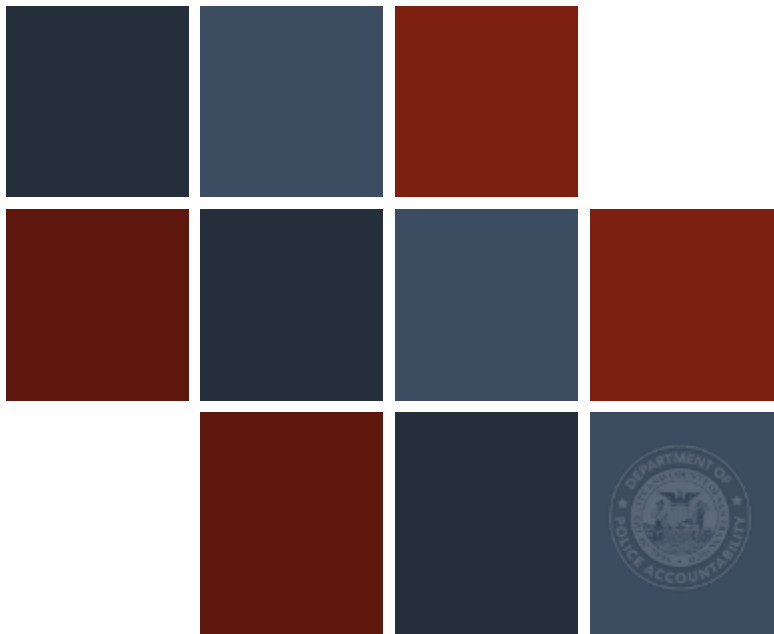


The San Francisco Police Department Needs to Improve Policies, Processes, and Data Tracking to Ensure the Timely, Consistent, and Transparent Handling of Officer Misconduct

This report fulfills the San Francisco Charter requirement that the Department of Police Accountability audit or review the San Francisco Police Department's handling of claims of officer misconduct.

December 21, 2023



**SAN FRANCISCO
DEPARTMENT OF
POLICE ACCOUNTABILITY
Audit Division**

Executive Summary

Why We Did This Audit

The San Francisco Charter requires the Department of Police Accountability (DPA) to audit the San Francisco Police Department’s (SFPD) handling of officer misconduct. This audit evaluated whether SFPD’s Internal Affairs Division (IAD) ensures that complaints of officer misconduct are investigated on time, whether IAD efficiently and effectively identifies, tracks, and reports on allegations of officer bias, and whether SFPD effectively complies with reporting requirements for officer misconduct investigations. The report includes 31 recommendations to SFPD.

Implementation may help SFPD ensure the timely, consistent, and transparent handling of officer misconduct.

What We Found

SFPD Needs to Improve Data and Policies to Ensure the Timely Investigation and Resolution of Misconduct.

- ♦ **IAD needs to improve data tracking to ensure that it completes the misconduct investigation and discipline notification process within the statute of limitations.** If IAD fails to complete the process within one year, SFPD may be limited to non-punitive measures, even in cases where punitive actions are warranted.
- ♦ **SFPD does not set time frames for resolving appeals of intended disciplinary actions, which can delay accountability and undermine perceptions of fairness.** Longer resolution times severely compromise the impact of discipline on the officer, as well as the message to the rest of the department and to the community regarding accountability.

SFPD Needs to Strengthen Its Approach to Handling Allegations of Officer Bias.

- ♦ **A lack of investigation tracking and limited guidelines hinder the effectiveness of IAD’s handling of allegations of officer bias.** IAD did not require investigators to identify and track investigations involving officer bias. Also, limitations in IAD’s investigation guidelines may hinder SFPD’s ability to address bias.
- ♦ **A lack of required updates weakens SFPD’s biased communication auditing program.** For example, SFPD does not ensure the enrollment of department-issued cell phones in the monitoring system, increasing the risk it will not detect potentially biased text messages.

SFPD Needs Better Reporting to Meet Requirements and Strengthen Transparency.

- ♦ **SFPD did not publish required information on officer misconduct investigations,** which weakens transparency and oversight.
- ♦ **The misconduct information SFPD does provide needs improvement to be useful** to the Police Commission and the public.

Required Reports	
✘	Status of DPA-sustained allegations pending a discipline determination.
✘	Quarterly reports on Internal Affairs Division cases.
⊖	Monthly status of allegations sustained by Internal Affairs Division.
⊖	Results of SFPD’s bias-monitoring program.
⊖ = Partially complies ✘ = Does not comply	

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Finding 1

SFPD Needs to Improve Data and Policies to Ensure the Timely Investigation and Resolution of Misconduct.

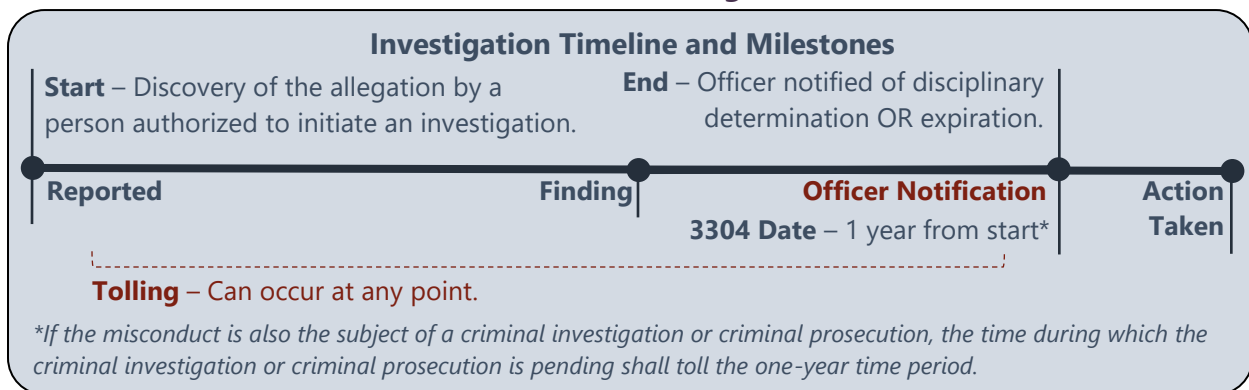
Finding 1.1 – IAD needs to improve data tracking to ensure that it completes the misconduct investigation and discipline notification process within the statute of limitations.

IAD does not systematically track all key dates necessary to show that it completes the investigation and discipline notification process within the one-year statute of limitations contained in state law.

California Government Code Section 3304 (3304) states that no punitive action shall be undertaken for any allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency’s discovery by a person authorized to initiate an investigation. If the agency determines that discipline may be taken, 3304 requires the public agency to complete its investigation and **notify the public safety officer of its proposed disciplinary action within that one-year period**. There are exceptions that **toll** the one-year period, extending the statute of limitations.

Exhibit 1A shows a high-level overview of the misconduct investigation timeline and key milestones.

Exhibit 1A – Overview of the misconduct investigation timeline and milestones.



Source: California Government Code 3304 and auditor analysis of SFPD misconduct data for 2019 through 2021.

IAD’s records show that six of its investigations between 2019 and 2021 expired due to the statute of limitations.¹ If IAD fails to complete the investigation and discipline notification process within the one-year statute of limitations, SFPD may be limited to non-punitive measures, even in cases where punitive actions are warranted.

¹ We reviewed data for 609 IAD investigations. See Appendix A for more information.

IAD's case management system includes dedicated fields for the following:

- ◆ **Reported** – The date the misconduct was initially reported to DPA or SFPD and the basis for the 3304 date field.
- ◆ **3304 Date** – The date the one-year limitation for a case expires.
- ◆ **Finding** – SFPD stated this could be when the Chief of Police signs off on the discipline, when the Police Commission made a determination, or the date an appeal changes the finding.
- ◆ **Action Taken** – The date the officer receives the final discipline.

The system does not have specific fields to track the date an exception to the statute of limitations extended the deadline (**Tolling**) or show the date when SFPD notified the officer of proposed disciplinary action (**Officer Notification**). Guidance published by the U.S. Department of Justice states that any event that would evince investigative due diligence should be logged, particularly in jurisdictions with statutes of limitations. It adds that tracking systems should be capable of capturing in separate data fields information important for case tracking.² Without these data fields, SFPD lacks readily available information necessary to show that it completes the investigation and discipline notification process within the one-year statute of limitations.

In addition, there are other issues that may impact IAD's ability to ensure that it completes the investigation and notification process within the statute of limitations. For 27 incidents (3%), IAD's system did not have anything recorded in the 3304 date field. This field is not mandatory or automatically generated; instead, the IAD clerk manually enters the date. The officer-in-charge of IAD stated that the system can generate e-mail notices at 90, 60, and 30 days before the statute of limitations expires. However, if the 3304 date field is not completed the system cannot generate these alerts. Also, SFPD's complaint form (known as Form 83) collects the date received, date of occurrence, and date assigned; however, the form does not collect the date **reported**, which is the basis for the 3304 date field and needed to support that IAD completes the investigation and notification process within the one-year limit.

² U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*.

IAD also manually maintains information needed to track investigations outside of the case management system.

Outside of the system, IAD maintains multiple files to track investigations, but these files also have limited and/or incomplete data.

IAD provided multiple files for our review, including:

- ♦ **DPA Case Tracking** – A file to track DPA cases. This file has a column to track the 3304 date. It also has a column to show if “3304 GC Date Met”; data in this column appears to be manually input. SFPD and DPA share this file.
- ♦ **DPA and IAD Master Lists** – Files for IAD’s tracking of DPA-sustained cases and IAD investigations. The DPA Master List has a column for the 3304 date but the IAD Master List does not.
- ♦ **Open Pending Lieutenant Evaluation Cases** – A file for tracking open cases assigned to district stations, open cases assigned to IAD investigators, and cases pending an evaluation from the IAD lieutenant. This file has a column to track the 3304 date.

Of these files, only the **DPA Case Tracking** spreadsheet has a field to track the date of **officer notification**; however, this field was not consistently completed. None of the files have date fields to track **tolling**. The DPA Master List and DPA Case Tracking files each have fields to show the date the complaints were **reported** to DPA, while the IAD Master List file has a field to show the date received. The Open Pending Lieutenant Evaluation Cases file has a field to track the date of occurrence but does not have a field to track the date **reported**.

An IAD principal analyst stated that SFPD is reliant on an older case management system. She said that this system is owned by a vendor with limited resources for providing technological support, and that this required SFPD to design and maintain datasets outside of the system. An IAD clerk stated that she manually maintains tracking files. Manual maintenance of file data can decrease staff efficiency and increase the risk of human error, which could affect its reliability for monitoring purposes. The officer-in-charge of IAD stated that the Risk Management Office started working with a vendor to implement a police force management system. The U.S. Government Accountability Office (GAO) states that management should design the entity’s information system and related control activities to achieve objectives and respond to risks. An information system represents the life cycle of information used for the entity’s operational processes that enables the entity to obtain, store, and process quality information. The GAO defines quality information as information from relevant and reliable data that is appropriate, current, complete, accurate, accessible, and provided on a timely basis, and meets identified information requirements. The GAO states that management should use quality information to make informed decisions and evaluate the entity’s performance in achieving key objectives and addressing risks.³

³ GAO, *Standards for Internal Control in the Federal Government*, 2014. The GAO states that local governmental entities may apply these standards as a framework for an internal control system.

RECOMMENDATIONS

The San Francisco Police Department should:

1. Record tolling and officer notification dates in dedicated fields in the Internal Affairs Division's case management system. If tracking this information in the system is not practicable, explore alternative solutions that can meet department requirements.
2. Make the 3304 date field mandatory in the case management system.
3. Standardize the collection and tracking of the reported date on the Form 83.
4. Integrate information from investigation tracking files into a centralized location. If this is not practicable with the current case management system, explore and implement alternative solutions that can meet the department's needs.

Finding 1.2 – IAD needs stronger tracking to ensure the timely completion of investigations referred to district stations.

IAD can better ensure that investigations referred to district stations adhere to department timelines. Without effective oversight and tracking of station referrals, IAD may not be able to ensure the consistent, timely resolution of these investigations.

SFPD's *A Guide to Station Level IAD Investigations* describes the cases that IAD can refer to district stations. Although the officer-in-charge of IAD stated that she requests responses from stations at 90 days, SFPD's guide states that district stations have 30 days to return completed investigations to IAD. The case management system does not have a specific field to differentiate station referrals from other IAD cases. Although the Open Pending Lieutenant Evaluation Cases file tracks cases assigned to district stations, it does not show the number of days each investigation is outstanding or the return date to IAD.

RECOMMENDATIONS

The San Francisco Police Department should:

5. Ensure that the Internal Affairs Division can show that district station investigations conform to department timeline requirements, including the date of the referral and the return date.
6. Ensure timeline alignment between the guidance on station level investigations and Internal Affairs Division practices.

Finding 1.3 – SFPD does not set time frames for resolving appeals of intended disciplinary actions, which can delay accountability and undermine perceptions of fairness.

SFPD’s process for resolving appeals of the Chief’s intended discipline, known as Chief’s hearings, does not include time frames for completion. Guidance published by the U.S. Department of Justice states that an effective disciplinary process must be timely and have established completion deadlines. This guidance notes that appeals can increase the time to resolve cases and cautions that longer resolution times severely compromise the impact of discipline on the officer, as well as the message to the rest of the department and to the community regarding accountability.⁴

While 3304 gives officers the opportunity to appeal punitive actions, it does not set time frames for when appeals must be heard or decided. Although SFPD’s *Department General Order 2.07, Discipline Process for Sworn Officers*, requires officers to request a Chief’s hearing within 10 days of receiving a notice of intent to discipline, it does not set time frames for when the hearing must take place or when the appeal should be resolved.⁵

The managing attorney for IAD stated that the department aims to set Chief’s hearings within six to eight months, but that scheduling conflicts among the involved parties, including the availability of the accused member, cause delays.⁶ The amount of time between misconduct and the imposition of a sanction can also affect employees’ opinions about fairness. For example, an officer suspended a year after the misconduct, but who has performed well in the interim, may resent the imposition of the sanction for the past offense. The officer and their colleagues may believe that imposing the sanction a year later is unfair.⁷ Setting time frames for resolving appeals may help SFPD avoid these risks and ensure a consistent and timely resolution to investigations.

⁴ U.S. Department of Justice, National Institute of Justice, *Police Discipline: A Case for Change*, 2011.

⁵ In August 2020, SFPD and the Police Officers’ Association signed a letter of agreement for appeals of written reprimands. However, this agreement also lacks time frames for the various stages of the process, such as the appointment of the hearing officer or how long the member has to confer with SFPD about the issues being appealed.

⁶ See Appendix E for analysis on appeals pending a Chief’s hearing.

⁷ U.S. Department of Justice, National Institute of Justice, *Police Discipline: A Case for Change*, 2011.

Other jurisdictions attach time frames to their appeals processes.

Both the City of Los Angeles and Long Beach Police Department set specific deadlines for resolving administrative appeals.

A memorandum of understanding between the City of Los Angeles and the Los Angeles Police Protective League requires:

- ◆ A hearing officer to be selected within five days after an employee requests an administrative hearing.
- ◆ The hearing officer to convene the hearing within 15 to 30 days of their selection. The hearing officer can continue proceedings for up to 21 days.
- ◆ The hearing officer to forward their report to the Los Angeles Police Department's Chief of Police and the officer's representative within 30 days.
- ◆ The Chief of Police to make a final decision within 30 days of receiving the report and provide the employee with both the final decision and the hearing officer's report within 10 days of making their decision.⁸

The Long Beach Police Department has a set deadline for resolving appeals of written reprimands.⁹ Long Beach's process requires the Chief or their designee to meet with officers within 10 working days of receiving an appeal and make a written decision within 30 calendar days.

RECOMMENDATION

7. The San Francisco Police Department should work with the Police Commission to set time frames for resolving Chief's hearings. Once set, amend relevant department policies to include the time frames.

⁸ Legal Framework for LAPD Disciplinary Process, 2021.

⁹ Long Beach Police Department Policy Manual, effective August 2022.

Finding 1.4 – SFPD lacks written criteria for when or how long it can hold discipline in abeyance, which could lead to arbitrary decision-making.

SFPD has no written criteria for when it is appropriate to hold discipline in abeyance. From 2019 to 2021, 134 officers were issued suspensions. Of these officers, 15 had all or part of their suspensions held in abeyance.¹⁰

SFPD’s reasoning for holding discipline in abeyance was not clear to members of the Police Commission. Survey responses from five commissioners indicated a desire for improvement in SFPD’s reasons for holding discipline in abeyance.¹¹ The managing attorney for IAD stated that abeyance is like a “probation” period where the discipline is only imposed if the officer engages in further misconduct during the period, and that it is considered on a case-by-case basis for officers with no disciplinary history. However, this explanation is not documented in the department’s *Disciplinary Penalty and Referral Guidelines for Sworn Members*. Abeyance is mentioned in the City’s labor agreement with the San Francisco Police Officers Association; however, this document references it in relation to experienced officer incentive pay. The agreement states that employees issued a suspension in the three previous years, whether served or held in abeyance, are not eligible for this pay premium.¹²

Well-reasoned and fully justified settlement agreements, conditional suspensions of discipline, “last chance” agreements, and legitimate dropping of charges or mitigation of penalties should be available when to do so will not undermine the values of fairness, consistency, predictability, and integrity. **Used unwisely, habitual suspension of sentences can encourage excessive deal making and introduce arbitrariness into the disciplinary system.**

- U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*

¹⁰ Police Commission-level cases accounted for two suspensions held in abeyance. Charter Appendix A8.343 empowers the Chief to impose suspensions of up to ten days. The disciplinary guidelines state that some allegations of misconduct are so serious that the public interest is best served by presenting them to the Police Commission for hearing and determination. During the audit period, the Police Commission’s discipline reports show that it also held terminations in abeyance.

