SFPD Response to DPA Misconduct Audit

CITY & COUNTY OF SAN FRANCISCO

Police Department

April 17, 2024

Concurrence Overview

- DPA audit contained 31 recommendations.
  - SFPD agrees with and will implement 27 recommendations.
  - SFPD disagrees with 4 recommendations.
- Disagreements over two topics:
  - Formalizing rules regarding holding suspension days in abeyance.
  - Formalizing rules regarding implicit bias tracking.

Implementation Status Overview

- IAD migrating case management system from "AIM" to new system being created by Benchmark.
  - Data and reporting recommendations will be addressed in new system.
  - Expected launch in Quarter 4, 2024.
- New policy creation.
  - IAD Standard Operating Procedure updated.
  - Technology Unit Order updated.
- New personnel assignments.
  - Specific personnel assigned responsibility for compliance.

Completion Status

- Completed Recommendations: 14

- Pending Recommendations: 13
    - 7 awaiting Benchmark launch.
    - 6 awaiting policy revisions.

- Disagreed with Recommendations: 4

Finding 1.1– IAD Case Tracking

DPA recommendation

1. Recording tolling and officer notification dates in dedicated field in case management system.
2. Make the 3304 Date field mandatory in 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.

SFPD Response

1. Will add to Benchmark system.
2. Will add to Benchmark system.
3. 83 Form updated to include reported date.
4. Will add to Benchmark system. Currently manually tracked and entered into AIM.

Finding 1.2 – District Station Tracking

DPA Recommendation

5. Ensure IAD can show station investigations conform to timeline requirements.

6. Ensure timeline alignment between station guidance and IAD practices.

SFPD Response

5. Timeline compliance automatically monitored with Benchmark launch. Manually tracked in interim.

6. Updated procedure to allow 90 days for station investigation.

Finding 1.3 – Time Frames for Appeals

DPA Recommendation

7. Set time frames for resolving chief's hearings.

SFPD Response

7. Agree to establish in DGO 2.07, pending Police Commission approval and meet and confer, time frames and other reforms, including opening pool of hearing officers, requiring immediate scheduling of hearing with notice of discipline, and encouraging officers to state basis of appeal in request for hearing.

Finding 1.4 – Policy for Abeyance

DPA Recommendation

8. Develop criteria on holding discipline in abeyance, including when appropriate and the maximum time of the abeyance period.

9. Incorporate criteria into *Penalty Guidelines*.

SFPD Response

8. SFPD disagrees. Issuing Chief's level discipline is a management right and requires flexibility and context per case. SFPD agrees that the terms of the abeyance period must be clearly articulated in every final notice of discipline.

9. SFPD disagrees for reasons above.

Finding 1.5 – IAD Training

DPA Recommendation

10. Assign responsibility for ensuring training completed and documented.

11. Revise IAD procedures to set time frame for completion of required training.

SFPD Response

10. Responsibility for compliance and documentation assigned to IAD training coordinator.

11. Standard Operating Procedure updated to require completion of training within one year, unless class unavailable.

Finding 2.1.1 – Handling Bias Allegations

DPA Recommendation

12. Develop guidance to ensure consistent identification and tracking of bias allegations.

13. Modify complaint form to include a section that requires notation of bias allegation.

SFPD Response

12. Benchmark will include system for staff to note and track bias allegations and refer allegation to other units, such as Brady and SB2.

13. Updated complaint form includes check-box to flag bias allegation.

Finding 2.1.2 – Updates for Bias Audits

DPA Recommendation

14. Update guidelines to widen the scope to include additional matters under IAD jurisdiction, include definition of bias.

SFPD Response

14. IAD will update Unit Order 20-07 to include proper scope of bias investigations, guidelines for investigators, and definition of bias. Expect completion within 60 days.

Finding 2.2.1 – Tracking Review of Bias Word List

DPA Recommendation

15. Ensure consistent documentation of reviews of bias word list.

SFPD Response

15. In 2023, began quarterly review of list. Assigned IAD sergeant generates memorandum of changes and tracks historical changes in spreadsheet. Memorandums submitted to Police Commission.

