San Francisco Police Department Disciplinary Review Board Presentation 2023 Q3 & Q4
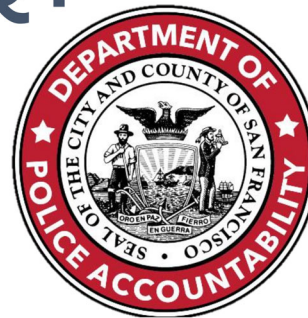
CITY & COUNTY OF SAN FRANCISCO

Police Department

09/29/2023

Presented By:

Assistant Chief Denise Flaherty   **San Francisco Police Department**

Legal Team Manager Diana Rosenstein   **Department of Police Accountability**

Third & Forth Quarter Disciplinary Review Board Findings and Recommendations

March 4, 2024

Members present:

Voting Board Members	**Assignments**
• Assistant Chief Denise Flaherty	Chief of Staff
• Deputy Chief Peter Walsh (chair)	Administration Bureau
• Acting Deputy Chief Eric Vintero	Field Operations Bureau

Advisory Board Members	
• (Not present)	Police Commission
• Chief of Staff Sarah Hawkins	Department of Police Accountability

Aggregate Trends Identified by IAD & DPA (Q3 2023)

IAD aggregate trends

- Neglect of Duty, General
- Neglect of Duty, Failed to Appear, Range
- Conduct Unbecoming an Officer
- Neglect of Duty, Body Worn Camera

DPA aggregate trends

- Neglect of Duty, Body Worn Camera
- Neglect of Duty, General

Aggregate Trends Identified by IAD & DPA (Q4 2023)

IAD aggregate trends
- Neglect of Duty, General
- Neglect of Duty, Failed to Appear, Range
- Conduct Unbecoming an Officer
- Neglect of Duty, Body Worn Camera

DPA aggregate trends
- Neglect of Duty, SDCS (Stop Data)
- Neglect of Duty, Failure to write/complete incident report

The Board also held a follow-up discussion regarding the definition of "aggregate trends" as used by DPA and IAD. It was noted in Q2 that the term was used specifically by the Board to refer to trends seen in cases and complaints as reviewed by the Board, but an aggregate trend may not necessarily indicate a significant number of cases or complaints.

Policy Failure Findings Identified by IAD (Q3 2023)

There were no IAD cases closed in the 3rd Quarter that resulted in a "Policy Failure" finding.

Policy Failure Findings Identified by DPA (Q3 2023)

DPA had one policy failure case in the third quarter.

The case was regarding an officer-involved shooting that occurred during a standoff between multiple officers and a barricaded subject in the trunk of a vehicle. The involved officers were investigating a robbery with a firearm. The suspect discharged his firearm and officers returned fire, striking the suspect.

DPA found that the scene lacked a command structure in the lead up to this OIS. Several officers arrived on scene and surrounded the barricaded suspect. Officers yelled commands at the suspect in both English and Spanish, leading to unnecessary chaos and confusion. Within four minutes of arriving on scene, one officer grabbed an ERIW and deployed it at the suspect. Prior to this deployment, there were several sergeants on scene, but none had formulated a plan or given directions to the officer who had the ERIW.

Policy Failure Findings Identified by IAD (Q4 2023)

There were 2 cases closed in the 4th Quarter that resulted in a "Policy Failure" finding.

The first case involved an SFPD officer establishing a non-profit organization to fund trips for children to Ghana, Africa. During the investigation, IAD learned that SFPD does not have an MOU with several non-profit organizations. It was recommended that MOUs be created for programs that include on-duty SFPD officers' participation to outline the officers' roles and responsibilities.

The second case involved a use of force incident. The investigation centered on two allegations; unwarranted action for sitting a subject on the ground without articulating safety concern and failure to notify a supervisor of a use of force. There were no recommendations since the policy has since been updated.

Training Failures Identified by IAD (Q3 2023)

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

Training Failures Identified by DPA (Q3 2023)

DPA had one case that resulted in a training failure finding.

Training Failure Findings Identified by DPA (Q3 2023)

There was one DPA case closed in the third quarter that had a training failure finding.

The case was regarding officers conducting a probation search of a probationer's residence although no one was home at the time & the probationer was taken into police custody a few days prior to the search.

Officers received information that an associate of the complainant's boyfriend was in unlawful possession of a firearm near her residence. Officers were aware that the complainant's boyfriend had an active search condition and lived with the complainant. When the associate was not located, officers executed a search of the residence to locate associate and/or firearms. Officers unlocked and opened the front door of the residence. Prior to officers entering the residence, the complainant arrived and told the officers that her boyfriend (the probationer) was already in custody, and nobody was home. Despite this fact, the officers entered the residence, conducted a brief search, and left.

Training Failures Identified by IAD (Q4 2023)

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

Training Failures Identified by DPA (Q4 2023)

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

Office of Equity & Inclusion (OEI) Review Regarding Equity and Discipline

The Office of Equity and Inclusion (OEI) submitted their review of the Q3 & Q4 IAD Quarterly Report. Based on a review of the information, no findings indicated any negative trends towards bias, disparities, or inequities in the discipline imposed on officers. No corrective action was recommended.

DRB Recommendations from Q3 & Q4 2023

Recommendation #1: MOUs should be created for programs that include on-duty SFPD officers' participation in order to outline the officers' roles and responsibilities.

Recommendation #2: The new verbiage added for "aggregate trends" be adopted.

Next Step Outcomes and Inputs:

- **The 1ˢᵗ Quarter 2024 Discipline Review Board has yet to be scheduled.**

- **The Q3 & Q4 quarterly IAD report submitted to the Discipline Review Board identifies open and closed cases, allegations in opened cases, complaint summaries, aggregate trends, findings in closed cases, and disciplinary action taken.**

- **The Office of Equity and Inclusion (OEI) will review the Q1 IAD quarterly report. Based on a review, they will determine if any findings indicate any negative trends towards bias, disparities, or inequities in the discipline imposed on officers and determine if corrective action is needed.**