¹¹ See Appendix B for commissioner survey responses.

¹² *2018–2023 Memorandum of Understanding Between City and County of San Francisco and San Francisco Police Officers’ Association*. Experienced officer pay compensates an officer for assuming the responsibilities of the senior officer on-duty when higher-ranking officers are unavailable. We noted that an officer who was issued a suspension in December 2021 appeared to continue to receive experienced officer pay through February 2022, for a total of \$100.

The U.S. Merit Systems Protection Board states that traditional discipline can consume substantial time and energy, particularly when it comes to the appeals and grievance processes. The U.S. Merit Systems Protection Board considers holding an employee's penalty in abeyance as a form of alternative discipline, and states that—under the right circumstances—alternative discipline may be a more efficient and effective approach than traditional discipline.¹³ The GAO states that management should implement control activities through policies.¹⁴ Establishing criteria for abeyance may help contribute to the efficient resolution of the investigation and discipline process.

Without clear, documented guidance, SFPD may not be able to show that it offers abeyance consistently and equitably without consideration of factors like officer race, gender, rank, or assignment.¹⁵ IAD's system data shows that one officer received a five-day suspension held in abeyance for two years due to a failure to attend a fitness test. In another case, an officer was sustained for a violation of being intoxicated off-duty and in possession of a firearm. This officer received a ten-day suspension, with five days served and five days held in abeyance for one year. The system's notes field does not contain any context for these discipline determinations, including the number of days held in abeyance or the length of the abeyance period.

Other jurisdictions have guidance on when and how long they can hold discipline in abeyance.

The Albuquerque Police Department defines abeyance as a temporary hold on part of a suspension to be served for a sustained policy violation. The Albuquerque Police Department considers abeyances as exceptions in the disciplinary process that require documentation and also has criteria for when holding discipline in abeyance is appropriate, as shown in Exhibit 1B.

¹³ U.S. Merit Systems Protection Board, *Alternative Discipline: Creative Solutions for Agencies to Effectively Address Employee Misconduct*, 2008.

¹⁴ GAO, *Standards for Internal Control in the Federal Government*, 2014.

¹⁵ SFPD reported statistics on discipline held in abeyance in its *Departmental Racial Equity Progress Report*. We compared suspensions held in abeyance by officer race to department demographics. See Appendix E for details.

Exhibit 1B – The Albuquerque Police Department has criteria on when and for how long it can hold discipline in abeyance.

Per its department policy, the Albuquerque Police Department can hold no more than 25% of a suspension in abeyance, and for no more than six months.

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

Source: Albuquerque Police Department, Standard Operating Procedure 3-46, Discipline System, effective July 2021.

The San Diego Police Department offers a lower level of discipline if the officer accepts a “last chance agreement” where the more severe discipline is put in abeyance if the officer does not violate the agreement. For example, termination for first-time alcohol-related misconduct can be converted to a suspension with a last chance agreement putting the termination in abeyance for five years.¹⁶

RECOMMENDATIONS

The San Francisco Police Department should:

8. Work with the San Francisco Police Commission to develop written criteria on holding discipline in abeyance, including the circumstances under which it is appropriate and the maximum time of the abeyance period.
9. Incorporate the criteria into the *Disciplinary Penalty and Referral Guidelines for Sworn Members* and other relevant policies. Once incorporated, provide training to help ensure that all parties making discipline determinations understand the criteria and how to apply them.

¹⁶ City of San Diego Police Department, *Discipline Manual for Sworn Personnel*, June 2019.

Finding 1.5 – Improved procedures may help IAD ensure that investigators complete required training courses.

IAD's standard operating procedures list required and recommended training courses for investigators. However, there are ambiguities in the guidance—like undefined time frames and responsibilities—that could result in officers missing opportunities to enhance their skills, capabilities, and knowledge base.

SFPD requires that officers assigned to IAD complete five training courses.¹⁷ In its collaborative reform assessment, the U.S. Department of Justice found that SFPD's case tracking was insufficient to ensure the timely progression of investigations and achieve key deadlines. The U.S. Department of Justice recommended that supervisors be held accountable for ensuring the timely transfer of IAD's criminal cases to administrative investigations when appropriate.¹⁸ SFPD cited IAD's required trainings in its collaborative reform completion memorandum for this recommendation.

While SFPD's Training Division stated that each unit oversees its own training requirements, IAD's procedures manual does not identify who is responsible for tracking and ensuring that officers complete the required training. The procedures reference an IAD Training Coordinator but do not state if this individual is responsible for tracking or ensuring that investigators meet training requirements.

In addition, while the procedures state that members should attend training on a bi-annual basis, they do not set a time frame for when newly assigned investigators must complete the required training courses.

Further, the procedures do not address how to fulfill training requirements if the courses are unavailable. For example, SFPD's training records show that none of the 12 officers assigned to IAD in December 2021 completed an Internal Affairs Advanced course.¹⁹ The officer-in-charge of IAD stated that the COVID-19 pandemic limited training opportunities. The California Commission on Peace Officer Standards and Training stated that there were no Internal Affairs Advanced courses from January 2019 through December 2021.

Providing officers with the training necessary to conduct internal investigations is critical for organizational success, as it helps ensure internal investigations are fair, thorough, accurate, and impartial. According to the GAO, organizations should clearly define not only what is to be achieved, but also who is to achieve it, how it will be achieved, and the time frames for achievement.²⁰

¹⁷ We surveyed current and former IAD members on their satisfaction with training received, as well as other aspects of their assignment to IAD. See Appendix C for survey responses.

¹⁸ U.S. Department of Justice, COPS, *An Assessment of the San Francisco Police Department*, Finding 60 and Recommendation 60.3, 2016.

¹⁹ SFPD's Staff Services provided the list of investigators assigned to IAD as of December 2021. SFPD's Training Division provided IAD course records in June 2022.

²⁰ GAO, *Standards for Internal Control in the Federal Government*, 2014.

RECOMMENDATIONS

The San Francisco Police Department should:

10. Assign responsibility for ensuring that investigators meet Internal Affairs Division training requirements and document this assignment in the Internal Affairs Division's procedures manual. The designated individual or unit should monitor training completion, identify issues or gaps, and propose mitigating actions.
11. Revise the Internal Affairs Division's standard operating procedures to set a time frame for the completion of required training courses.

Finding 2

SFPD Needs to Strengthen Its Approach to Handling Allegations of Officer Bias.

Finding 2.1 – A lack of investigation tracking requirements and limited guidelines hinder the effectiveness of IAD’s handling of allegations of officer bias.

IAD does not have a consistent or comprehensive approach for identifying or investigating allegations of officer bias. IAD did not require investigators to identify and track investigations involving officer bias (see Finding 2.1.1). Further, limitations in IAD’s investigation guidelines may hinder SFPD’s ability to address bias (see Finding 2.1.2).

Finding 2.1.1 – IAD did not require investigators to identify and track investigations involving officer bias.

IAD did not ensure the consistent identification and tracking of cases involving allegations of bias. Although the division’s case management system has a field to track this information, the officer-in-charge of IAD stated that there are no policy requirements for investigators to use this field. Further, SFPD’s complaint form does not require investigators to note if a case contains allegations of possible bias.

Both the U.S. Department of Justice and the California Racial and Identity Profiling Advisory Board (RIPA) have noted the importance of data collection and tracking to address bias within law enforcement agencies.²¹ In its 2016 *collaborative reform assessment of SFPD*, the U.S. Department of Justice stated that data collection matters when addressing bias. RIPA’s 2021 *Board Report* stated that data collection and tracking are foundational to law enforcement accountability systems.

Without consistent identification and tracking of bias allegations, SFPD’s data collection, analysis, and reporting on these investigations may be incomplete or inaccurate. As a result, SFPD may not be able to make informed decisions on the effectiveness of its bias-free policing efforts.

RECOMMENDATIONS

The San Francisco Police Department should:

12. Develop and implement guidance to help the Internal Affairs Division ensure the consistent identification and tracking of possible bias allegations. Integrate this guidance into relevant Internal Affairs Division policies.

²¹ California’s Attorney General established RIPA to eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement.

13. Modify the complaint form to include a section that requires officers to note if a case contains allegations of possible bias.

Finding 2.1.2 – Limitations in IAD’s investigation guidelines may hinder SFPD’s ability to address bias.

SFPD’s policy for investigations into bias-related complaints, found in IAD Unit Order 20-07, *Guidelines for Investigations into Bias Related Complaints*, does not apply to all matters under IAD’s jurisdiction. In addition, the guidelines have gaps that may lead to inconsistencies in identifying bias-based misconduct.

SFPD’s *Bias-Free Policing Strategic Plan* calls for the department to promptly, seriously, and thoroughly investigate all bias allegations.²² IAD Unit Order 20-07 applies to civilian allegations of bias against an officer.²³ These guidelines do not state if they apply to complaints concerning off-duty conduct, or complaints made by other law enforcement agencies.²⁴ Further, the guidelines do not state if they apply to matters brought forward by other SFPD members, like complaints resulting from SFPD’s *Not On My Watch* pledge. Officers taking this pledge affirm that they will not tolerate hate or bigotry from their fellow officers, and that they will confront and report intolerance without question or pause. While the guidelines provide investigators with steps for gathering evidence, as well as interview questions, they do not provide officers with SFPD’s definitions of bias, found in DGO 5.17, *Bias-Free Policing Policy*. In addition, the guidelines do not include guidance on how to conclude if the investigated conduct is evidence of bias.

The officer-in-charge of IAD stated that no investigations have used these guidelines. The GAO states that management, in determining the necessary level of precision for a control activity, should evaluate the consistency of performance and correlation to relevant operational processes.²⁵ Without clear guidelines that extend to the full range of matters under IAD’s jurisdiction, SFPD may miss opportunities to uphold organizational rules and standards of conduct. In addition, SFPD may not consistently identify and address bias within the department.

RECOMMENDATION

14. The San Francisco Police Department should update the *Guidelines for Investigations into Bias-Related Complaints* to widen the scope to include additional matters under the Internal Affairs Division’s jurisdiction. Also, include the department’s definitions of bias, as well as guidance for officers on how to conclude if the investigated conduct is evidence of bias.

²² The purpose of SFPD’s *Bias-Free Policing Strategic Plan* is to articulate the department’s commitment to eliminating bias across all aspects of its work.

²³ The California Department of Justice cited IAD Unit Order 20-07 in finding SFPD to be in substantial compliance with U.S. Department of Justice collaborative reform assessment recommendation 29.1. This recommendation stated that SFPD and DPA should establish shared protocols for investigating bias that do not rely solely on witness statements.

²⁴ SFPD DGO 2.04, *Complaints Against Officers*, states that IAD shall investigate these complaints.

²⁵ GAO, *Standards for Internal Control in the Federal Government*, 2014.

Finding 2.2 – A lack of required updates weakens SFPD’s biased communication auditing program.

SFPD has not followed its own requirements to help ensure its monitoring of department communications is current and complete (see Findings 2.2.1 and 2.2.2). These issues can hinder SFPD’s ability to effectively and efficiently identify bias in officer communications.

History of SFPD’s Electronic Communications Audits

In 2016, the U.S. Department of Justice found that SFPD did not conduct a comprehensive audit of electronic communications—including those on department-issued emails, communications on mobile data terminals, and text messages on department-issued phones—following two incidents, one in 2012 and another in 2015, in which multiple SFPD officers routinely used racist and homophobic language in text messages.*

The U.S. Department of Justice recommended that SFPD establish a policy and practice for ongoing audits of electronic communication devices to determine whether they are being used to communicate bias. *IAD Unit Order 18-02, Internal Affairs Division Audit Procedure*, requires the division to audit all department members’ electronic communications for derogatory words, statements, or media.

In September 2019, the California Department of Justice cited IAD Unit Order 18-02 and SFPD’s practice of auditing electronic communications in finding SFPD to be in substantial compliance with the U.S. Department of Justice’s recommendation. However, they cautioned that, to remain in substantial compliance, SFPD needs ongoing review of processes to ensure the audits effectively screen for biased communications.

* U.S. Department of Justice, COPS, *An Assessment of the San Francisco Police Department*, Finding 24, 2016.

Finding 2.2.1 – IAD does not systematically track its reviews of the bias word list.

IAD cannot show that it reviews the bias word list quarterly, as required by IAD Unit Order 18-02. Without systematic tracking and documentation, IAD may not be able to explain when and why it updated the list.

IAD Unit Order 18-02 states that investigators should add new bias words to the list and request the removal of words that are problematic, impractical, or cause overwhelming false positives. False positives can lower effectiveness and efficiency—they create additional work for investigators, taking their time away from other assignments. Too many false positives may cause investigators to become desensitized to the hits, called "alert fatigue."

Although investigators wrote memos requesting changes to the bias word list in May 2019, May 2020, and August 2021, IAD could not provide evidence of a list review for other periods between 2019 to 2021. IAD stated that it considers each hit as a partial review of the list, and that personnel discuss adding words to the list based on social, political, and cultural trends. However, the division does not document these reviews or discussions.

RECOMMENDATION

15. The San Francisco Police Department should ensure consistent documentation of the Internal Affairs Division's reviews of the bias word list, including both scheduled and ad hoc consideration of list updates. Ensure that this documentation is readily accessible to show that required reviews of the bias word list occurred.

Finding 2.2.2 – SFPD does not ensure the enrollment of department-issued cell phones in the monitoring system, increasing the risk it will not detect potentially biased text messages.

SFPD does not ensure all department-issued cell phones are enrolled in AT&T Message Archiving, the system it uses to monitor text messages. Therefore, SFPD may not be able to guarantee the accuracy and completeness of its audits. It also increases the risk that SFPD may not detect potentially biased text messages on department-issued cell phones.

IAD Unit Order 18-02 requires the Commanding Officer of Risk Management to work with the Technology Division Director to ensure twice a year updates to SFPD's cell phone listings. The Captain of the Risk Management Office stated that he did not need to work with the Technology Division because he did not believe it was necessary. SFPD's Chief Information Officer stated that the Technology Division relies on the cell phone vendor to enroll department devices into the text message archiving system. However, the vendor stated that it is not contractually obligated to add the service to the phone lines. The vendor stated that it manually adds the service to the cell phone lines "after any notable order" and will check for any numbers that do not have the service "a few times a year" as a courtesy. The Chief Information Officer stated that SFPD does not receive confirmation when the vendor enrolls the devices and that SFPD does not have any other checks or processes to ensure the vendor enrolls phones.

RECOMMENDATIONS

The San Francisco Police Department should:

16. Review Internal Affairs Division Unit Order 18-02 and, if needed, update the policy to ensure that it clearly delineates the procedures and responsibilities for enrolling department-issued cell phones into the message archiving service.
17. Determine the feasibility of contractually requiring the enrollment of department cell phones into the message archiving service. If this is not practicable, develop a systematic process to verify the enrollment of all department-issued cell phones in the message archiving service.

Finding 2.3 – SFPD can clarify policy guidance to help ensure the consistent identification of bias.

SFPD's DGO 5.17, *Bias-Free Policing Policy*, lacks explicit prohibitions on discriminatory language (see Finding 2.3.1). Further, SFPD's social media policies do not address bias-related conduct (see Finding 2.3.2). Lastly, SFPD's guidance on handling implicit bias is limited (see Finding 2.3.3).

2.3.1 - SFPD's *Bias-Free Policing Policy* lacks explicit prohibitions on discriminatory language.

SFPD's *Bias-Free Policing Policy* provides officers with procedures for policing impartially and preventing perceptions of biased policing. However, the policy does not explicitly prohibit discriminatory language, which may hinder the consistent identification and reporting of bias-related misconduct allegations.

RIPA recommends that a bias-free policing policy stand alone and use clear language, including definitions of relevant terms. While RIPA's model bias free-policing policy aligns with SFPD's language on courtesy and professionalism, it also calls for law enforcement agencies to prohibit "harassing, intimidating, derogatory, or prejudiced language, including profanity or slurs, particularly when related to an individual's actual or perceived personal characteristics" when interacting with members of the public.²⁶

DGO 5.17 states that, to prevent perceptions of biased policing, officers must "be courteous and professional" and refers officers to see another policy, DGO 2.01, *General Rules of Conduct*, Rule 14 Public Courtesy. While DGO 2.01 Rule 14 prohibits "harsh, profane or uncivil language," it lacks guidance on what this means in the context of the bias-free policing policy.²⁷

SFPD's *Bias-Free Policing Strategic Plan* calls for the comparison of data from before and after bias-related policy updates, such as those made to DGO 5.17, and states that SFPD will analyze and publicly report annually on trends in SFPD bias investigations. Current guidance may cause officers and stakeholders, like IAD, DPA, and the Police Commission, to have different interpretations on what behavior violates DGO 5.17. Clear, stand-alone prohibitions in DGO 5.17 may help ensure that biased policing allegations are consistently identified, and that any public reports around this policy are accurate and complete.

²⁶ RIPA, *2020 Report – Best Practices*.

²⁷ SFPD's disciplinary guidelines address on-duty acts or statements "reasonably known to offend, belittle, or defame" individuals based on personal characteristics, including race, ethnicity, gender identity, religion, and sexual orientation. The guidelines categorize this behavior as *Discourtesy* that violates Rules 9 and 14 of DGO 2.01. *Discourtesy* violations have a wider range of recommended penalties for a first offense, ranging from reprimand to termination. In contrast, the guidelines recommend termination for a first violation of DGO 5.17.

