

Req-23-23

Memorandum

San Francisco Police Department

To: William Scott
Chief of Police

From: Peter Walsh
Deputy Chief
Administration Bureau



Date: Sept 18, 2023

Subject: Second Quarter 2023 Disciplinary Review Board Meeting

APPROVED	YES	NO
_____	<input type="checkbox"/>	<input type="checkbox"/>
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On Monday August 28th, 2023, 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 2023. The meeting was held via Microsoft Teams and the DRB was comprised as follows:

Voting Board Members

Assignments

- Acting Assistant Chief Peter Walsh.....Chief of Staff
- Deputy Chief Julian Ng.....Field Operations Bureau
- Acting Deputy Chief Gaetano Caltagirone.....Administration Bureau

Advisory Board Members

Assignments

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

Also present were Lieutenant Angela Wilhelm of the Internal Affairs Division (IAD), Sergeant Stacy Youngblood of the Police Commission Office, Sergeant Joseph Minner of the Administration Bureau, Sergeant Gabriel Rivera of the Professional Standards Unit and Analyst Lee Ann Kwait of IAD.

The Board reviewed the recommendation that was put forth at the previous DRB meeting and attendees provided updates on the progress of that recommendation.

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 second quarter of 2023. The largest trend identified by IAD was members failing to report to mandatory overtime shifts. DPA identified their most prevalent trends as the failure to activate body worn cameras and inappropriate language or comments by members.

The Board then held a brief discussion regarding the definition of "aggregate trends" as used by DPA and IAD in DRB meetings. It was noted that the term was used specifically by the board to refer to trends seen in cases and complaints as reviewed by the Board, but an aggregate trend may not necessarily indicate a significant number of cases or complaints. The Board concurred they need to continue to work on this definition and will discuss it further at the next DRB.

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

Policy Failure:

IAD had no cases in the second quarter with a policy failure finding.

DPA had three policy failure cases in the second quarter and one of those also resulted in a sustained complaint.

The first case was regarding an incomplete booking search conducted at a District Station which resulted in officers not locating contraband and a weapon possessed by a custody. Updates to the Booking and Detention manual were recommended.

The second case involved the follow up to an accident investigation and uncovered that there is no current codified method to ensure accident cases are assigned to the Traffic Collision Investigations Unit (TCIU). It was recommended that TCIU develop a method or process to track and assign investigations.

The third case was one in which officers towed two vehicles and placed holds on them, which requires that an incident report be written. The report was not written, and it was determined that DGO 9.06 is not clear on who is responsible for writing the incident report in cases such as these. The recommendation is for DGO 9.06 to be clarified regarding this responsibility when it is updated.

These preceding DPA cases were also presented by DPA for general review and discussion to the Board.

Training Failure:

IAD had one case that resulted in a training failure finding. This case was previously discussed at a DRB meeting and involved the attempted use of a district station's telecommunication device (TDD/TTY) that is for use by hearing impaired citizens. The TDD/TTY machine was not plugged in or working when needed by a reporting party.

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

Internal Affairs Division:

IAD presented one case for the second quarter of 2023 for review and discussion.

This case involved the Vicious and Dangerous Dog Unit (VDD). The initial investigation was regarding a member of the unit that did not take action after they determined a dog owner was out of compliance with a VDD Ruling. This investigation also revealed several issues within the VDD including that they have no codified investigation procedure and no MOU with Animal Care and Control. The investigation also led to a recommendation that the VDD be reassigned under the command of the Investigations Bureau and removed from the command of the Community Engagement Division. Additionally, it was noted that the most recent Department Notice regarding the VDD is expired and should be re-issued.

Lieutenant Wilhelm then discussed the implementation of CRI Recommendation 69.2 that directs the Department to track discipline using key variables to determine if discipline is impartial and shows no bias. The quarterly discipline report was compiled by Analyst Kwait and provided to the SFPD Office of Equity and Inclusion (OEI). The OEI found no negative trends of bias and no disparities or inequities in the imposition of discipline were found. The OEI recommended that no action was necessary at this time. The OEI will continue to review quarterly disciplinary reports going forward.

The DRB then held discussion and proposed recommendations to address the complaint trends discussed and the cases presented to them for the second quarter of 2023. It should be noted Attorney Hawkins requested that she obtain input from DPA Attorney Janelle Caywood regarding the future implementation of several recommendations, particularly the VDD related recommendations, upon their approval.

The recommendations are as follows:

- 1. IAD and DPA will continue to work on refining the definition for “aggregate trends” and bring that updated definition to the next DRB meeting for further discussion by the Board.**
- 2. The Department should work on creating an MOU between Animal Care and Control and the VDD Unit**
- 3. The Department should create a VDD Unit Order to codify the process by which VDD investigations are to be conducted.**
- 4. The Department should consider moving the VDD Unit to be under the command of the Investigations Bureau.**
- 5. DN 20-097 ‘Reports Regarding Vicious and Dangerous Dogs’ expired on 06/08/2023. Written Directive Unit should reissue this DN.**
- 6. Update the Department Booking and Detention Manual to update and specify the language regarding the Station Keeper’s responsibilities.**
- 7. Draft a TCIU Unit Order to codify how to properly assign and track reports that should be assigned to TCIU for follow up investigation.**
- 8. Update DGO 9.06 regarding which member is responsible for the incident report when a vehicle is towed, and a hold is placed on the vehicle.**

The Board voted unanimously that these recommendations be forwarded to you for your review and approval.