



CITY AND COUNTY OF SAN FRANCISCO  
**Department of Police Accountability**  
 ONE SOUTH VAN NESS AVE., 8<sup>th</sup> FLOOR  
 SAN FRANCISCO, CA 94103



February 13, 2024

**DPA’s Reply to SFPD’s Response to DPA’s Q3 Sparks Report**  
**Status of 14 Stalled DGOs**

DGO	Title	Status
1.03, 1.04. 1.05	Duties of Patrol Officers, Sergeants, and Station Personnel	<p><b>SFPD:</b> 1/29/2023: SFPD requested an extension on Stage II response grid (RG) w/ new deadline of 12/18/23. DPA did not object, however commissioners did not decline or approve. SME returned RG to WDU on 12/17. WDU awaiting Deputy Chief (DC) review/approval. 1/31/24: Submitted additional Stage II extension request w/ new deadline of 2/9/24. Pres. Elias approved. Stage II RG sent to DPA on 2/9/24. Next step: Public Review Process.</p> <p><b>DPA:</b> Concur with above. SFPD has indicated that they may need more time to proceed to the next stage, Public Comment, because they agreed with DPA that 1.03, 1.04, 1.05 should be kept as separate DGOs not morphed into one.</p> <p>If SFPD is unable to proceed directly to Public Comment, DPA recommends that SFPD submit an extension request. (3.01.04.H) DPA has no objection to a 30–60-day extension given that this is three DGOs, not one.</p>
1.06-1.07	Duties of Superior Officers and Command Officers	<p><b>SFPD:</b> “Stage: Post-Concurrence. Awaiting the Chief of Police (COP) approval to send to Police Commission (PC) for calendaring. Policy Development Division (PDD)<sup>1</sup> awaiting notes from DPA/COP meeting held in May 2023.”</p> <p><b>DPA:</b> Concurrence was completed on 5/5/23 with minimal edits. Chief Scott and DPA met on 5/17/23 and came to an agreement to add one to two sentences.</p>

<sup>1</sup> SFPD uses “Policy Development Division (PDD)” interchangeably with “Policy Development Unit (PDU)” to refer to SFPD’s Policy Unit.



		DPA recommends that SFPD submit an extension request supported by good cause. (DGO 3.01.04.H.)
2.06	Vehicle Collision by Members	<p><b>SFPD:</b> “WDU sent Digital Package to Police Commission Office for calendaring on 12/13/2023. Between April 2023 and December 2023, the SME conducted post-concurrence research and edits. This policy had been following the "old DGO 3.01" process. 1/10/24: Approved by Police Commission for Meet and Confer (Reso-24-2)”</p> <p><b>DPA:</b> DPA concurs that this DGO is in meet and confer. Regarding the 2023 delays, on 8/21/23 the SFPD advised DPA that they were moving all DGOs under the current version of 3.01 and no longer proceeding under the “old 3.01” designation because doing so would create labor issues with the POA.</p>
2.07	Discipline Process for Sworn Members	<p><b>SFPD:</b> “DGO 3.01.04(D) Public Review period closed on 10/13/2023. Policy Development Unit (PDU) and SME drafting responses to public comments and determining whether the draft DGO is impacted. After DPA review of SFPD draft responses, this DGO will be scheduled for simultaneous concurrence.”</p> <p><b>DPA:</b> The 30-day Public Comment period ended four months ago. DPA recommends that SFPD seek an extension of time to delay proceeding to the next stage, concurrence. DPA recommends that this DGO be prioritized considering DPA’s audit which found delays in the disciplinary process that will be addressed in the DGO 2.07 update.</p>
5.06	Citation Release	<p><b>SFPD:</b> DGO 3.01.04, Stage I completed. Draft awaiting Stage I DC approval, however City Attorney and Attorney General’s office consulted relating to aspects of DGO. Once opinion received, this will move to Stage II. Dept. will seek an extension on Stage I based on feedback from SME and Executive Sponsor.</p> <p><b>DPA:</b> On 6/29/21, DPA submitted an RG containing a recommendation that officers be advised that they must do a custodial arrest (as opposed to a citation) to</p>



		<p>search incident to a misdemeanor arrest. This recommendation was based on a trend in DPA’s disciplinary cases and the search issue has been under review by SFPD since 6/29/21.</p> <p>On 3/6/23, DPA made two edits to SFPD’s final draft of 5.06. We understood 5.06 was going to be posted for Public Comment at some point in 2023. However, on 12/28/23, SFPD advised DPA that 5.06 had been moved back to Stage 1, the beginning of the DGO development process.</p> <p>On 1/5/24, we learned that SFPD had reached out to the City Attorney for legal advice.</p> <p>This is an important search issue for which officers need guidance. DPA recommends that if SFPD wants to consult with the Attorney General, that they do so promptly.</p>
5.08	Non-Uniformed Officers	<p><b>SFPD:</b> Ready for 30-day Public Posting. However, a request from President Elias paused the posting. We are still waiting for a decision from the COP and President Elias to post.</p> <p><b>DPA:</b> Concur with SFPD</p>
6.10	Missing Persons	<p><b>SFPD:</b> “The 2023 activity was put on hold as this DGO was on 2024 General Order Review List proposal (DGO 3.01.03(A)). 2024 list was approved by COP and Pres. Elias. This is marked as a priority DGO and will be first for DC determined timeline. Depending on Police Commission hearing relating to working group assignments, this DGO may receive community working group feedback.”</p> <p><b>DPA:</b> On 5/30/23, DPA submitted an RG to SFPD containing 17 recommendations on the draft DGO 6.10 that SFPD provided. Under DGO 3.01, DPA was due a response to our RG within 20 business regardless of whether SFPD considered this a Stage 1 or Stage 2 draft. (DGO 3.01.04.C.1.g, 3.01.04.C.2.d-e.) The deadline was 6/27/23. DPA did not receive a response.</p>