RECOMMENDATION

18. The San Francisco Police Department should work with the Police Commission to integrate into DGO 5.17 explicit prohibitions against using harassing, intimidating, derogatory, or prejudiced language, including profanity or slurs, especially when related to an individual's actual or perceived personal characteristics. Ensure that updates consolidate all relevant guidance related to bias-free policing within DGO 5.17 so that it is a stand-alone policy.

2.3.2 - SFPD's social media policies do not address bias-related conduct.

SFPD can strengthen social media policies to more effectively address bias-related conduct. SFPD has two policies that govern social media use:

- ◆ *DGO 2.09, Personal Use of Social Media*, describes SFPD's policies and procedures regarding the personal use of social media by members of the department.
- ◆ *Department Notice 20-140, Management of Department Social Media Accounts*, outlines SFPD's policy regarding the management of the department's official social media sites.

While both policies provide officers with some limits to social media activities, neither prohibits bias-related conduct.²⁸ Posting racial comments or other material offensive to persons of a protected class, even if done while officers are off-duty, can strain community relations, inhibit recruiting, and lead to litigation. Further, defense attorneys may use social media site content to impugn a person's reputation or show bias.²⁹

The International Association of Chiefs of Police (IACP) provides social media guidelines intended to protect law enforcement agencies and their personnel by clearly describing the types of acceptable and unacceptable cyber behavior and postings.³⁰ The IACP's guidance states that law enforcement agencies should prohibit employees from posting, transmitting, or disseminating racial or ethnically derogatory material online with anything that references or may negatively affect the public perception of the agency.

IAD's standard operating procedures do not address social media misconduct. The audit identified ten IAD social media-related misconduct investigations; the officer-in-charge of IAD stated that three of these investigations should be flagged as potentially biased. IAD did not complete the "possible bias" field in its case management system for these cases. Adding prohibitions against bias-related content to policies may help IAD consistently identify and address bias-related conduct on social media platforms.

²⁸ Issued in March 2002, *DGO 10.08 Use of Computers and Peripheral Equipment*, prohibits members from using department computers to access information reasonably considered offensive, including racial slurs. However, this policy does not address social media.

²⁹ IACP, *Concepts and Issues Paper, Social Media*, 2019.

³⁰ IACP, *Developing a Cybervetting Strategy for Law Enforcement*, December 2010. This guidance also addresses training on social media policies – see Observation 3.

RECOMMENDATION

19. The San Francisco Police Department should work with the Police Commission to update its social media policies to prohibit officers from posting, transmitting, or disseminating content that may negatively affect the public perception of the department, including racial or ethnically derogatory comments.

2.3.3 – SFPD has limited guidance on handling misconduct involving implicit bias.

While SFPD provides a definition for implicit bias in DGO 5.17, the department does not have a clear methodology for handling misconduct involving these unconscious attitudes or stereotypes. SFPD's *Bias-Free Policing Strategic Plan* calls for the department to collect and analyze data related to alleged incidents of biased policing, and using this data to determine patterns and correlations. The plan establishes metrics and the use of data analysis in the disciplinary process, especially concerning instances of implicit bias. The plan calls on SFPD to make relevant data accessible to the public.

SFPD's *Disciplinary Penalty and Referral Guidelines for Sworn Members* state that "implicit bias, when detected, will result in notice to the officer accompanied by additional training, counseling, and/or education" but that an officer's "reoccurring implicit bias issues...will no longer be considered implicit or unconscious and can result in discipline." The guidelines do not provide guidance to determine when, or how many, *reoccurring* instances are no longer considered *implicit*, and who will make this determination. Further, neither DGO 5.17 nor IAD's standard operating procedures address identifying and tracking cases involving implicit biases.

The GAO states that management should define objectives in specific terms so they are understood at all levels of the entity. This involves clearly defining what is to be achieved, who is to achieve it, how it will be achieved, and the time frames for achievement. The GAO adds that measurable objectives do not require subjective judgments and should be stated in quantitative or qualitative terms that permit reasonably consistent measurement.³¹ Without a system for identify and tracking instances of implicit bias, SFPD's analyses and reporting may be incomplete or inaccurate.

RECOMMENDATIONS

The San Francisco Police Department should:

20. Develop and implement guidance that describes how instances of implicit biases will be consistently identified and tracked.
21. Work with the Police Commission to develop criteria for determining when reoccurring implicit bias issues should result in discipline.

³¹ GAO, *Standards for Internal Control in the Federal Government*, 2014.





Finding 3

SFPD Needs Better Reporting to Meet Requirements and Strengthen Transparency.

Finding 3.1 – SFPD did not publish required information on officer misconduct investigations, which weakens transparency and oversight.

SFPD did not comply with reporting requirements set by Administrative Code, Police Commission resolution, and/or department policy. Misconduct can damage relationships with the community and erode public trust. If law enforcement agencies do not manage communications around misconduct with care, it can contribute to a loss of community confidence.³² Exhibit 3A summarizes SFPD’s reporting requirements and the department’s level of compliance.

Exhibit 3A – SFPD did not publish misconduct information required by the Administrative Code, Police Commission resolution, and department policy.

Mandate	Reporting Requirement	Compliance
Administrative Code Chapter 96, <i>Coordination Between the Police Department and the Department of Police Accountability</i> (adopted October 2003)	Monthly reports on the status of all DPA-sustained complaints sent to SFPD for a discipline determination. <i>SFPD did not publish these reports.</i>	
Police Commission Resolution 97-04, <i>Resolution Requiring the SFPD to Report to the Police Commission Regarding Pending Disciplinary Cases</i> (adopted November 2004)	Quarterly reports on IAD investigations newly opened or closed. <i>SFPD did not publish these reports.</i>	
	Monthly reports on IAD-sustained investigations , both with and without the Chief’s disciplinary determination. <i>SFPD published reports for cases with discipline determinations but not for cases still pending the Chief’s decision. The reports were not monthly and lack the required level of detail.</i>	
IAD Unit Order 18-02, <i>Internal Affairs Division Audit Procedure</i> (issued January 2018)	Quarterly reports of the results of SFPD’s biased electronic communication monitoring program , and a year-end report. <i>SFPD published quarterly reports but did not include required information on disciplinary outcomes of investigations. Also, SFPD did not issue year-end reports.</i>	

 Partially complies  Does not comply

Source: Auditor analysis of SFPD’s reporting requirements and publicly issued reports.

³² U.S. Department of Justice, COPS, *Strategic Communication Practices: A Toolkit for Police Executives*, 2011.

Without SFPD reports required by Administrative Code Chapter 96, the Police Commission and city leaders may be unable to address delays in the disciplinary process.

In addition to requiring monthly reports from SFPD regarding DPA-sustained cases awaiting discipline decisions, Administrative Code Chapter 96 requires the Police Commission to publicly discuss cases where the Chief has not decided on discipline within 45 days.³³

SFPD personnel assigned to the Police Commission stated that there has never been an agenda item for a public hearing on the status of sustained cases awaiting action. The officer-in-charge of IAD stated that it may be the Police Commission's responsibility to schedule explanations for cases exceeding the 45-day time frame based on reports submitted under this requirement. However, without these reports, the commission may lack the information necessary to hold hearings on SFPD's delays or provide the required notification about these cases to the Mayor and Board of Supervisors.³⁴ IAD Unit Order 19-05 requires the officer-in-charge to prepare reports required by the Administrative Code.³⁵ The officer-in-charge of IAD stated that SFPD shares information regarding cases with DPA via SharePoint but was not sure why the reports were not posted on the Police Commission's website.

The Administrative Code's 45-day time frame can help the Police Commission uphold the integrity of civilian oversight, oversee SFPD's cooperation with DPA, and ensure that delays will not preclude the imposition of discipline pursuant to 3304. Further, U.S. Department of Justice guidance states that the effectiveness of any eventual discipline, retraining, or corrective action diminishes with the passage of time, undermining the credibility of the agency in addressing misconduct. This guidance states that there is value in promptly completing investigations out of respect to employees, as they can experience stress awaiting the disposition of their cases. It also notes that swift corrective action can help employees avoid further problems.³⁶

SFPD's reports did not meet Police Commission Resolution 97-04's content and timeliness requirements.

Although SFPD issued some reports required by Resolution 97-04, it did not fully comply with the resolution's content and timeliness requirements. Resolution 97-04 requires SFPD to publish both monthly and quarterly public reports on IAD cases.³⁷ While SFPD's reports show sustained IAD cases with discipline imposed, SFPD did not publish these reports monthly or include information on sustained IAD cases pending the Chief's disciplinary decision, as required by Resolution 97-04.

³³ See Appendix E for analysis on DPA-sustained cases pending a discipline decision.

³⁴ Administrative Code Section 96.2(d) requires the Police Commission to hold quarterly public hearings to consider sustained complaints awaiting action by SFPD and to report to the Mayor and the Board of Supervisors on DPA cases awaiting SFPD action.

³⁵ Issued in August 2019, IAD Unit Order 19-05 is titled *Internal Affairs Division – Changes to DGO 2.04/DPA/SFPD MOU*

³⁶ U.S. Department of Justice, COPS, *Standards and Guidelines for Internal Affairs: Recommendations From a Community of Practice*.

³⁷ SFPD must send copies of the quarterly reports required by Resolution 97-04 to the Board of Supervisors.

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Without complete, timely reports, the Police Commission and other stakeholders lack the information necessary to monitor the status of IAD investigations and oversee SFPD.

IAD Unit Order 19-05 requires the officer-in-charge to prepare reports required by Resolution 97-04. The officer-in-charge indicated a lack of awareness in IAD of the quarterly reports required by Resolution 97-04 and stated that usually the Police Commission sends an email requesting reports.

The reports SFPD did issue under Resolution 97-04 lack the required level of detail on the alleged misconduct. SFPD used broad categories rather than specific descriptions of the officers' behavior, as shown in Exhibit 3B.

Exhibit 3B – Police Commission Resolution 97-04 calls for greater detail on alleged misconduct than SFPD provides in its reports.

Examples Provided in Resolution 97-04	Actual Descriptions in SFPD Reports
<ul style="list-style-type: none"> ◆ The officers initiated a traffic stop without justification. ◆ The officers detained two citizens at gunpoint without justification. ◆ The officers handcuffed civilians without justification. 	<ul style="list-style-type: none"> ◆ Conduct Unbecoming an Officer ◆ Neglect of Duty ◆ Administrative Investigation

Source: Example descriptions from Police Commission Resolution 97-04, Exhibit A; actual descriptions from IAD Sustained Complaints Report, April 2021.

Broad allegation descriptions do not give insight into the actual misconduct.

In its data, SFPD categorized most allegations sustained against officers from 2019 through 2021 as *Conduct Unbecoming* and *Neglect of Duty* (510 of 737 allegations, or 69%), as shown in Exhibit 3C.

Neglect of Duty includes various subcategories related to specific duties, including violations of the body-worn camera or language access policies. However, nearly half (182 of 380, or 48%) are in the nonspecific *Neglect of Duty* category and do not specify the subcategory.

SFPD does not have subcategories for *Conduct Unbecoming*. The behaviors in this category can result in a variety of actions. For example, in cases where the only allegation against an officer was *Conduct Unbecoming*, SFPD's data shows retraining, admonishment, written reprimand, hearings before the Police Commission, suspensions, and terminations as outcomes. *Conduct Unbecoming* covers a wide range of misconduct, as shown in Exhibit 3D.

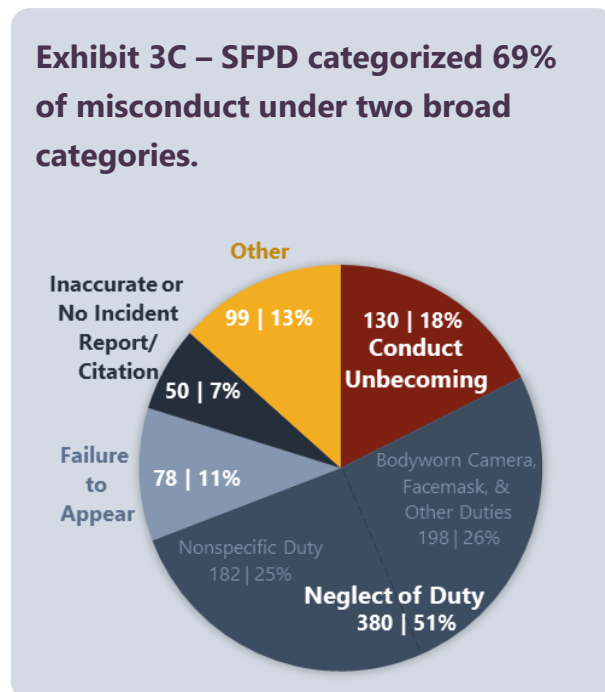


Exhibit 3D – SFPD’s *Conduct Unbecoming* allegation category includes a range of misconduct.

Examples of Sustained Misconduct Categorized as <i>Conduct Unbecoming an Officer</i>
◆ Using an SFPD-issued cell phone for purposes unrelated to work
◆ Calling in sick to work and attending a social event
◆ A physical altercation relating from a road rage incident
◆ While off-duty, had a gun while intoxicated
◆ Misrepresented the truth during an Internal Affairs investigation
◆ Intoxicated while on-duty
◆ Continually contacted a victim for personal/romantic reasons

Source: Auditor analysis of SFPD’s misconduct data from 2019 through 2021.

More detailed descriptions of the alleged misconduct can clarify matters that require reporting and may also benefit SFPD command staff and personnel. For example, the Virginia Beach Police Department distributes a monthly report to all police personnel summarizing allegations and disposition of misconduct cases while protecting the identity of the involved employees. The goal of this practice is to provide transparency to all Virginia Beach Police Department members and prioritize observational learning over absolute protection over the information.³⁸

SFPD did not follow its own reporting requirements on its responses to potentially biased communications.

SFPD did not follow IAD Unit Order 18-02’s reporting requirements. Quarterly reports include the total number of hits (and the number of those hits IAD determines are potentially and confirmed biased), but do not include the required details of disciplinary outcomes of investigations involving the hits.³⁹ Also, SFPD did not complete or present required year-end reports to the Police Commission. The officer-in-charge of IAD stated that the division could put each quarter together for a year-end report but cited challenges in reporting disciplinary outcomes because investigations and serving discipline can take up to a year.

SFPD’s communications monitoring program and audits are part of its efforts to address explicit bias. Without complete reporting on the audit results, stakeholders like the Police Commission, SFPD command staff, officers, and the public may not be able to make fully informed decisions about the effectiveness of these efforts. Without year-end reports, stakeholders may not have a basis for understanding how the department has evolved or what issues in the department remain.

³⁸ U.S. Department of Justice, COPS, *Virginia Beach Police Department Enhancing Cultures of Integrity Technical Assistance Guide*, 2012.

³⁹ A hit is the detection of a word from the bias word list in a communication on a department-issued device or e-mail. See Finding 2.2.

RECOMMENDATIONS

The San Francisco Police Department should:

22. Ensure compliance with the reporting requirements of Administrative Code Chapter 96.
23. Ensure compliance with the content and timeliness of reports required by Police Commission Resolution 97-04.
24. Ensure compliance with IAD Unit Order 18-02’s reporting requirements, including providing required details on the outcomes of investigations resulting from hits, and providing year-end reports to the Police Commission.
25. Review and update Internal Affairs Division procedures to ensure they align with mandated misconduct and discipline reporting requirements.

Finding 3.2 – The misconduct information SFPD does provide needs improvement to be useful to the Police Commission and the public.

SFPD’s presentation of misconduct information did not meet best practices for reporting data effectively. Most Police Commission members expressed that SFPD needs to improve the presentation of its misconduct and discipline data, including summaries of statistics, breakdowns of the data by officer traits like assigned station or years of service, and more detail on allegations and disciplinary actions.⁴⁰ Following best practices in reporting may help members of the Police Commission provide more informed oversight of SFPD.

Exhibit 3E shows how SFPD presents information on IAD sustained complaints in reports required by Police Commission Resolution 97-04.

Exhibit 3E – An example of SFPD’s presentation of misconduct and discipline information in IAD sustained complaint reports.

Complaint Number	Date Filed with IAD	Date Received by Chief	Summary of Complaint	Summary of IAD Findings	Decision Date by Chief	Discipline Imposed
MCD-2021-0066	5/11/21	07/12/2021	ND(2)	Improper Conduct	07/12/2021	Written Reprimand/Retraining
MCD-2021-0063	6/28/21	07/26/2021	CUM	Improper Conduct	07/26/2021	Admonishment/Retraining
MCD-2020-0136	10/23/20	07/28/2021	ND	Improper Conduct	07/28/2021	15 Day Suspension






Note: ND is *Neglect of Duty*, and CUM is *Conduct Unbecoming a Member*.


Source: IAD Sustained Complaints – July 2021. For space purposes, this exhibit omits the report’s Date of Discipline column.

⁴⁰ See Appendix B for Police Commission survey responses.

Exhibit 3F compares SFPD’s Police Commission Resolution 97-04 reports with best practices in reporting performance information to the public.

Exhibit 3F – SFPD can improve its reporting on misconduct by aligning with best practices.

Best Practice	SFPD Reporting Practice	Compliance
Key Points – Include a <i>concise and organized executive summary</i> to improve the structure of the report and ensure users can easily follow relevant points.	No executive summaries to outline relevant points or help users understand the main issues and implications	
User Needs – Include <i>summarized, stratified, and detailed data</i> to meet stakeholders’ needs.	Information presented on a case-by-case basis; data is not organized or stratified	
Context – Provide <i>context to assist users in interpreting data</i> and facilitate informed decision-making.	No contextual information to help users effectively interpret content	
Visualization – Represent data through <i>graphics that accurately show trends, relationships, and other significant information.</i>	Sustained complaint reports lack graphics, making it more difficult for stakeholders to see trends in the data	
Access – Reports or data dashboards, and their underlying datasets, should be easily accessible to <i>stakeholders.</i>	Sustained complaint reports not posted on SFPD website; they were previously on Police Commission’s website but are no longer accessible	

 Does not comply

Note: As noted in Finding 3.1, SFPD did not publish all required reports. We evaluated SFPD’s Police Commission Resolution 97-04 (sustained complaint) reports published from 2019 through 2021.
Source: Best practices from publications on reporting data; compliance with best practices assessed by DPA.

