

Memorandum

San Francisco Police Department

To: William Scott *WS 6/26*
Chief of Police

From: Nicole Jones *NJ*
Acting Deputy Chief
Administration Bureau

Date: June 16, 2023

Subject: First Quarter 2023 Disciplinary Review Board Meeting

	APPROVED	YES	NO
WILLIAM SCOTT	<i>WS</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chief of Police		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>

On Wednesday June 14th, 2023, at approximately 1400 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 fourth 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
- Deputy Chief Robert O'Sullivan.....Field Operations Bureau

Advisory Board Members

Assignments

- Attorney Sarah Hawkins.....Department of Police Accountability

Also present were Lieutenant Angela Wilhelm of the Internal Affairs Division, Lieutenant Christopher Beauchamp of the Risk Management Division, Sergeant Stacy Youngblood of the Police Commission Office, Sergeant Joseph Minner of the Administration Bureau and the SFPD Director of Constitutional Policing Kara Lacy.

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

Lieutenant Wilhelm displayed a PowerPoint presentation to the Board regarding 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 first quarter of 2023. The trends identified by IAD included the neglect of duty for failure to activate BWC's, improper search or seizure, inappropriate comments and failure to investigate. DPA identified their trends as conduct unbecoming, neglect of duty in general, neglect of duty regarding BWC use and improper search.

IAD and DPA then presented cases that identified policy failures during the first quarter of 2023.

Policy Failure:

IAD had three cases closed in the first quarter with a policy failure finding. One case had been presented at the Third Quarter 2022 DRB meeting and was regarding an incident report not being assigned to the appropriate investigative unit.

The second had been presented at the Fourth Quarter 2022 DRB meeting and was regarding a case wherein a PSA was unclear if they were able to take a specific type of incident report at a district station. Both cases resulted in recommendations to update the relevant department bulletins.

The third case closed was regarding OIS 2018-001. This case led to several policy recommendations and changes including updates of DGO 5.01, DGO 8.02 and the creation of the FTFO Unit and the CMCR training course.

DPA had two policy failure cases. The first involved plainclothes officers not wearing BWC's at an incident as they were exempt at the time. The policy regarding the use of BWC's by plainclothes officers is currently being updated to address this issue.

The second case involved an incident where a custody was held at District Station for an extended period of time due to the County Jail not accepting custodies. DPA recommended that SFPD update their booking policies to reflect when custodies are held for extended periods of time due to circumstances beyond the SFPD's control.

Training Failure:

There were no IAD cases closed in the first quarter that resulted in training failure findings.

DPA had one case that resulted in a training failure as well as a policy failure finding. Officers "froze" a location pending the issuance of a search warrant, but still entered the location. DPA found the Department's training does not provide adequate guidance as to what "freezing" a location allows as well as what constitutes exigent circumstances to allow a warrantless search of a location.

Internal Affairs Division:

IAD presented one case for the first quarter of 2023 for review and discussion. In this case officers sought a search warrant for a firearm possession investigation. The warrant was obtained orally through a telephone conversation with the duty judge. The IAD investigation determined the issuing judge believed the officer was requesting a Gun Violence Restraining Order and not a search warrant. IAD noted that during the Covid 19 Pandemic judges had discretion on how they would receive the information for a search warrant request.

There was discussion held regarding the DGO 5.16 and DB 23-043 which both relate to obtaining search warrants. At the time of this meeting, the DRB did not recommend any changes or updates to the DGO or the DB.

Department of Police Accountability:

DPA presented a case wherein an officer had made an arrest of an individual outside of their residence. The officer then entered the residence to secure the suspect's pet, ensure the stove was off and there was no running water. The officer stated they entered to do this for a community caretaking purpose. The officer was not given consent to enter the residence and there was no present emergency, exigency or circumstances known to the officer at that time requiring them to enter the residence.

Lieutenant Wilhelm then discussed CRI Recommendation 69.2 that directs the Department to track discipline using key variables to determine if discipline is impartial. Lieutenant Wilhelm shared with the Board the IAD Analyst's report for the first quarter 2023 that tracks both complaint types and uses certain variables to determine which officers receive complaints and the level of discipline they may receive if found in violation of policy. These variables include race, age, officer's time of service and assignment. This report will be used to analyze complaints, discipline, and be used to guide any necessary corrective action the Department may need to enact if discipline is found to be impartially levied.

The DRB then proposed a recommendation to address the complaint trends discussed and the cases presented to them for the first quarter of 2023. The recommendation is as follows:

1. The Department needs to update training regarding the 4th Amendment and specifically to provide more guidance to officers about what actions can or cannot be taken when "freezing" a location pending a search warrant. The updated training should also provide more guidance on what or what does not constitute exigent circumstances that allows officers to make warrantless entry to a premises.