		<p>On 10/18/23, SFPD stated that DPA recommendations were under review by the assigned Deputy Chief and that when complete, the DGO would be posted for Public Comment. However, on 12/28/23, SFPD stated that instead of completing the DGO and responding to DPA’s recommendations, SFPD was going to start the DGO development process anew in 2024 and go back to the beginning of the DGO development process.</p> <p>Given DGO 6.10’s importance, and the fact that it has been under development for approximately four years, DPA concurs with SFPD’s decision to prioritize DGO 6.10 in 2024.</p> <p>We note that Penal Code sections 13519.07(b)-(c) requires all law enforcement agencies to have brought their missing persons policy into compliance with state and federal law, using the POST guidelines as a model policy, and to provide a checklist to officers of tasks that should be completed in the early stages of a missing person investigation, by 2012. DGO 6.10 was last updated in 1999.</p>
6.14	Psychological Evaluation of Adults	<p><b>SFPD:</b> “Post Concurrence – 4th Amendment issue was addressed. DPA &amp; Department submitted joint question to City Attorney's Office relating to implementation of SB 43 and expansion of the term "gravely disabled". Awaiting City Attorney response.”</p> <p><b>DPA:</b> SB 43 went into effect on 1/1/24. It expanded the definition of “gravely disabled” to allow a 5150 hold for persons with a severe substance use disorder as defined by the DSM-V. DPA and SFPD sought advice from the City Attorney who provided advice to DPA and SFPD on 2/2/24. DPA recommends that SFPD seek an extension of time to provide a timeline of completion. (3.01.04.H.)</p>
6.18	Warrant Arrests	<p><b>SFPD:</b> “SFPD and DPA concluded the draft responses to Public Review. Scheduled for Simultaneous Concurrence 2/23/24.”</p> <p><b>DPA:</b> Concur with SFPD.</p>



7.01	Juvenile Procedures	<p><b>SFPD:</b> DGO 3.01.04(D) Public Review period concluded on 12/13/23. SFPD received 55 entries (40 comments). On 12/15/23, the Juvenile Division at the Youth Guidance Center provided new edits to the COP that are currently under review. PDU member Sgt. Graves sent draft Public Response grid to DPA on 1/10/24. Once revisions are reconciled, and public review responses are reviewed/revise by DPA, the DGO will move to simultaneous concurrence. Tentatively scheduled for Simultaneous Concurrence on 4/5/24.</p> <p><b>DPA:</b> On 1/30/24, DPA advised SFPD that we would respond to the public comments after concurrence when we are provided with the updated draft DGO that reflects SFPD's post-Public Comment edits.</p>
9.03	Chemical Testing for DUI	<p><b>SFPD:</b> Legal Team is currently in discussion with the City Attorney's Office regarding potential legal conflict between the obligations under 96C and the state law restrictions on contacting a lawyer prior to the completion of a DUI investigation.</p> <p><b>DPA:</b> Went to concurrence 10 months ago, on April 21, 2023, and minimal edits were proposed. DPA recommends that SFPD seek an extension of time. (3.01.04.H.)</p>
9.05	Traffic Citation Control	<p><b>SFPD:</b> DGO was sent to Police Commission on 11/13/23 for calendaring. 1/10/24: Approved by Police Commission for Meet and Confer (Reso-24-1).</p> <p><b>DPA:</b> Concur with SFPD.</p>
9.06	Vehicle Tows	<p><b>SFPD:</b> DC determined development timeline per DGO 3.01.04(C)(1)(c). Stage I draft timeline started 9/5/23, ended 1/18/24. All parties notified. Stage II commencement notification sent to Police Commission office and DPA on 1/25/2024. DPA Stage II grid due 2/16/2024.</p> <p><b>DPA:</b> DPA has 20 business days to submit an RG. Therefore, the deadline for DPA to respond is 2/23/24, not 2/16/23, as we have advised SFPD.</p>



XX	DPA's Proposed Probation/Parole DGO	<p><b>SFPD:</b> DPA submitted a proposal to Chief of Police and Commission in 2021 relating to a Probation/Parole DGO. The proposal is separate from DGO 6.12 “Arrests of Persons on Parole or Probation”. The Department prefers to incorporate elements of the proposal into DGO 6.12 as it is currently Stage I (ends 3/6/24). Under DGO 3.01, DPA can provide proposals directly to the Chief of Police relating to Serious Incident Review Board, Firearm Discharge Review Board or Disciplinary Review Board.</p> <p><b>DPA:</b> DPA submitted our draft DGO on probation/parole searches to the Police Commission. On 5/18/21 the Commission agreed the DGO development process should begin and provided DPA’s draft DGO to SFPD for feedback.</p> <p>We note that DGO 6.12 concerns arresting people on probation parole, not searches, so DPA recommends that the two DGOs not be combined.</p> <p>DPA’s proposed DGO on probation and parole searches does not pertain to the Serious Incident Review Board, Firearm Discharge Review Board, or Disciplinary Review Board. DPA proposed this DGO directly to the Commission in 2021 as permitted by 3.01.</p>
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