Effective communication of misconduct information requires SFPD management to select appropriate communication methods. The GAO recommends that organizations consider factors like the intended audience, the nature and availability of information, the resources used to communicate the information, and legal or regulatory requirements when choosing communication methods. The GAO also recommends that management periodically evaluate its communication methods to ensure the organization has the necessary tools to communicate quality information both within and outside the organization in a timely manner.⁴¹

Exhibit 3G gives examples from other jurisdictions that find ways to present misconduct data so readers can more easily understand the information and draw insights.

⁴¹ GAO, *Standards for Internal Control in the Federal Government*, 2014.

Exhibit 3G – Other police departments present misconduct data in more meaningful ways.

The Los Angeles Police Department organizes data by allegation type and penalty.

BODY WORN/DIGITAL IN-CAR VIDEO VIOLATION			
Penalty Type	Term(Days)	Misconduct	
Admonishment		- On-duty, failed to properly activate Body Worn Video as required by policy.	
Penalty Type	Term(Days)	Misconduct	
Suspension	7	- On-duty, failed to activate B/WV in a timely manner on three separate occasions.	
DISCOURTEOUS CONDUCT			
Allegation Type	Term(Days)	Misc	
Penalty Type	Unbecoming Conduct - Computer Violation	10	- Off-duty, engaged in a personal relationship with the relationship.
Admonishment	Other Policy/Rule	5	- On duty, inappropriately used the Department co

Definition of Findings

Sustained: Investigation classification when the investigator determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.

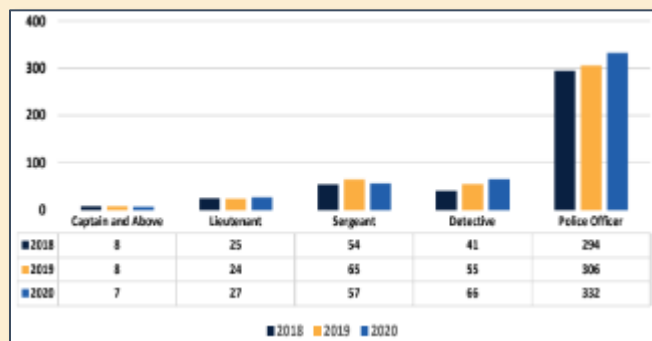
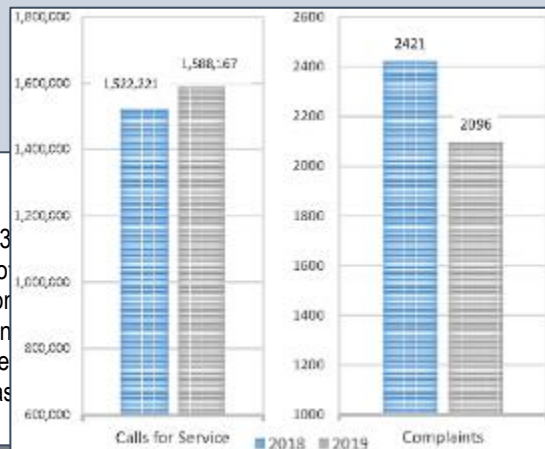
Unfounded: Investigation classification when the investigator determines, by clear and convincing evidence, that the alleged misconduct did not occur.

The Albuquerque Police Department provides users with definitions for the types of investigation findings.

The Las Vegas Metropolitan Police Department gives context for understanding significance by comparing number of complaints to calls for service.

Complaint Types

LVMPD responded to 1,588,167 calls for service*, of which .13 resulted in a complaint being generated. IAB received a total of 2,096 complaints. This is a 13% decrease compared to the 2,421 complaints received in 2018. Even though calls for service increased, along with the increase in LVMPD's jurisdiction population, tourist volume, and convention attendance, the total number of complaints decreased from 2018 to 2019, as well as each complaint category.



The New York Police Department presents data visually to show trends over time and comparisons across different groups of officers.

Source: Los Angeles Police Department April 2022 Disciplinary Penalties Report, Albuquerque Police Department's Internal Affairs Professional Standards Second Quarter Report April-June 2022, Las Vegas Metropolitan Police Department's Internal Affairs Bureau Accountability Report 2018-19, New York Police Department 2020 Discipline Report

RECOMMENDATION

26. The San Francisco Police Department should adopt best practices for communicating misconduct and discipline information. Consideration should be given to formally getting feedback from the San Francisco Police Commission and other stakeholders to better understand their specific needs and expectations for the presentation of misconduct and discipline information.

Finding 3.3 – Better data recording and tracking practices can help SFPD report on investigations and analyze discipline data more efficiently.

SFPD's data recording and tracking practices can create additional barriers to improving reporting and analysis of misconduct and discipline. Raw data from IAD's case management system can produce inflated discipline counts (see [Finding 3.3.1](#)). Further, SFPD combines distinct data points and does not track others, limiting reporting and analysis (see [Finding 3.3.2](#)).

3.3.1 – Raw data from IAD's case management system can produce inflated discipline counts.

Raw data extracted from IAD's case management system can lead to inaccurate discipline counts. The U.S. Department of Justice cautions that reporting of measures will have little substantive value if they do not reliably record or measure the phenomena or activity of study.⁴²

SFPD's *Disciplinary Penalty and Referral Guidelines for Sworn Members* states that, in cases involving multiple violations, discipline should be based on the most serious single sustained violation. In the data, SFPD ties actions taken to specific allegations—one allegation and one set of disciplinary or referral actions. However, when an officer has multiple sustained allegations for the same incident, SFPD enters the same set of disciplinary actions for every sustained allegation in the system. This results in the extracted data repeating the disciplinary actions multiple times.⁴³

The GAO states management should design appropriate types of control activities to ensure that all transactions are completely and accurately recorded.⁴⁴ Resolution 97-04 requires SFPD to issue quarterly reports with a review of disciplinary actions taken. Without controls to address this issue, SFPD's reports and analysis based on raw data may overstate disciplinary actions, making the information unreliable for reporting and decision-making purposes.

⁴² U.S. Department of Justice, COPS, *Law Enforcement Tech Guide for Creating Performance Measures That Work*, 2006.

⁴³ See Appendix D for an example of how system counts of disciplinary actions can differ from actual counts.

⁴⁴ GAO, *Standards for Internal Control in the Federal Government*, 2014.

RECOMMENDATION

27. The San Francisco Police Department should identify and pursue opportunities to improve its ability to track disciplinary actions for cases involving multiple sustained allegations. If this is not practicable with the existing case management system, explore alternative solutions that can meet department requirements.

3.3.2 – SFPD combines distinct data points and does not track others, limiting reporting and analysis.

SFPD's data practices involve combining distinct misconduct and disciplinary data points and omitting others. This may limit SFPD's ability to efficiently perform analysis, or provide information requested by the Police Commission.

Exhibit 3H provides examples of SFPD's data tracking practices and offers potential improvements.

Exhibit 3H – SFPD could improve transparency and analysis with better data design.

Data Point	SFPD's Data Design	Potential Improvements
Abeyance	Abeyance is not recorded as a distinct data point ; for example, SFPD combines it with the discipline put on hold in a system text field (e.g., "10 Day Suspension with 5 days Served and Five Days Held in Abeyance for 1 Year"). ⁴⁵	Recording abeyance as a separate attribute of discipline may allow SFPD to efficiently report and analyze totals for discipline by category.
Aggravating and/or Mitigating Factors	SFPD's discipline guidelines allow for considering additional factors. SFPD does not record what factors justified a deviation from the department's discipline guidelines in its system.	Tracking these factors may help SFPD show that it applies discipline in accordance with its disciplinary guidelines.
Allegation Description	In the system, SFPD combines unredacted complaint summaries with other information but does not record allegation descriptions suitable for public reporting .	Recording de-identified, high-level descriptions of alleged behavior could provide reports with greater transparency that do not compromise the confidentiality of investigations.
Policy Violated	SFPD does not track the policy violated as a distinct field in its system . SFPD puts each allegation into categories (e.g., <i>Conduct Unbecoming</i>) that can cover a range of policies.	Tracking the policy violated in a dedicated field may enable more detailed analysis and reporting on specific issues. It could also inform policy revisions and help ensure fair discipline across cases.

Source: Auditor analysis of SFPD's misconduct data and reports, and commissioner survey responses.

⁴⁵ See Appendix E for an example of how SFPD publicly reported on discipline held in abeyance.

The GAO calls for management to obtain timely, relevant data from reliable sources based on the identified information requirements, and states that management should use this data for effective monitoring. Collecting additional data, and improving how it tracks existing data points, may enable SFPD to perform more complete reporting and analysis on misconduct and discipline that the Police Commission and other stakeholders can use to make informed decisions and evaluate performance.

RECOMMENDATION

28. The San Francisco Police Department should formally review its reporting and analysis practices to identify emerging data needs, refine data collection processes, and evaluate the effectiveness of implemented solutions. The review should involve and consider feedback from relevant stakeholders and data users to ensure SFPD's practices align with reporting and analysis requirements.

Finding 3.4 – Station captains did not consistently follow a policy requiring complaint review, limiting the department's ability to effectively address allegation trends.

SFPD district station captains did not fully follow Field Operations Bureau Unit Order 20-05 (FOB Unit Order 20-05), a policy requiring them to identify DPA allegation trends and to document and evaluate plans to prevent similar allegations from occurring in the future. Captains must prepare quarterly memos to the Deputy Chief of Field Operations on the action plans put in place.

A review of the memos by the ten district station captains in 2021 shows that:

- ◆ **Some station captains did not submit the required memos.** Two of ten (20%) district station captains did not submit memos for all four quarters. Also, two other captains did not prepare memos for Quarter 1; instead, those captains combined their Quarter 1 and Quarter 2 analyses into a single memo. The policy does not address whether this practice is permissible.

The U.S. Department of Justice recommended that SFPD regularly review and analyze DPA complaints to identify priorities for intervention in terms of workforce culture, training, policy clarification, or leadership development.* The California Department of Justice cited FOB Unit Order 20-05 in finding SFPD to be in substantial compliance with this recommendation.

*U.S. Department of Justice, *An Assessment of the San Francisco Police Department*, Recommendation 65.1

- ◆ **Each quarter, three station captains prepared memos with identical, non-specific remedies and solutions to reduce complaint allegations.** These memos did not state when the district stations implemented the solutions or if the solutions had any impact on allegation trends. The policy requires captains to “identify remedies and solutions for undesired behavior,” and to “document their effectiveness...with new, goal-oriented outcomes in mind.”
- ◆ **Some captains did not prepare memos promptly.** For example, one station captain completed all four quarterly memos for calendar year 2021 in one week in April 2022. Two other station captains did not prepare their memos for Quarter 1, which ended in March 2021, until August of that year. There are no deadlines for memo completion in the policy. The GAO recommends that organizations develop objectives that include time frames for achievement.⁴⁶

As an accountability and review step, the policy requires the Lieutenant of the Field Operations Bureau to conduct an annual audit of these memos. In April 2022, the Lieutenant of the Field Operations Bureau conducted an audit on FOB Unit Order 20-05 compliance for 2021. In his memo to the Deputy Chief of the Field Operations Bureau, the lieutenant stated that he created a tracking sheet and template memorandum to help ensure full compliance in 2022. Inconsistent adherence to FOB Unit Order 20-05 may result in incomplete, delayed, or inadequately documented memos. These issues may hinder the department's ability to identify the underlying causes of complaint trends and to assess the effectiveness of actions at the district station level to prevent misconduct allegations.

RECOMMENDATIONS

The San Francisco Police Department should:

29. Ensure that station captains effectively comply with the requirements of Field Operations Bureau Unit Order 20-05.
30. Establish deadlines for the completion and submission of quarterly memos required by Field Operations Bureau Unit Order 20-05.
31. Provide guidance that addresses the practice of combining analyses of multiple quarters into a single memo.

⁴⁶ GAO, *Standards for Internal Control in the Federal Government*, 2014.

Other Observations

During this audit, we observed opportunities for improvement related to the audit's scope and objectives. These issues may warrant further evaluation by the Police Commission and SFPD, and could be included in the scope of a future DPA audit. For now, we provide these observations so that they may inform potential corrective actions.

Observation 1 – SFPD can strengthen guidance on conflicts of interest that can arise during the misconduct investigation process.

IAD's procedures manual provides limited guidance on conflicts of interest. Although IAD's procedures manual prohibits officers from investigating a case if there is a conflict of interest, the procedures do not:

- ◆ Address allegations made against its own investigators and SFPD command staff (see [Observation 1.1](#)), attitudes that can develop from extended service in the division (see [Observation 1.2](#)), or unconscious biases that can affect investigations (see [Observation 1.3](#)).
- ◆ Define key terms or provide examples of conditions that can create conflicts of interest (see [Observation 1.4](#)).
- ◆ Require investigators to document relationships that may conflict with misconduct investigations (see [Observation 1.5](#)).

8 of 16 current and former IAD investigators reported having recused themselves from an investigation because of a conflict of interest.

In addition, SFPD does not provide guidance on how to address conflicts that may arise when a complaint is referred to a district station for investigation (see [Observation 1.6](#)).

SFPD's lack of guidance to address these issues may increase the risk of actual or perceived bias in misconduct investigations and can undermine trust in the process.

Observation 1.1 – IAD procedures do not address allegations made against its own investigators and SFPD command staff.

IAD's procedures manual does not address conflicts that can occur when investigators assigned to IAD, or when the SFPD command staff that oversees IAD, are the subject of, or witness to, alleged misconduct. The U.S. Department of Justice states that agencies should have a policy to address a potential conflict of interest that occurs when the agency head or internal affairs commander is the subject of a complaint.^{47,48}

⁴⁷ U.S. Department of Justice, COPS, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*.

⁴⁸ DGO 2.04, *Complaints Against Officers*, states that, "in cases where the Chief of Police is the subject of the complaint, employees shall refer the matter to the Director of the City and County of San Francisco's Human Resources Division (DHR). The Director of DHR shall forward the complaint to the Director of the DPA."

Observation 1.2 – IAD procedures do not address attitudes that can develop from extended service in the division.

The officer-in-charge of IAD stated that there is no limit on the time a member can serve in the division. The U.S. Department of Justice cautions that an extended stay in internal affairs may, in some cases, cause investigators to become emotionally drained, bored, or biased, and warns that these attitudes and biases could result in less effective investigations. The U.S. Department of Justice recommends that law enforcement agencies consider limiting the time an officer spends in internal affairs, as it is a uniquely difficult assignment.⁴⁹

Observation 1.3 – IAD procedures do not address unconscious biases that can affect investigations.

IAD's procedures manual does not address unconscious biases that can affect investigations. Although SFPD's *Bias-Free Policing Strategic Plan* recognizes the importance of addressing these biases, IAD's procedures do not include them as a type of conflict of interest that may require investigators to recuse themselves from a case. The GAO states that management should design control activities to achieve their objectives and respond to risks.⁵⁰ Certain types of biases can interfere with an investigator's ability to be effective and fair.

The San Jose Police Department is an example of a law enforcement agency that acknowledges conflicts may arise from investigator biases against or for complainants, subject officers, or witnesses. San Jose's guidance recognizes that these biases can impair an internal affairs investigator's impartiality and can call for their disqualification from participating in an investigation.⁵¹

Observation 1.4 – IAD procedures do not define key terms or provide examples of conditions that can create conflicts of interest.

IAD procedures prohibit personnel from investigating if conditions exist between themselves and any involved party that may lead to the perception of bias. These procedures list family members, former patrol or investigative partners, former or current romantic partners, outside business partners, personal close friendships, and close work relationships. However, the procedures neither explicitly define nor give examples of these conditions.

The GAO recommends that organizations define objectives in specific and measurable terms. Specific terms are fully and clearly set forth so they can be easily understood.⁵² The San Jose Police Department provides officers with definitions and examples of conditions that prohibit an employee's involvement with an investigation.

⁴⁹ U.S. Department of Justice, COPS, *Standards and Guidelines for Internal Affairs: Recommendations From a Community of Practice*.

⁵⁰ GAO, *Standards for Internal Control in the Federal Government*, 2014.

⁵¹ San Jose Police Department, *2020 Internal Affairs Unit Procedural Manual*.

⁵² GAO, *Standards for Internal Control in the Federal Government*, 2014.

Exhibit O1 shows definitions that the San Jose Police Department uses to help investigators check for and address conflicts of interest in internal affairs investigations.

Exhibit O1 – The San Jose Police Department provides internal affairs investigators with definitions for conditions considered disqualifying conflicts of interest.

Examples of Definitions for Bias Conflicts

- ◆ **Close Friend:** A person who is considered a close personal friend by an employee of the Internal Affairs Unit. The determination of whether a person is a close friend will be at the discretion of the Internal Affairs Commander.
- ◆ **Family Member:** A spouse, domestic partner, child, stepchild, parent, or sibling.
- ◆ **Relative:** A grandparent, grandchild, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law and any equivalent relatives of a domestic partner.
- ◆ **Domestic Partner:** A domestic partner recognized by any California government entity.

Source: San Jose Police Department, *2020 Internal Affairs Unit Procedural Manual*, Appendix A: Conflict of Interest Policy.

San Jose’s guidance also addresses financial conflicts, stating that no city officer or employee may participate in any city decision in which the individual has a financial interest. San Jose’s guidance lists landlords, tenants, business partners, roommates, and investment partners as examples of financial relationships.

