on the use of the equipment.

Recommendation #4: Improved training on pat search articulation of mental health cases, such as 5150 evaluations.

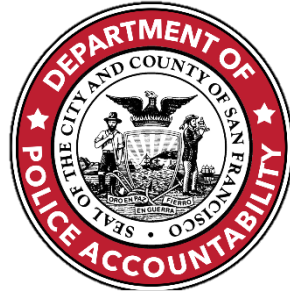


DRB Recommendations from Q4 2022 continued...

Recommendation #5: Update DB 21-092 (Report Writing for PSA's) to clarify what reports can be taken by PSA's. The bulletin is set to expire June of 2023.

Recommendation #6: Social media accounts should be monitored and controlled by the Media Relations Unit, or MRU should create a social media training for authorized users.

Recommendation #7: Recommendation on adding a quarterly agenda item for CRI Recommendation 69.2 regarding the equitable application of discipline: The DRB should take this responsibility on and add an agenda item to the quarterly meetings. The Office of Equity and Inclusion will present on discipline equity.



Next Step Outcomes and Inputs:

The 1st Quarter 2023 Discipline Review Board has yet to be scheduled.