

San Francisco Police Department Disciplinary Review Board Presentation



CITY & COUNTY OF SAN FRANCISCO

Police Department



Presented By:

Assistant Chief Robert Moser.....San Francisco Police Department

Chief of Staff Sarah HawkinsDepartment of Police Accountability



What is the Discipline Review Board?

Per Department General Order 2.04, the Discipline Review Board is comprised of members from the San Francisco Police Department, the Department of Police Accountability, and the Police Commission.

The mission of the Board is to review and discuss:

- Aggregate trends related to DPA and IAD complaints, both alleged and sustained.
- Policy failure or training failure cases closed in the prior quarter.
- Select sustained cases from the previous quarter for review to determine training and/or policy needs and changes.
- SFPD and DPA Recommendations.



Fourth Quarter 2020 Disciplinary Review Board Findings and Recommendations

Friday, December 18th, 2020

Members present:

Voting Board Members

Assignments

- Assistant Chief Robert Moser (Chair).....Chief of Staff
- Deputy Chief Gregory McEachernOperations Bureau
- Deputy Chief Gregory YeeAdministration Bureau
- Commander Robert O'Sullivan.....Risk Management Division
- Lieutenant Angela Wilhelm.....Risk Management Division
- Sergeant Joseph Minner.....Administration Bureau

Advisory Board Members Assignments

- Commissioner Malia CohenPolice Commission
- Commissioner Cindy Elias.....Police Commission
- Chief of Staff Sarah HawkinsDepartment of Police Accountability



Aggregate Trends Identified by DPA (Q1-Q3 2020)

1. Body Worn Camera Policy
 - Most Common Violation
2. Fourth Amendment
 - Officers conducting searches and seizures in violation of current laws pertaining to the Fourth Amendment.
3. Limited English Proficiency
 - Officers violating Department policy regarding interactions with individuals with limited English proficiency.



Aggregate Trends Identified by IAD (Q1-Q3 2020)

1. Body Worn Camera
 - Most common violation.
 - Typically officers fail to activate their BWC' s as dictated by policy.
2. Failure to Appear
 - Officers fail to appear to their bi-annual fitness test and/or at subpoenaed court appearances.
3. Failure to investigate / Failure to take a report
 - Officers fail to either properly investigate an incident and/or fail to prepare an incident report as required by Department policy.



Policy Failures Identified by SFPD & IAD (Q1-Q3 2020)

IAD identified one policy failure case:

- This case was regarding the process for the use and return of firearms from the SFPD Range for training courses. The issue was addressed by Chief Scott and the Training Division has updated their policy and curriculum to delineate a process for the use of the Range's equipment.

DPA identified two policy failure cases:

1. Search warrant was being conducted at a residence when only a juvenile was present.
 - DPA recommended the policy be updated.
2. An officer told a bystander that they could not photograph the officer while they conducted a traffic stop.
 - DPA recommended updating DGO 5.07, Rights of Onlookers, to include specific language on when officers can and cannot prevent the taking of photographs.



Training Failures Identified by DPA & IAD (Q1-Q3 2020)

IAD identified one training failure case:

- A recently graduated officer from the FTO program failed to attend their bi-annual physical fitness test. The case was reviewed by Assistant Chief Moser, who recommended the FTO Office implement a process to remind recruit officers of their responsibilities upon completing the FTO program.

DPA identified two training failure cases:

1. An officer advised a civilian conducting a 1st Amendment audit, they could not film inside the station.
 - DPA recommended implementing an updated training on 1st Amendment audits.
2. Officers failed to properly address a group of protestors located behind police barricades until after they had breached the barricades. Additionally, neighboring police districts did not communicate regarding the protest.
 - DPA recommended that DGO 8.03 be updated to adhere to best practices for communication with individuals engaged in a protest as well as between district stations.



DRB Recommendations

Recommendation #1: The DPA and IAD to provide specific numbers of cases relevant to the aggregate trends observed in order for this data to be more tangibly relayed to officers and the public.

- *IAD is drafting a Unit Order to address the distribution of aggregate data.*

Recommendation #2: With findings on failure to supervise, DPA will detail how supervisors failed in their duties so it may be more appropriately addressed by the Department.

- *DPA will articulate these details in sustained reports and work with SFPD to create a report on these trends to be provided during Advanced Officer Training.*

Recommendation #3: Statistics regarding Body Worn Camera violations will be communicated to officers more frequently to reinforce the importance of compliance.

- *IAD is drafting a Unit Order to address the distribution of BWC statistics.*



DRB Recommendations

Recommendation #4: The SFPD requires officers who receive sustained discourtesy complaints go to specific training to address that issue.

- *IAD is drafting a Unit Order to outline the specific training sessions that officers will attend.*

Recommendation #5: SFPD training should emphasize compliance with department procedures when individuals claim to be hearing impaired or have limited English proficiency.

- *Lead Instructors at the Academy will reinforce these concepts during training.*

Recommendation #6: The SFPD should provide officers with annual updates regarding local laws, ordinances, or municipal codes to ensure they are still in effect and have not changed to ensure their proper application.

- *The Department currently issues legal updates. (Examples: DN 20-181 and DN 21-012)*



DRB Recommendations

Recommendation #7: When relevant, the SFPD's training courses should emphasize and reinforce motor skills for the use of the Body Worn Camera to help officers maintain compliance with the policy.

- *BWC policy review and practical application are being reinforced during scenario activities.*

Recommendation #8: The SFPD should explore the possibility of modifying the Body Worn Camera policy to allow Sergeants to regularly audit Body Worn Camera footage in incidents that do not involve use of force to ensure policy compliance.

- *DGO 10.11 should be modified to explicitly allow continuous training and improvement.*

Recommendation #9: DPA and IAD conduct training at supervisory promotional courses to illustrate the aggregate trends of DPA and IAD investigations, to make supervisors aware of present and ongoing issues.

- *DPA will be included as part of promotional training to discuss aggregate trends.*



The Next Discipline Review Board will be held on March 19, 2021.

Questions?