Observation 1.5 – IAD procedures do not require investigators to document relationships that may conflict with misconduct investigations.

SFPD only requires written attestation of conflicts of interest for IAD investigations of officer-involved shootings.⁵³ The GAO states that documentation is essential for establishing effective processes and demonstrating their successful implementation.⁵⁴ Although IAD procedures require investigators to disclose conflicts of interest for other investigations, there is no corresponding requirement to document these disclosures. Without a requirement for written attestation of conflicts of interest for all IAD investigations, SFPD may be limited in its ability to show compliance with its own requirements, maintain investigation integrity, and mitigate risks associated with conflicts of interest.

⁵³ IAD Unit Order 20-01, *Officer Involved Shooting Scene Protocol*.

⁵⁴ GAO, *Standards for Internal Control in the Federal Government*, 2014.

Observation 1.6 – SFPD does not provide guidance on how to address conflicts that may arise when a complaint is referred to a district station for investigation.

Neither IAD’s standard operating procedures nor SFPD’s *A Guide to Station Level IAD Investigations* provide IAD with guidance on how to monitor potential conflicts of interest that may arise when a complaint is referred to a district station for investigation. Guidance published by the U.S. Department of Justice states that, whenever it is necessary to delegate an investigation to the field, internal affairs should monitor investigations for quality and due diligence.⁵⁵

Observation 2 – SFPD’s procedures for disqualifying field training officers based on their misconduct history are outdated.

SFPD’s procedures rely on outdated disciplinary penalty categories for disqualifying field training officers and sergeants due to misconduct, which may increase the risk of selecting and/or retaining inappropriate role models for probationary officers.

Last revised in October 1998, DGO 3.13, *Field Training Program*, lists categories of misconduct that disqualify an officer or sergeant from serving as a field trainer. These categories are based on the 1994 version of SFPD’s disciplinary penalty guidelines, not SFPD’s guidelines adopted by the Police Commission in February 2021.

Between 2019 and 2021, three IAD cases resulted in the decertification of field trainers. The Field Training Office stated that SFPD did not issue guidance on disqualifying field trainers under the 2021 guidelines. The GAO states that management should implement control activities through policies. Management should periodically review policies and procedures for continued relevance and effectiveness in achieving the entity’s objectives or addressing related risks. If there is a significant change in an entity’s process, management should review this process in a timely manner after the change to determine that the control activities are designed and implemented appropriately.⁵⁶

In January 2023, the Police Commission approved a revised DGO 3.13 for meet-and-confer. The revised DGO 3.13 does not cite the *Disciplinary Penalty and Referral Guidelines for Sworn Members*, and instead states that decertification may occur when the officers fail to perform duties in a satisfactory manner or due to disciplinary action affecting the ability of the field trainer to perform their duties. As of October 2023, the revised DGO 3.13 is not yet in effect.

⁵⁵ U.S. Department of Justice, COPS, *Standards and Guidelines for Internal Affairs: Recommendations From a Community of Practice*.

⁵⁶ In addition, DGO 3.13 requires the Field Training Office to submit an annual program summary report to the Chief to promote standardization, improve policies and procedures, and correct program deficits. However, the officer-in-charge of the Field Training Office confirmed that neither they, nor the prior two Field Training Office coordinators, submitted these required reports.

Observation 3 – SFPD’s social media policies do not include training or monitoring requirements.

As discussed in *Finding 2.3*, SFPD has two policies that govern social media use. However, neither of these policies includes training requirements.

The IACP provides guidance on social media training for personnel, and states that educating employees on the purpose of an agency’s social media guidelines can increase their understanding and cooperation and reduce the risk associated with employees’ online postings.⁵⁷ Although DGO 3.01, *Department Written Directives*, states that members are expected to have a working knowledge of all directives as applicable through their respective assignment and comply with their provisions, training can reinforce standards of conduct.

In March 2022, the Police Commission discussed a “like” given by an SFPD social media account to a tweet about a non-fungible token in the likeness of George Floyd.⁵⁸ DPA investigated this incident as an alleged violation of Department Notice 20-140. The subject officer told DPA that she did not receive specific training on managing social media accounts and that she did not have a deep understanding of social media platforms when she agreed to assist. The investigation also found that, while the Chief believed the incident violated SFPD’s social media policy, the policy did not address official department social media accounts “liking” a post.

The San Mateo Police Department is an example of a law enforcement agency that includes a training requirement in its social media policy. San Mateo’s policy requires that members using department social media accounts receive training that covers legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and the dissemination and retention of information posted on departmental sites.⁵⁹

San Mateo’s policy also requires that the Chief appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. Adding a monitoring requirement like San Mateo’s may also help SFPD align with a RIPA best practice. RIPA states that law enforcement agencies should implement a multi-pronged approach to address both implicit and explicit bias, which includes the proactive review of their personnel’s social media to identify problematic behavior.⁶⁰

⁵⁷ IACP, *Developing a Cybervetting Strategy for Law Enforcement*, 2010.

⁵⁸ Police Commission meeting, March 2, 2022.

⁵⁹ San Mateo Police Department, Policy 391 – Department Use of Social Media, 2022.

⁶⁰ RIPA, *2021 Report – Best Practices*.

Observation 4 – SFPD addresses bias by proxy but has opportunities to strengthen guidance further.

RIPA recognized SFPD as “one of the few” law enforcement agencies in California that directly addresses bias by proxy in its policies.⁶¹ SFPD’s DGO 5.17, *Bias-Free Policing Policy*, defines *bias by proxy* and states that “members should use their critical decision-making skills drawing upon their training to assess whether there is criminal conduct” and that they “should be cognizant of racial and identify [sic] profiling, implicit bias and bias by proxy” while carrying out their duties. RIPA’s best practices include similar statements, but add that a policy should also include how:

- ◆ An officer should identify a biased-based call for service, including clear direction on next steps with respect to the caller and subject of the call.
- ◆ Sworn personnel should interact with the community member who has made a bias-based call for service, with details on ways personnel can explore if the call is bias-based and concerns an individual’s personal characteristics or if there are specific behaviors that warrant a call for police response.
- ◆ An officer should interact with a community member who is the subject of a bias-based call, including details on methods of approaching the subject of a bias-based call in a manner that respects their dignity and does not alarm them.⁶²

Given that calls for service are a common way in which law enforcement officers make contact with the public, adding specific guidance on addressing bias by proxy may help SFPD reduce the risk of its officers perpetrating a caller’s bias and violating the intent of the bias-free policing policy.

Observation 5 – SFPD’s communications auditing reports show a high rate of false positives.

In its quarterly reports, which are required by IAD Unit Order 18-02, SFPD states that only 10 (0.3%) of the 3,809 hits from 2019 through 2021 indicate potential bias. The remaining 99.7% of hits were false positives, or incorrect indicators of bias.

Exhibit O2 outlines the process for auditing communications and shows the number of potentially biased hits, by platform, from 2019 through 2021.

⁶¹ RIPA, *2021 Board Report*.

⁶² *Ibid.*

Exhibit O2 – SFPD reports that its biased communications auditing program has a high false positive rate with no sustained findings of bias.



Notes: This information is provided for context on SFPD’s bias monitoring. We did not perform data reliability testing on the reported number of false positives; regarding the number of potentially biased hits — see Finding 2.1.1 for issues concerning SFPD’s tracking of bias allegations, and Finding 2.2 on SFPD’s compliance with bias word list review requirements in IAD Unit Order 18-02.

Source: Auditor analysis of SFPD’s audits of electronic communication devices for bias quarterly reports from 2019 to 2021, SFPD’s September 2022 presentation to the Police Commission on findings of potential bias, and DPA interviews with IAD personnel.

SFPD reports that, due to system limitations, IAD investigators manually review the context of every hit to determine whether they are false hits or real hits that require further investigation. SFPD also states that its system generates hits automatically when an e-mail contains a term on the department’s bias word list.

IAD investigators stated that the system causes false positives because it flags e-mails with a bias word contained within a larger word. For example, if the prohibited word is “fun,” the system sends investigators e-mails with the word “funeral” for review.

Other false positives may occur because of e-mails that SFPD sends to all department members. For example, IAD reviewed department e-mails for inappropriate, derogatory, or biased communications specific to the January 6, 2021, U.S. Capitol attack. IAD’s report stated that there were approximately 800,000 e-mail hits from November 2020 through January 2021.⁶³ This report stated that this volume of hits was caused, in part, by press clipping e-mails SFPD sent to members and the department’s daily crime summary e-mails.

⁶³ SFPD did not include the results of its special review of communications about the January 6th attack in its quarterly reports. IAD’s report stated that it did not find any content that violated department policy.

Terms to Know

These key terms are defined to help in understanding this audit and are not intended to be comprehensive definitions or applied outside the scope of this audit report.

3304 – California Government Code Section 3304 limits investigations to one year but provides for exceptions that extend (toll) the statute of limitations.

Abeyance – SFPD policies do not define abeyance or describe when it is appropriate. SFPD stated that the use of the abeyance period is like a “probation” term, where the discipline is only imposed if the officer has further misconduct during the abeyance period.

Administrative Code – San Francisco Administrative Code; in particular, Chapter 96, *Coordination Between the Police Department and the Department of Police Accountability*

Allegation – Misconduct of which an officer has been accused.

Bias Word Hit – The detection of a word from the bias word list in a communication on a department-issued cell phone, e-mail address, or a California Law Enforcement Telecommunication System (CLETS) terminal.

Bias Word List – A list of words that SFPD identifies as potential indicators of bias for monitoring misconduct in department communications.

Chief’s Disciplinary Hearing – After SFPD notifies an officer of intended discipline, the officer can appeal the discipline by requesting a disciplinary hearing with the Chief.

Data – Facts or information organized for analysis or to make decisions.

Data Design – The process of identifying what data is necessary to collect, and how it will be collected, to allow analysis and interpretation that satisfies user needs.

De-identified – Data where information that would reveal the identity of the individuals involved has been removed or obscured, such as replacing an officer’s name with “Officer A” and removing any reference to physical appearance.

Department General Order (DGO) – SFPD’s most authoritative and permanent directives. The Police Commission adopts DGOs for the overall administration and management of SFPD and the general conduct of all members.

Department of Police Accountability (DPA) – The body responsible for investigating complaints alleging misconduct by on-duty SFPD officers. DPA recommends discipline to the Chief or Police Commission.

Discipline – Punitive action against an officer for misconduct; discipline types include written reprimands, suspensions, and terminations.

Discipline Guidelines – *Disciplinary Penalty and Referral Guidelines for Sworn Members of the San Francisco Police Department*; provides examples of factors considered in discipline decisions.

Field Training Officer – An SFPD officer certified to train probationary officers.

Finding – The conclusion of a misconduct investigation.

Internal Affairs Division (IAD) – A unit within SFPD’s Risk Management Office. IAD investigates allegations of off-duty misconduct brought against department members.

Internal Control – A process effected by an entity’s oversight body, management, and other personnel that provides reasonable assurance that the entity’s objectives will be achieved.

Misconduct – Any behavior that violates SFPD policy. SFPD defines misconduct in DGO 2.01, *General Rules of Conduct*, as conduct that subverts the order, efficiency, or discipline of SFPD.

Misconduct Investigation – The process of investigating allegations of SFPD employee misconduct. Generally, DPA investigates complaints made by members of the public against on-duty officers, and SFPD’s Internal Affairs Division investigates other allegations.

Other Observations – Opportunities for improvement in areas related to the audit’s scope and objectives. These issues may warrant further evaluation by the Police Commission and SFPD, and could be included in the scope of a future DPA audit.

Potentially Biased – Hits from SFPD’s communications audits that require investigation.

Quality Information – Information from relevant and reliable data that is appropriate, current, complete, accurate, accessible, provided on a timely basis, and meets identified information requirements.

San Francisco Police Commission – The governing body overseeing SFPD and DPA.

SFPD – San Francisco Police Department

Unit Order – A policy that applies to a specific SFPD unit’s operations.

Appendix A - Audit Objectives, Scope, and Methodology

Objectives & Scope

We performed this audit to fulfill the San Francisco Charter requirement that DPA audit or review SFPD's handling of claims of police misconduct. Our audit objectives were to determine whether IAD ensures that complaints of officer misconduct are investigated on time, whether IAD efficiently and effectively identifies, tracks, and reports on allegations of officer bias, and whether SFPD effectively complies with reporting requirements for officer misconduct investigations. The audit considered SFPD data from, and processes in use in, calendar years 2019 through 2021.

Methodology

To understand how IAD ensures that complaints of officer misconduct are investigated on time, we interviewed IAD members, and analyzed officer misconduct investigation data found in IAD's case management system and tracking files. Our assessment of how SFPD identifies, tracks, and reports on allegations of officer bias included interviews of IAD personnel that perform the bias communications audits and a review of IAD's guidelines for investigations into bias related complaints. To determine SFPD's compliance with reporting requirements, we reviewed Administrative Code Chapter 96, Police Commission Resolution 97-04, and IAD Unit Order 18-02. Also, we considered internal control related to the audit's objectives.

Surveys – In April 2022, we surveyed current and former members of the San Francisco Police Commission. Commissioner survey results are in [Appendix B](#). In June 2022, we surveyed current and former IAD members. IAD survey results are in [Appendix C](#).

Data Integrity – We examined data for 745 investigations. Of those, IAD investigated 609 (82%), and DPA investigated the remaining 136 (18%). Of these 745 investigations, 362 (49%) resulted in a finding of improper conduct; IAD investigated 254 (70%) of the 362 cases, while DPA investigated 108 (30%). Of the 362 sustained cases, 146 (40%) resulted in suspensions or suspension in abeyance (includes sworn and non-sworn personnel), while 58 (16%) ended with separation due to termination, resignation, or retirement. A total of 737 allegations were sustained against 395 different officers.

We assessed the completeness of the data against DPA records, SFPD tracking documents, and media mentions of misconduct. We found that SFPD's data included all known incidents. We assessed accuracy by comparing system data to complaint intake forms and investigation reports using a statistical random sample (90% confidence level allowing a 10% margin of error) and found the data to be accurate to support the audit's findings, conclusions, and recommendations. There were 63 cases in our sample population. For case incident data, we traced the case management system's incident date, reported date, and incident narrative to source documentation. For case allegation and action taken data, we traced the employee name, allegation, action taken, and finding date data to source documentation. For more information on incident and action taken data, please see [Appendix D](#).



Statement of Auditing Standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

About the San Francisco Department of Police Accountability's Audit Division

DPA's audit authority was established in 2016. The San Francisco Charter mandates DPA to audit SFPD's use of force and handling of police misconduct every two years. The Charter also gives DPA the authority to conduct performance audits and reviews to check whether SFPD followed all laws, ordinances, and policies. The Charter grants DPA's executive director the discretion to decide the frequency, topics, and scope of the audits and reviews.

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Appendix B - Police Commissioner Survey

We surveyed current and former members of the San Francisco Police Commission in April 2022 to help us assess whether the misconduct information SFPD provides effectively meets their needs.⁶⁴ Five commissioners completed the anonymous survey.

The exhibits below show commissioner responses to our survey questions.

Exhibit B1 – Some police commissioners did not recall receiving required misconduct data from SFPD that could target policy improvement efforts.

Data in SFPD Reporting Requirement	Commissioner Recalled Receiving Data		
	Yes	Not Sure	No
DPA Complaints^a – Status of... Allegations sustained by DPA and transmitted to SFPD for determination of appropriate action (<i>monthly</i>)			
Complaints for which the Chief of Police has not made a determination within 45 days			
IAD Investigations^b – Status of disciplinary cases under investigation by IAD (<i>monthly</i>)			
Biased Communications^c – Number of hits and false positives of bias monitoring of e-mails and texts, and outcomes of any resulting investigations (<i>quarterly + annual</i>)			
^a Required by Administrative Code, Chapter 96.	^c Required by SFPD's IAD Unit Order 18-02.		
^b Required by Police Commission Resolution 97-04.			

⁶⁴ Former commissioners dating back to 2016.

Exhibit B2 – Most police commissioners rated SFPD’s analysis and detailed data regarding officer misconduct as not meeting their needs or needing improvement.

Misconduct Information	Commissioner Ratings				
	SFPD does not provide	Does not meet my needs	Needs improvement	Generally meets my needs	Excellent
Summary statistics on allegations, investigations, and outcomes					
Misconduct data broken down by officer traits (assigned station, years of experience, race, etc.)					
Trends in officer misconduct					
Context for understanding misconduct statistics or trends					
Level of detail of nature of allegations					
Level of detail of the nature of disciplinary actions taken					
SFPD’s overall process for determining disciplinary action					
SFPD’s reasonings for holding discipline in abeyance					
Information specific to allegations of bias (number of investigations by IAD, outcomes, etc.)					

Exhibit B3 – Police commissioners see value in the misconduct data SFPD provides but have suggestions for improving the data’s usability.

Usability for Policy Creation and Changes

Strengths	Commissioner Suggestion
<ul style="list-style-type: none">◆ Improved over time◆ Show trends in DGO violations	<ul style="list-style-type: none">◆ Include analysis◆ Provide better context to clarify the significance of the numbers◆ Include suggestions for policy change

Usability for Holding Officers Accountable

Strengths	Commissioner Suggestion
<ul style="list-style-type: none">◆ Useful tool	<ul style="list-style-type: none">◆ Connect discipline actions to types of misconduct◆ More timely

Additional Improvements Suggested by Police Commissioners

We asked commissioners what additional information from SFPD would improve their ability to provide governance and oversight in the area of officer misconduct investigations. We received four responses.

