

# **Key Issue Report:** SFPD's Handling of Officer Discipline

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

**CITY & COUNTY OF SAN FRANCISCO**

Department of Police Accountability

June 7, 2023

## Why We Did This Report

- ◆ DPA has a Charter mandate to audit SFPD's handling of misconduct.
- ◆ Interim reports bring significant matters to the attention of SFPD and the Police Commission before the final report is completed.

## Report Overview

- ◆ **Key Issue 1:** SFPD lacks written criteria for holding discipline in abeyance, which may lead to subjective and arbitrary decisions.
- ◆ **Key Issue 2:** SFPD does not have time frames for resolving appeals of intended disciplinary actions, which can delay accountability and create perceptions that the process is unfair.

## **Issue 1: SFPD lacks written criteria for holding discipline in abeyance, which may lead to subjective and arbitrary decisions.**

- ◆ From 2019 to 2021, SFPD suspended 126 officers; SFPD held suspensions for 14 (11%) of them in abeyance.
- ◆ SFPD policies do not define abeyance or describe when it is appropriate.
- ◆ This may lead to subjective decision-making and introduce arbitrariness into the department's discipline process.

## Other jurisdictions have guidance on holding discipline in abeyance.

The Albuquerque Police Department has criteria on when, and for how long, it can hold discipline in abeyance.

Abeyance Is <b>Appropriate</b> When:	Abeyance Is <b>Inappropriate</b> When:
<ul style="list-style-type: none"> <li>◆ The employee accepted responsibility for their actions</li> <li>◆ The employee has no more than one prior offense during the period in which the prior offense may be considered for progressive discipline</li> <li>◆ Further offenses are unlikely to occur</li> </ul>	<ul style="list-style-type: none"> <li>◆ The employee refuses to admit any wrongdoing</li> <li>◆ Past attempts to correct behavior have been ineffective</li> <li>◆ The employee has served any suspension in the previous two years</li> <li>◆ Violations find purposeful, physical harm to an individual</li> <li>◆ Violations find serious harm resulted to the reputation of the department</li> <li>◆ The conduct constituting the violation was planned or part of an on-going scheme.</li> </ul>

**Issue 2:** SFPD does not have time frames for resolving appeals of intended disciplinary actions, which can delay accountability and create perceptions that the process is unfair.

Note: This analysis focuses only on DPA-investigated officer misconduct. SFPD's case management system does not include the necessary dates to conduct the same analysis on Internal Affairs Division-initiated investigations.

Approximate Months Pending a Chief's Hearing	Hearings	% of Total
< 6 months	15	29%
6-12 months	8	16%
12-18 months	17	33%
18-24 months	8	16%
>24 months	3	6%
<b>Total</b>	<b>51</b>	

Source: DPA Case Tracking Spreadsheet, as of April 2022.

## Other jurisdictions attach time frames to their appeals processes.

- ◆ The amount of time between when the misconduct occurred to the imposition of sanctions can affect employees' opinions about fairness.
- ◆ The City of Los Angeles and Long Beach Police Department both have specific time frames for administrative appeals.

## Opportunities To Address These Issues

- ◆ SFPD's lack of written criteria for holding discipline in abeyance and lack of set completion time frames for Chief's hearings provide the department with opportunities to improve its procedures.
- ◆ Establishing clear criteria and time frames may help SFPD create a more transparent, consistent, and efficient discipline process.



## 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.

Questions?