Finding 2.2.2 – Ensure enrollment of cell phones in monitoring system

DPA Recommendation

16. Review IAD Unit Order 18-02 and update to ensure responsibilities for enrolling cell phones into system.

17. Determine feasibility of requiring enrollment of phones into system.

SFPD Response

16. Technology Division Unit Order 24-02 issued January 2024. Responsibility for cell phone enrollment assigned to Technology. Unit Order 18-02 will be updated to reflect responsibility transfer. Expect completion within 60 days.

17. All Department-issued cell phones enrolled in message archive system for auditing per new Unit Order 24-02.

Finding 2.3.1 – Bias free policing policy

DPA Recommendation

18. Update DGO 5.17 to include explicit prohibitions against using discriminatory language, including profanity or slurs, esp. when directed toward actual or perceived personal characteristics.

SFPD Response

18. Updated DGO 2.01, Rule 8 includes explicit prohibition on such language. SFPD does not oppose updating DGO 5.17 to include similar language when DGO up for revision.

Finding 2.3.2 – Social Media Policy

DPA Recommendation

19. Update social media policy to prohibit officers from posting, transmitting, or disseminating content that may negatively affect the public perception of the department, including racially derogatory comments.

SFPD Response

19. Agree that this should be implemented in next revision of DGO 2.09.

Finding 2.3.3 – Implicit Bias Guidance

DPA Recommendation

20. Develop guidance on how instances of implicit bias will be identified and tracked.

21. Develop criteria for determining when reoccurring implicit bias issues should result in discipline.

SFPD Response

20. SFPD disagrees. SFPD tracks and monitors biased *conduct*, but determining when and whether conduct is "unconscious" and "activated involuntarily" is unfeasible.

21. SFPD disagrees for reasons above.

Finding 3.1 – Publish Required Information

DPA Recommendation

22. Ensure compliance with reporting requirements of Admin. Code Chapter 96.

23. Ensure compliance with the content and timeliness of reports requirement by Resolution 97-04.

SFPD Response

22. Benchmark will create automated system to generate reports. Manually completing reports during interim.

23. Assigned dedicated analyst to ensure compliance.

Finding 3.1 (Cont.)

DPA Recommendation

24. Ensure compliance with IAD 18-02 reporting requirements.

25. Review and update IAD procedures to ensure they align with mandated reporting requirements.

SFPD Response

24. Assigned dedicated IAD sergeant to monitor and ensure compliance.

25. Assigned personnel to ensure compliance with the reporting requirements.

Finding 3.2 – Reporting Improvements

DPA Recommendation

26. Adopt best practices for communicating misconduct and discipline information, utilizing feedback from Police Commission and other stakeholders.

SFPD Response

26. IAD Lieutenant will seek Commission feedback from Police Commission Secretary. Will adopt recommended practices in future presentations.

Finding 3.3.1 – Inflated Statistics

DPA Recommendation

27. SFPD should improve tracking data for cases involving multiple sustained allegations to avoid overcounting.

SFPD Response

27. Benchmark system will ensure data tracking is not duplicated.

Finding 3.3.2 – Tracking New Data Points

DPA Recommendation

28. SFPD should review reporting and analysis practices to identify emerging data needs and refine data collection processes.

SFPD Response

28. New data points will be implemented in Benchmark system.

Finding 3.4 – Station Captain Reports

DPA Recommendation

29. Ensure station captains comply with FOB Order 20-05.

30. Deadlines for quarterly memos.

31. Guidance for practice of combining multiple quarters into single memo.

SFPD Response

29. FOB Lieutenant tasked with compliance assurance.

30. Quarterly deadlines have been set. FOB Lieutenant issues reminders to ensure compliance.

31. FOB will issue directive requiring single quarter memorandums.

Thank you.

Any questions?

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