Commissioners suggested:

- ◆ More information related to allegations of bias and more context in reporting.
- ◆ More detail and descriptions of cases, like what DPA provides.
- ◆ Monthly or quarterly summaries broken down by types of allegations in the Early Intervention System, and systematized progressive discipline for members with repeated alerts.
- ◆ Timely reporting, along with current and transparent data gathering analysis on bias, pretext stops, and use of force, and community feedback on officer misconduct.

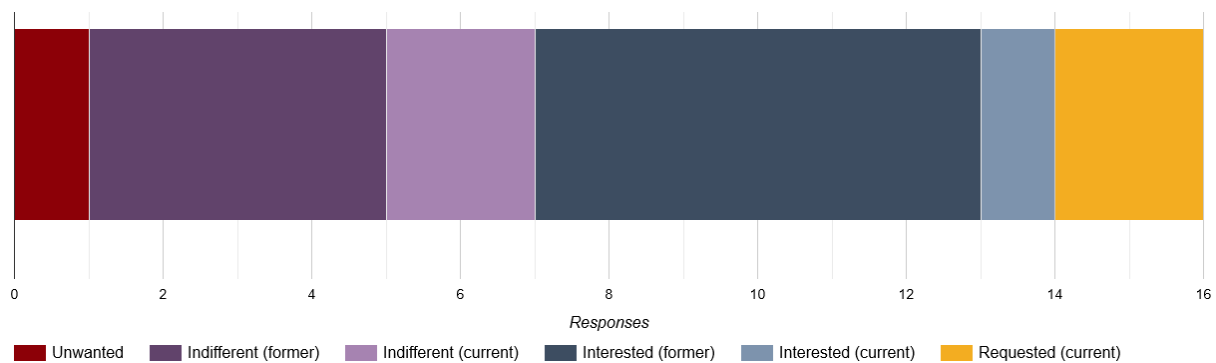
Appendix C - Internal Affairs Division Survey

We surveyed current and former IAD sworn members to gain a better understanding of their mindset about their work. We received responses from 5 active and 11 former IAD members, for a total of 16 responses.⁶⁵

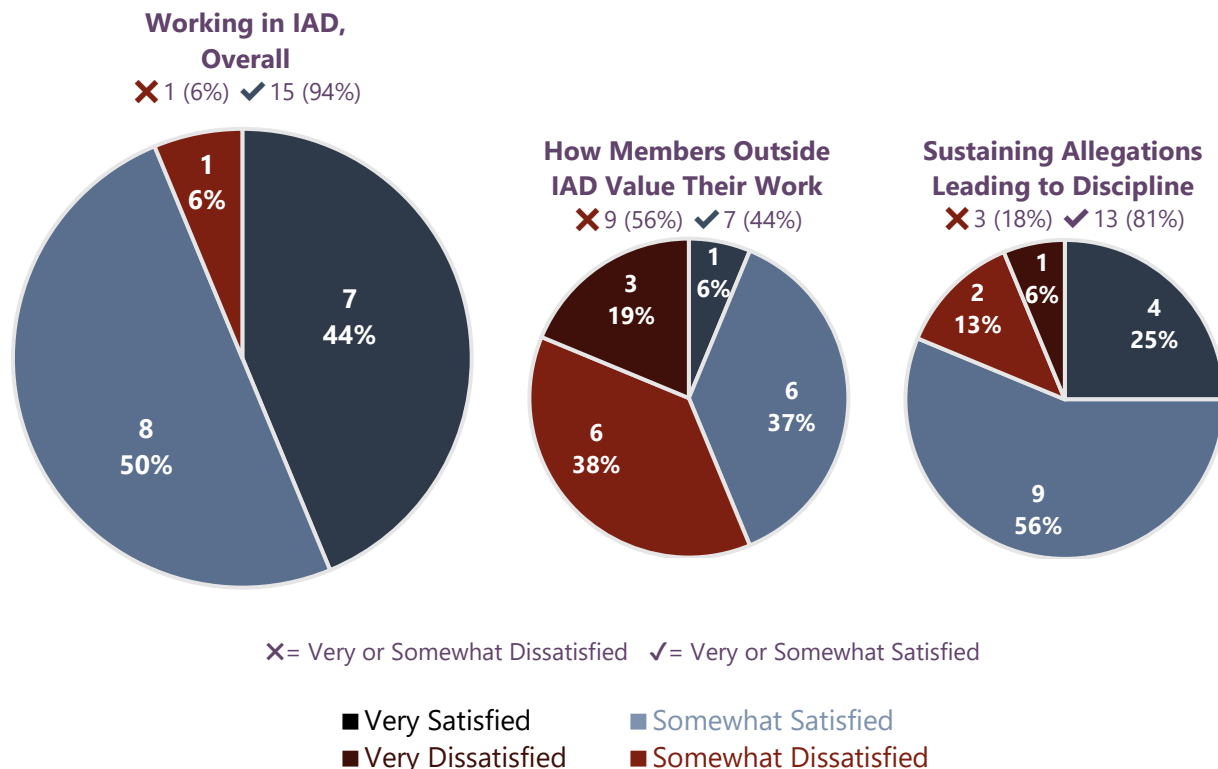
The exhibits below show IAD member responses to our survey questions.

Exhibit C1 – Satisfaction working at IAD.

Most 9 of 16 (56%) former and current sworn members wanted to be assigned to IAD; these members said they were either interested in (7) or requested the assignment to IAD (2).



Most were satisfied with their role, but did not always feel others outside of IAD valued their work.



⁶⁵ Former IAD sworn members dating back to 2016.

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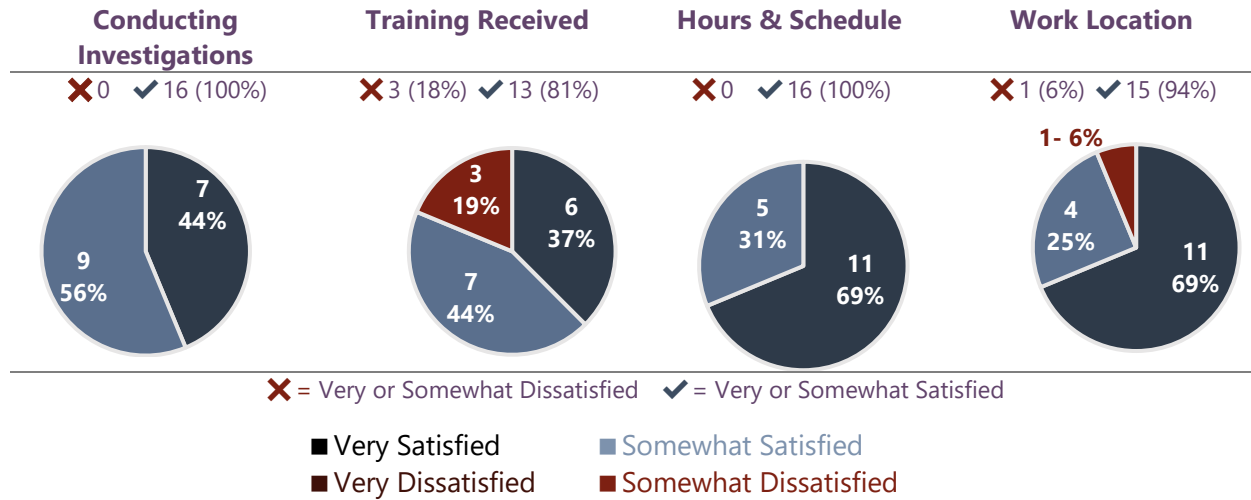


Exhibit C2 – Opinions on the impact of their work.

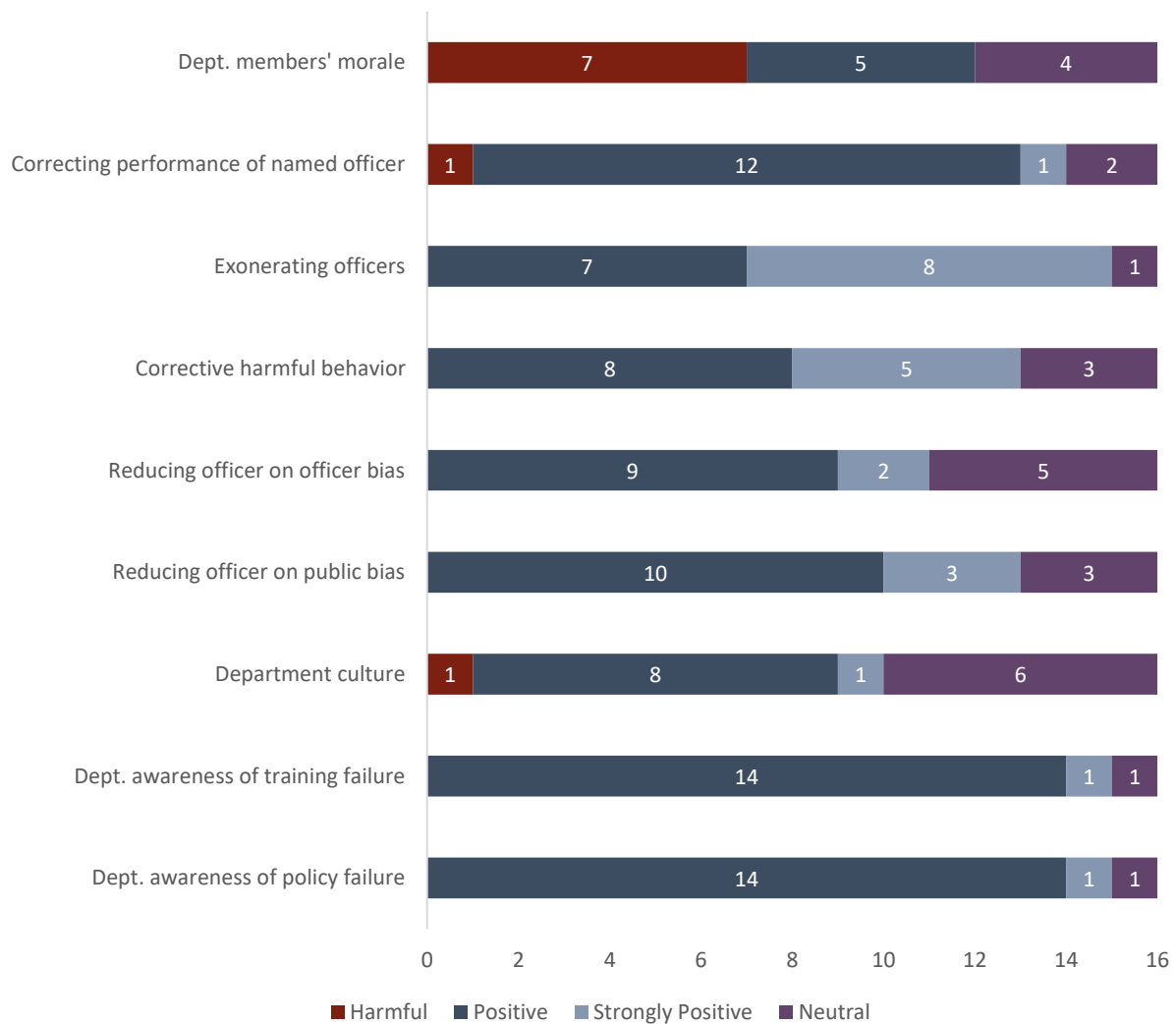


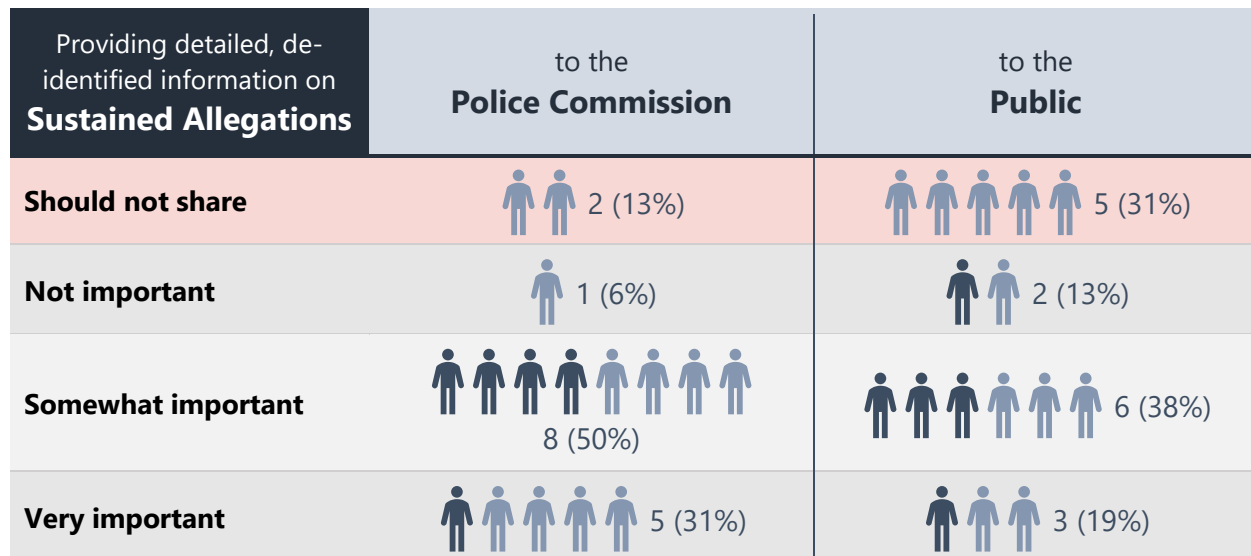
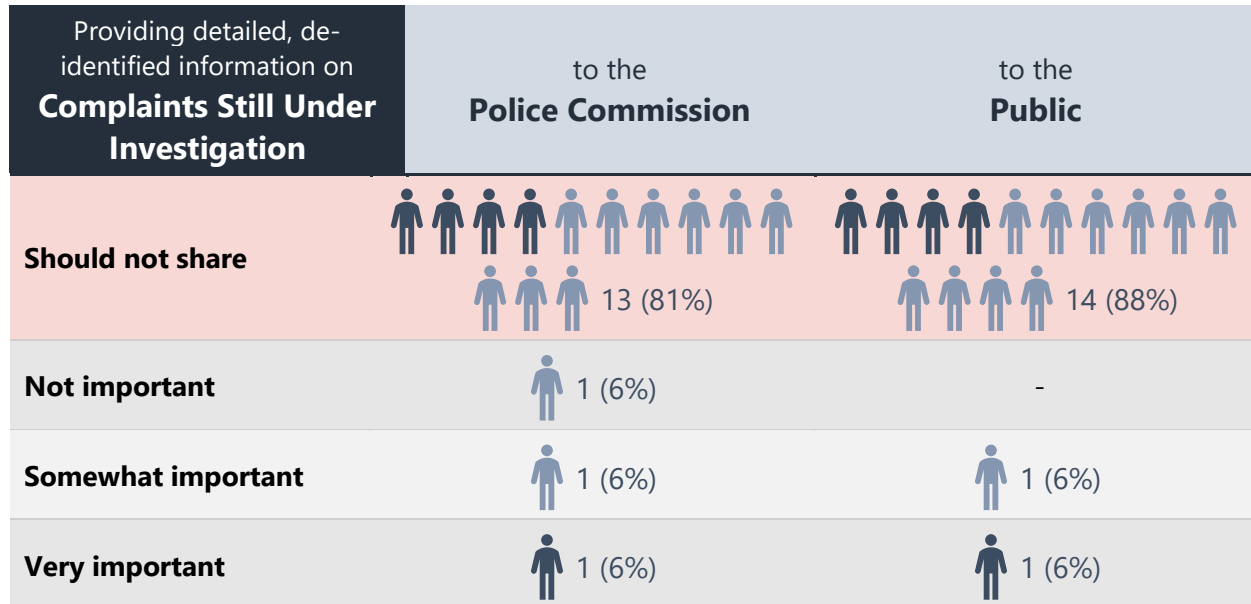









Exhibit C3 – Responses regarding investigation transparency.

We asked how important respondents felt it was to provide de-identified, but detailed information, to the Police Commission and the public on ongoing and sustained investigations.

 Current member  Past member



Providing detailed, de-identified information on Disciplinary Actions	to the Police Commission	to the Public
	Should not share	 1 (6%)
Not important	 3 (19%)	 3 (19%)
Somewhat important	 9 (56%)	 5 (31%)
Very important	 3 (19%)	 3 (19%)

We asked investigators what would improve IAD investigations.

(#) Number of survey responses providing suggestion

- ◆ Greater access to SFPD systems and data (3)
- ◆ Improvements to or replacement of the case management system (2)
- ◆ Training (3)
- ◆ Improvements to investigation interviews such as video conferencing and transcription services (4)
- ◆ Update and simplify department policies, involve IAD in policy revision (2)
- ◆ Quicker post-investigation reviews (2)

We also asked:

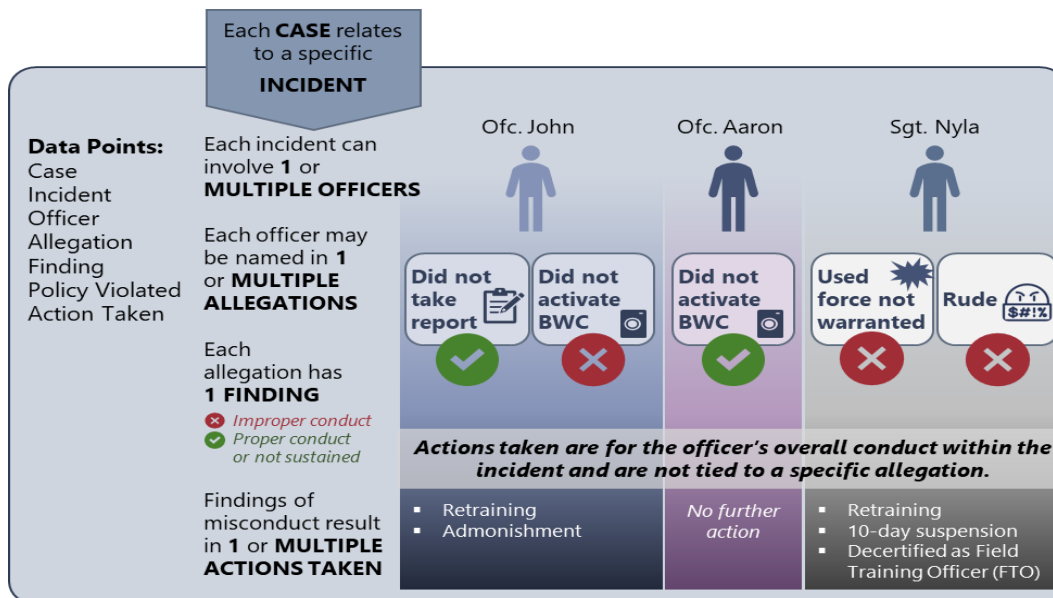
- ◆ If respondents were open to adding small steps to the investigation process to improve the department’s reporting on misconduct investigations. Most were open (75%) while some (25%) were resistant to adding steps.
- ◆ About conflicts of interest that required that result in a recusal; 8 of 16 (50%) respondents reported having recused themselves from an investigation because of a conflict of interest.
- ◆ About the frequency of bias-related allegations. Half (8 of 16) reported never investigating bias related allegations.

Appendix D - Misconduct Investigation Data Points

Each misconduct investigation (case) has a minimum of one allegation of improper behavior against one officer for one incident, with each allegation resulting in a finding and result (action taken). However, some cases involve multiple officers or multiple allegations.

Exhibit D1 shows an example of the data points generated during a misconduct investigation.

Exhibit D1 – Misconduct investigations generate data for each case, officer, allegation, finding, and action taken.



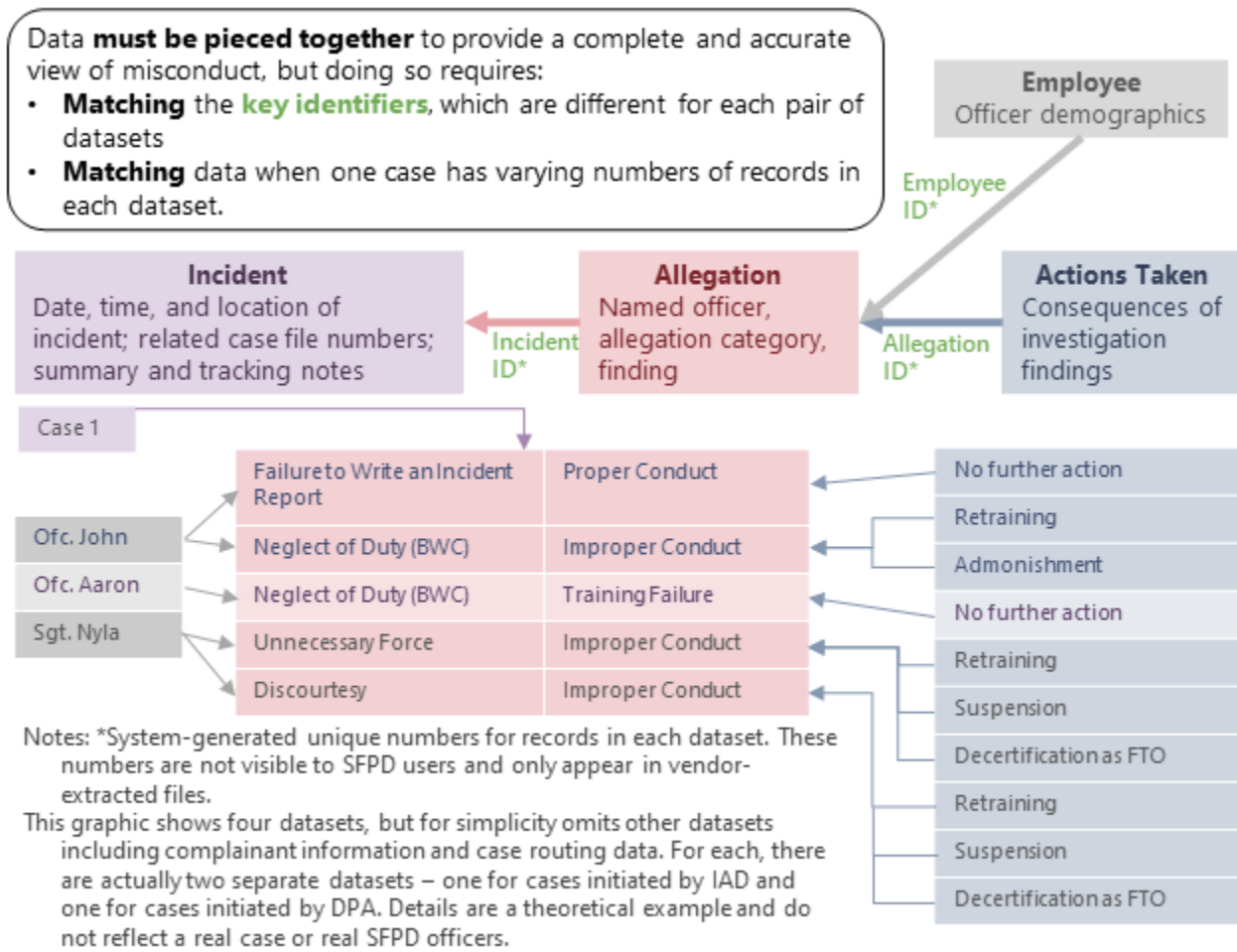
Note: Details are a theoretical example and do not reflect a real case or real SFPD officers.

Source: Auditor interviews with IAD personnel, auditor observation of SFPD's system user interface, and auditor analysis of misconduct data.

We requested all IAD cases with a reported or a finding date between 2019 and 2021. SFPD stated that it could not provide all fields for these cases due to data extraction issues, and that it needed assistance from the system's vendor to fulfill this request. Misconduct data provided by SFPD came in multiple files. Although the system connects data points in these files to each other in specific ways—such as tying each action taken to a specific allegation and each allegation to an officer—there is no direct link between the action taken and the officer.

Exhibit D2 shows the relationships between the SFPD datasets relevant to a misconduct investigation.

Exhibit D2 – Relationships between the datasets relevant to a misconduct investigation.



Source: Auditor interviews with IAD personnel, auditor observation of SFPD’s case management system user interface, and auditor analysis of SFPD’s misconduct data.

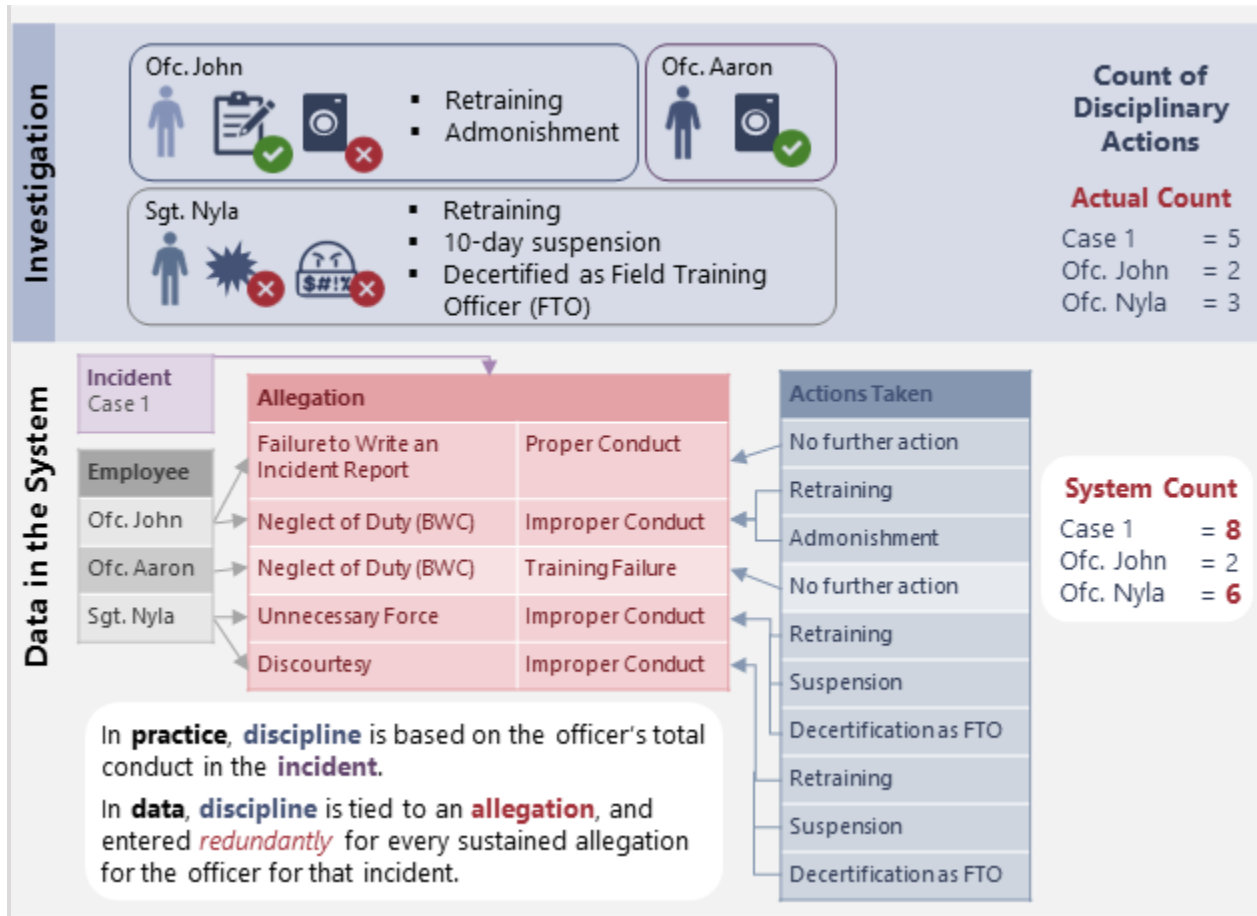
Users must combine or link data from more than one dataset to get a complete view of misconduct and discipline. Doing so requires matching the key identifiers, which are different for each pair of datasets.

The case management system’s organization of the data does not match SFPD’s discipline process.

In practice, discipline is based on the officer’s total conduct in the incident. However, in data, SFPD ties discipline to an allegation and repeats it for every sustained allegation for the officer for that incident.

As discussed in Finding 3.3.1, the difference between SFPD’s practice and the data can make counts from the raw data inaccurate.

Exhibit D3 – Raw data counts of disciplinary actions by case and officer may be higher than actual counts.



Note: Details are a theoretical example and do not reflect a real case or real SFPD officers.
Source: Auditor interviews with IAD personnel, observation of SFPD's system user interface, and auditor analysis of misconduct data.

As shown in Exhibit D3, in an instance in which only one suspension occurred, the data might show two suspensions for a single event due to multiple sustained allegations against an officer.

Appendix E – Contextual Information About Misconduct and Discipline

We analyzed data from SFPD’s case management system and tracking files. This analysis provides contextual information about SFPD’s handling of misconduct and discipline related to our audit findings.⁶⁶

Age of Appeals Pending a Chief’s Hearing

As noted in Finding 1.3, SFPD does not set time frames for resolving appeals of intended disciplinary actions, which can delay accountability and undermine perceptions of fairness. The managing attorney for IAD stated that the department aims to hold Chief’s hearings within six to eight months, but that scheduling conflicts among the involved parties, including the availability of the accused member, cause delays. We analyzed the DPA Case Tracking file to determine the approximate number and age of cases pending a hearing, as shown in Exhibit E1.

Exhibit E1 – Approximate age of appeals pending a Chief’s hearing, as of April 2022.

We analyzed data for DPA investigations referred to SFPD for disciplinary action. As of April 2022, most appeals (28 of 51, or 55%) related to these cases were pending a Chief’s hearing for more than 12 months.

Approximate Months Pending a Chief’s Hearing	Number of Hearings	Percentage of Total Hearings	Total Percentage of Hearings: Within 12 Months and Beyond 12 Months
<6 Months	15	29%	45%
6-12 Months	8	16%	
12-18 Months	17	33%	55%
18-24 Months	8	16%	
>24 Months	3	6%	
Total	51	100%	100%

Notes: This analysis only focuses on DPA cases sent to IAD. We evaluated the DPA Case Tracking file for completeness by reconciling the cases in this file to IAD’s case management system, and did not identify any missing records. See Appendix A for information on the reliability of case management system data.

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

⁶⁶ This analysis is for context and is not the basis for any of our audit findings. Please refer to each exhibit’s notes section for information on the sources of the data. See Appendix A more information on the reliability of data from SFPD’s case management system.

Suspensions Held In Abeyance

As noted in Finding 1.4, SFPD lacks written criteria for when or how long it can hold discipline in abeyance.

SFPD has goals of creating an equitable discipline and separation system where members are treated fairly, and of ensuring that members are not singled out based on race or biases and/or treated disproportionately harsher than others for discipline and separation.⁶⁷ SFPD reported that both terminations and suspensions were held in abeyance in its *Departmental Racial Equity Progress Report – Annual Report for 2021*. Although this report provides counts of disciplinary action taken by race, it does not compare the counts to SFPD’s overall demographics or as a percentage of the total number of disciplinary actions, as shown in Exhibit E2.

Exhibit E2 – An example of how SFPD presented discipline in its racial equity progress report.

Disciplinary Action Taken by Race							
	White	Hispanic	Asian or Pacific Islander	Black	Unknown	American Indian	Total
Abeyance (Years)	1		1				2
Suspension							
Admonishment	40	13	14	9	2		78
Admonishment Counseling				2			2
Counseling	1			2			3
No Discipline	71	32	23	21	6		153
Performance Improvement Plan	2						2
Performance Improvement Plan Suspension			1				1
Performance Improvement Plan Suspension Held in Abeyance	1		1				2
Performance Improvement Plan Written Reprimand	1						1
Resignation	1	2	3	3	1		10
Retirement	2	1	1				4
Retraining	8	1	1	1			11
Suspension	9	6	10	3			28
Suspension Held in Abeyance	1				1		2
Suspension Held in Abeyance Intervention and Resource Program Suspension	1						1

Note: For space purposes, this exhibit does not include the full table.

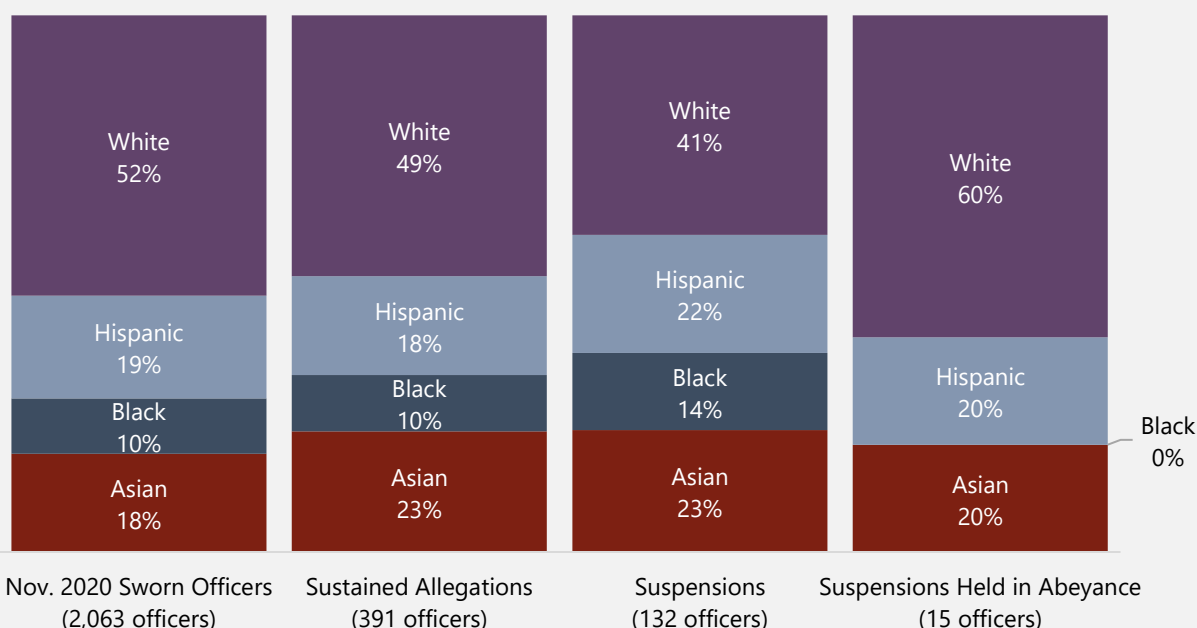
Source: SFPD *Departmental Racial Equity Progress Report – Annual Report for 2021*

⁶⁷ *Departmental Racial Equity Progress Report – Annual Report for 2021*

We analyzed the race of officers with suspensions and suspensions held in abeyance and compared this to SFPD’s overall demographics and the demographics of officers with sustained allegations. From 2019 through 2021, White SFPD officers who received a suspension were more often provided abeyance than officers of other races, as shown in Exhibit E3.

Exhibit E3 – Analysis of suspensions and suspensions held in abeyance, by race.

Although White officers make up 52% of the force, they were slightly less likely to have sustained allegations (49%) and receive suspensions (41%). However, this subset made up the majority of officers provided abeyance (60%). In contrast, Hispanic and Black officers were more likely to receive suspensions and less likely to receive abeyance.



Notes:

- ◆ This analysis only includes sworn members. Our count of SFPD’s November 2020 sworn officer data excludes 134 Filipino officers, 7 American Indian/Alaska Native officers, 35 “Other” officers, and 8 “Unknown” officers. SFPD November 2020 statistics do not include Filipino with Asian officers, but SFPD’s case management system data does not make this distinction.
- ◆ There were four “Unknown” officers with sustained allegations, and these employees were excluded from the Sustained Allegations and Suspensions analysis.
- ◆ Suspensions includes suspensions held in abeyance. Suspensions and Suspensions Held in Abeyance analysis includes two Police Commission-level cases with suspensions held in abeyance—both officers (one White and one Asian) each received ten day suspensions with five days held in abeyance for three years.
- ◆ We reconciled the Police Commission’s publicly available discipline reports with SFPD’s data and found that SFPD did not record one of the officer’s suspensions as being held in abeyance. We brought this information to SFPD’s attention and included this officer in our analysis.

Sources: November 2020 department demographic information is from SFPD’s website. Information on the number of sustained allegations, number of suspensions, and the race of officers disciplined is from auditor analysis of data in SFPD’s case management system. See Appendix A for information on the reliability of case management system data. See Appendix D for the linkages between SFPD’s datasets.

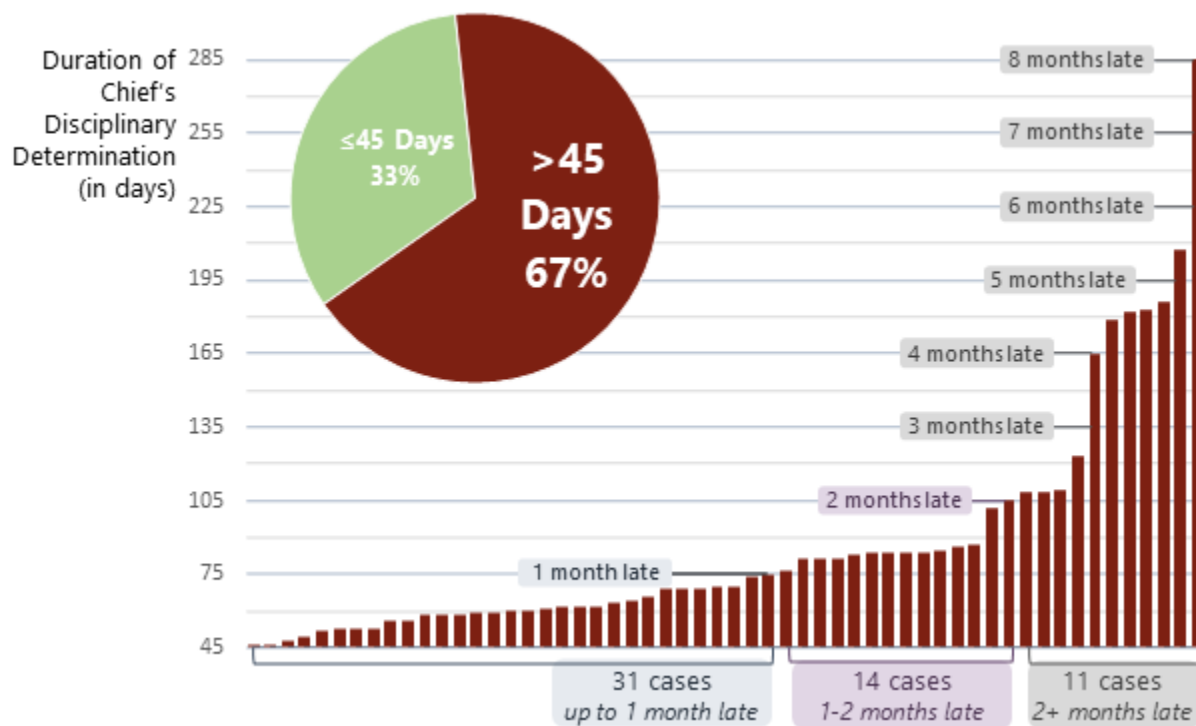
Timeliness of Discipline Determinations on DPA-Sustained Cases

As noted in Finding 3.1, Administrative Code Chapter 96 requires the Police Commission to publicly discuss DPA-sustained cases where the Chief has not decided on discipline within 45 days.

The DPA Case Tracking file contains fields to record both the date when IAD received a case from DPA and the date the Chief reviewed the case. However, this file does not contain a field to calculate the timeliness of this review.

As shown in Exhibit E4, the Chief took longer than 45 days for 56 of 83 cases (67%) DPA sent to SFPD for a discipline decision from 2019 through 2021.

Exhibit E4 – Analysis of the aging of cases sent by DPA to SFPD for a discipline decision.



Notes:

- ♦ The 83 cases with sustained allegations were reported to DPA between January 14, 2019 and July 6, 2021. They were sent to SFPD for the Chief’s decision between September 9, 2019 and December 29, 2021. Of these, the Chief made decisions within 45 days for 27 cases (33%). The decision days ranged from 7 to 288, with an average of 59 days
- ♦ We evaluated the DPA Case Tracking file for completeness by reconciling the cases in this file to IAD’s case management system data. We did not identify any missing records See Appendix A for information on the reliability of case management system data.

Source: Auditor analysis of the DPA Case Tracking file.

Appendix F - SFPD Response

SFPD did not submit a written response other than the information in the following recommendations and responses pages.

DPA Recommendations and SFPD Responses

For each recommendation, SFPD should indicate whether it concurs, does not concur, or partially concurs, and provide a brief explanation. If SFPD concurs with the recommendation, it should indicate the expected implementation date and plan. If SFPD does not concur or partially concurs, it should provide an explanation and an alternate plan of action to address the identified issue.

The San Francisco Police Department Should:	SFPD Response
<p>1. Record tolling and officer notification dates in dedicated fields in the Internal Affairs Division’s case management system. If tracking this information in the system is not practicable, explore alternative solutions that can meet department requirements.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>SFPD shall assign this to IAD analyst to update Benchmark system. Expected update: February 2, 2024.</p>
<p>2. Make the 3304 date field mandatory in the case management system.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>SFPD shall assign to IAD analyst to update Benchmark system to include a “mandatory” 3304 date in case management system. “Mandatory” date should be subject to change as some 3304 dates roll based upon tolling provisions. Expected update: February 2, 2024.</p>
<p>3. Standardize the collection and tracking of the reported date on the Form 83.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>This task is completed. Form 83 contains a field for the reported date.</p>
<p>4. Integrate information from investigation tracking files into a centralized location. If this is not practicable with the current case management system, explore and implement alternative solutions that can meet the department’s needs.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>SFPD shall assign task to IAD analyst to contact Benchmark for update to system. Expected update: February 2, 2024.</p>
<p>5. Ensure that the Internal Affairs Division can show that district</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p>

<p>station investigations conform to department timeline requirements, including the date of the referral and the return date.</p>	<p>SFPD agrees that timelines should be consistent with policy requirements, however the current thirty-day requirement is unrealistic. Recommend changing policy to give stations ninety-days to complete investigation. IAD analyst shall work with Benchmark to create an automated system wherein IAD lieutenant shall be noticed at regular intervals to check in on outstanding station level investigations. The Lieutenant of IAD shall be charged with ensuring changes. Expected update: February 2, 2024.</p>
<p>6. Ensure timeline alignment between the guidance on station level investigations and Internal Affairs Division practices.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>See response to 5.</p>
<p>7. Work with the Police Commission to set time frames for resolving Chief’s hearings. Once set, amend relevant department policies to include the time frames.</p>	<p><input type="checkbox"/> Concur <input checked="" type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The current backlog of Chief’s Hearing cases is primarily the result of work stoppages during the COVID-19 pandemic and durations of limited personnel. SFPD does not concur that establishing timelines, not otherwise required by law, will alleviate this issue. The central causes of the backlog are now behind us and we believe that this issue will be resolved through internal management.</p> <p>Moreover, establishing timelines raises questions about enforcement. If timelines cannot be met, meaningful consequences are difficult to establish.</p> <p>Finally, management of Chief’s Level discipline falls under the purview of the Chief of Police and the Police Department. We believe it is best to remain operationally flexible in fulfilling the Department’s duties and obligations.</p> <p>The pending version of Department General Order 2.07 that</p>

	<p>contemplates timelines has not yet gone through the concurrence process and, thus, has not yet been subject to formal executive review. It remains subject to change.</p> <p>DPA Response: Finding 1.3 focuses on the lack of established time frames for resolving Chief’s hearings, rather than the number of cases pending a hearing or their age, and how this can impact accountability. SFPD’s draft revision to DGO 2.07, dated March 2023, includes time frames for Chief’s hearings, a change that aligns with DPA’s recommendation.</p>
<p>8. Work with the San Francisco Police Commission to develop written criteria on holding discipline in abeyance, including the circumstances under which it is appropriate and the maximum time of the abeyance period.</p>	<p><input type="checkbox"/> Concur <input checked="" type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Adopting limitations on how to use suspensions held in abeyance would limit an SFPD management right. The City Charter gives sole authority to implement discipline of ten suspension days or less to the Chief of Police. How, whether, and when to impose suspensions held in abeyance should be left to the Chief of Police based upon the particular facts of the case.</p> <p>DPA Response: SFPD has goals of creating an equitable discipline and separation system where members are treated fairly, and ensuring that members are not singled out based on race or biases and/or treated disproportionately harsher than others. As noted in Finding 1.4, without clear, documented guidance, SFPD may not be able to show that it offers abeyance consistently and equitably.</p> <p>At the June 7, 2023 Police Commission meeting, DPA presented the interim <i>Key Issue Report: SFPD’s Handling of Officer Discipline</i>. This report included information on SFPD’s use of abeyance without written criteria. In the discussion that followed this presentation, the Chief</p>

	<p>expressed support for the codification of abeyance and establishing rules and regulations for its use for Chief’s level discipline cases, a position that aligns with this recommendation.</p>
<p>9. Incorporate the criteria into the Disciplinary Penalty and Referral Guidelines for Sworn Members and other relevant policies. Once incorporated, provide training to help ensure that all parties making discipline determinations understand the criteria and how to apply them.</p>	<p><input type="checkbox"/> Concur <input checked="" type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>See response to 8.</p>
<p>10. Assign responsibility for ensuring that investigators meet Internal Affairs Division training requirements and document this assignment in the Internal Affairs Division's procedures manual. The designated individual or unit should monitor training completion, identify issues or gaps, and propose mitigating actions.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>IAD already has a training coordinator in charge of this assignment.</p>
<p>11. Revise the Internal Affairs Division’s standard operating procedures to set a time frame for the completion of required training courses.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Agree that time frames should be set. Training requirements should be flexible to consider fiscal and availability needs. SFPD shall propose necessary changes in revised procedural manual. Assign to IAD Lieutenant. Expected update: February 2, 2024.</p>
<p>12. Develop and implement guidance to help the Internal Affairs Division ensure the consistent identification and tracking of possible bias allegations. Integrate this guidance into relevant Internal Affairs Division policies.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>IAD’s Brady and SB2 units review all complaints for possible bias allegations as required reporting. Will revise unit guidelines to ensure reporting and procedure. Assigned to Lieutenant of Internal Affairs Division. Expected update: February 2, 2024.</p>

<p>13. Modify the complaint form to include a section that requires officers to note if a case contains allegations of possible bias.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Recommendation has been adopted as new complaint forms require reporting on all SB2 categories, which include bias.</p>
<p>14. Update the <i>Guidelines for Investigations into Bias-Related Complaints</i> to widen the scope to include additional matters under the Internal Affairs Division’s jurisdiction. Also, include the department’s definitions of bias, as well as guidance for officers on how to conclude if the investigated conduct is evidence of bias.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Risk Management Office will revise policy to widen scope, provide guidelines for IAD investigators, and include definitions of bias. Expected update: February 2, 2024.</p>
<p>15. Ensure consistent documentation of the Internal Affairs Division’s reviews of the bias word list, including both scheduled and ad hoc consideration of list updates. Ensure that this documentation is readily accessible to show that required reviews of the bias word list occurred.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Risk Management Office shall create a template to regularly update and capture changes and review of the bias word list. Expected update: February 2, 2024.</p>
<p>16. Review Internal Affairs Division Unit Order 18-02 and, if needed, update the policy to ensure that it clearly delineates the procedures and responsibilities for enrolling department-issued cell phones into the message archiving service.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>Review completed and referred to Information Technology Unit to create new policy. Policy currently in review process. Expected update: February 2, 2024.</p>
<p>17. Determine the feasibility of contractually requiring the enrollment of department cell phones into the message archiving service. If this is not practicable, develop a systematic process to verify the enrollment of all department-issued cell phones in the message archiving service.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>Referred to Information Technology to review. New policy currently in review process. Expected update: February 2, 2024.</p>

<p>18. Work with the Police Commission to integrate into DGO 5.17 explicit prohibitions against using harassing, intimidating, derogatory, or prejudiced language, including profanity or slurs, especially when related to an individual’s actual or perceived personal characteristics. Ensure that updates consolidate all relevant guidance related to bias-free policing within DGO 5.17 so that it is a stand-alone policy.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>Explicit prohibition on such language was included in the new Department General Order 2.01, Rule 8.</p>
<p>19. Work with the Police Commission to update its social media policies to prohibit officers from posting, transmitting, or disseminating content that may negatively affect the public perception of the department, including racial or ethnically derogatory comments.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>SFPD agrees that clearer rules and guidelines regarding social media content that could result in disciplinary action should be considered. SFPD suggests that this be considered the next time DGO 2.07 is under revision.</p>
<p>20. Develop and implement guidance that describes how instances of implicit biases will be consistently identified and tracked.</p>	<p><input type="checkbox"/> Concur <input checked="" type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>SFPD is concerned about the feasibility of disciplining and tracking specifically for “implicit” bias rather than simply for biased conduct. 5.17 defines implicit bias as “unconscious” and “activated involuntarily.” Moreover, “implicit biases are not accessible through self-reflection or examination.” Separating out “implicit” bias may create disciplinary enforcement issues, because deeming something as “implicit bias” concedes that the conduct is involuntary and beyond one’s control.</p> <p>Additionally, implicit bias is more of an explanation for why biased conduct occurs, rather than its own category of misconduct. It is unlikely that this can be realistically tracked and identified in a meaningful way.</p> <p>DPA Comment: As noted in Finding 2.3.3, SFPD's own <i>Bias-Free</i></p>

	<p><i>Policing Strategic Plan</i> calls for the department to collect and analyze data related to alleged incidents of biased policing, using this data to determine patterns and correlations. The plan establishes metrics and the use of data analysis in the disciplinary process, including instances of implicit bias.</p>
<p>21. Work with the Police Commission to develop criteria for determining when reoccurring implicit bias issues should result in discipline.</p>	<p><input type="checkbox"/> Concur <input checked="" type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>See response to 20.</p> <p>DPA Comment: As noted in Finding 2.3.3, SFPD’s own <i>Disciplinary Penalty and Referral Guidelines for Sworn Members</i> state that "reoccurring implicit bias issues with the same member will no longer be considered implicit or unconscious and can result in discipline."</p>
<p>22. Ensure compliance with the reporting requirements of Administrative Code Chapter 96.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>IAD will issue a large report clearing the backlog. Furthermore, IAD has already implemented a reform to ensure compliance. IAD has assigned a dedicated analyst to ensure compliance with ongoing reporting requirements.</p>
<p>23. Ensure compliance with the content and timeliness of reports required by Police Commission Resolution 97-04.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>IAD has already changed practices to ensure compliance.</p>
<p>24. Ensure compliance with IAD Unit Order 18-02’s reporting requirements, including providing required details on the outcomes of investigations resulting from hits, and providing year-end reports to the Police Commission.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>IAD has assigned a dedicated analyst to ensure compliance with order.</p>
<p>25. Review and update Internal Affairs Division procedures to</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p>

<p>ensure they align with mandated misconduct and discipline reporting requirements.</p>	<p>See response to 24.</p>
<p>26. Adopt best practices for communicating misconduct and discipline information. Consideration should be given to formally getting feedback from the San Francisco Police Commission and other stakeholders to better understand their specific needs and expectations for the presentation of misconduct and discipline information.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The Lieutenant of IAD shall obtain and implement feedback from Commission regarding best practices for presentations. Suggest regularly seeking feedback from Commissioners or Commission Secretary following major presentations, such as IAD quarterly report.</p>
<p>27. Identify and pursue opportunities to improve its ability to track disciplinary actions for cases involving multiple sustained allegations. If this is not practicable with the existing case management system, explore alternative solutions that can meet department requirements.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>IAD analyst shall discuss issue with Benchmark. Expected response: February 2, 2024.</p>
<p>28. Formally review its reporting and analysis practices to identify emerging data needs, refine data collection processes, and evaluate the effectiveness of implemented solutions. The review should involve and consider feedback from relevant stakeholders and data users to ensure SFPD's practices align with reporting and analysis requirements.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Lieutenant of IAD shall conduct review with analysts. Expected response February 2, 2024.</p>
<p>29. Ensure that station captains effectively comply with the requirements of Field Operations Bureau Unit Order 20-05.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>Currently supervision of this issue lies with the Field Operations Bureau. SFPD believes compliance would be better ensured if monitoring responsibility were moved to the Risk Management Office. SFPD shall develop a transfer plan, which will likely include assigning compliance responsibility to the Captain of RMO, Expected response: February 2,</p>

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	2024.
30. Establish deadlines for the completion and submission of quarterly memos required by Field Operations Bureau Unit Order 20-05.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur See response to 29.
31. Provide guidance that addresses the practice of combining analyses of multiple quarters into a single memo.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur See response to 29.