

## Recommendation 64.4

GM

Gabriel Martinez [REDACTED]

Wed 5/19/2021 7:48 AM



To:

- [REDACTED]
- McGuire, Catherine (POL);
- Scott, William (POL)

+8 others

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 64.4 that were submitted to us as part of the collaborative reform process. This package focused on SFPD collaborating with the Department of Police Accountability (DPA) regarding the timeliness of complaints and consistency of discipline. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 64.4: The SFPD should work with DPA to develop standards within 120 days of the issuance of this report regarding timeliness of complaint investigations, and consistency of investigative findings and practices to ensure progressive discipline is appropriately recommended.

Response to 64.4: On November 18, 2020, DPA and the SFPD Internal Affairs Division (IAD) met to discuss timeliness and consistency issues between the two agencies in the complaint and disciplinary processes, in particular the classification of cases, bi-annual training, investigative challenges, including obstacles scheduling interviews by both agencies. On August 19, 2020, SFPD issued Unit Order 20-04, "Internal Affairs Division and Department of Police Accountability Trainings and Seminars," establishing bi-annual trainings between both agencies to continue and follow up on the discussions.

On May 28, 2019, SFPD and DPA entered into a memorandum of understanding (MOU) regarding DGO 2.04. The MOU between DPA and the SFPD sets a regularly scheduled

monthly meeting with the Chief of Staff of the SFPD and the Chief of Staff of the DPA to discuss discipline, policy, and training recommendations. The MOU tasks DPA with sending quarterly updates on cases to IAD with expected completion dates, notifying the Chief of Police and IAD of all cases that reach the six-month mark, and informing the Chief of Police of the reasons for any delay over nine months.

The MOU also commits SFPD and DPA to formulating consistent language when referring to categories of alleged misconduct. The agreed-upon classifications are contained within the MOU to help with the consistency of investigations between the two agencies. Also pursuant to the MOU, DPA sends SFPD the “Henderson Report” each week with information on the complaints DPA received.

The SFPD Risk Management Office and DPA have also agreed to formalize their quarterly meetings to improve interagency communications, promote transparency, and discuss trends and any issues related to concurrent investigations. These meetings did occur previously but were never agendized or formalized. On November 13, 2020, SFPD issued a memorandum outlining a more structured process for these meetings, including that the Commander of Risk Management or designee and a DPA designee will attend the meetings.

On May 15, 2019, SFPD published Department General Order (DGO) 2.04, Complaints Against Officers, outlining SFPD’s procedures for investigating and processing complaints against officers and describing the Department of Police Accountability (DPA) procedures. The Order establishes a Disciplinary Review Board that meets quarterly to examine inefficiencies, policy gaps, and protocols for the complaint system and discipline process. The board consists of senior staff from SFPD, DPA, and the Police Commission, including the Assistant Chief of Staff or designee from the Risk Management Office, the Deputy Chief of the Administration Bureau, and the Deputy Chief of the Field Operations Bureau. The first disciplinary review board meetings were intended to set up the parameters and processes of the board. After an initial meeting on February 11, 2020, meetings were paused because of the Covid pandemic until September 30, 2020. A third meeting to finalize the setup of the board was held on November 12, 2020. The first official board meeting occurred on December 18, 2020, and the second was held on March 19, 2021.

To keep SFPD on track regarding IAD complaint investigations, the Officer in Charge of IAD conducts bi-weekly meetings to conduct case reviews with each investigator. These meetings allow for the Officer in Charge of IAD to review, discuss and provide feedback to the investigator on their cases. The process is detailed in the IAD Standard Operating Procedures manual. Regarding consistent discipline, on February 11, 2021, the Police Commission approved revised Referral Guidelines for Sworn Members of the San Francisco Police Department (Resolution 21-17). The guidelines include a disciplinary matrix taking into account different types of incidents, levels of misconduct, and whether an incident is a first, second, or third offense.

Based upon all the above, the California Department of Justice finds that SFPD is in substantial compliance with this recommendation. Please let us know if you have any questions or would like to discuss further. Thank you.

<b>Finding # 64</b>	<b>The SFPD does not routinely collaborate with the Department of Public Accountability.</b>
<b>Recommendation # 64.4</b>	The SFPD should work with DPA to develop standards within 120 days of the issuance of this report regarding timeliness of complaint investigations, and consistency of investigative findings and practices to ensure progressive discipline is appropriately recommended.

<b>Recommendation Status</b>	<b>Complete</b>	<b>Partially Complete</b>	<b>In Progress</b>
	<b>Not Started</b>	<b>No Assessment</b>	

**Summary**

The department has increased the level and frequency of engagement with DPA. Generally, the collaboration has improved the engagement and process flow with the two agencies on shared responsibilities. Significant work has been achieved that addresses concerns raised with the initial assessment. This is due to the effort of both agencies and is to be commended.

Compliance Measure #1: the department recognizes the tolling issue under law that investigations must be completed within a year of notice and this was a big challenge for the agencies. The agency provides sufficient evidence to show a focus on timely investigations and is continuing to work toward smoothing the disciplinary findings and recommendations in a way that is consistent and appropriate to the misconduct.

Compliance Measure #2: the department identifies that the timing of the completion of the investigation is set by law. Internally for the SFPD they have established a six- month goal for completion. The department establishes sufficient standards for completion and defines the process in a manner that reaches substantial compliance with this compliance measure. The SFPD also identifies that they have engaged in a MOA with DPA that provides transparency to investigations to better comply with mandatory completion time.

Compliance Measure #3: the department provides sufficient evidence of joint focus and collaboration by the SFPD and the DPA through internal practices at SFPD, the ongoing engagement with the MOU and other meeting processes and the newly established Disciplinary Review Board.

Compliance Measures		Status/Measure Met
1	Identify gaps and challenges to a) timely investigations and b) practices to ensure progressive discipline is appropriately recommended.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Establish timelines for investigative stages and provide shared information regarding the meeting of those timelines.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3	Continuous improvement loop regarding timely investigations, progressive discipline, and shared information as appropriate.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

Compliance Issues



## **Collaborative Reform Completion Memorandum**

### **Finding #64:**

The SFPD does not routinely collaborate with the Office of Citizen Complaints. The transparency of the complaint and disciplinary process is negatively affected by the working relationship between SFPD, IAD and OCC. The lack of engagement undermines the effectiveness of both in fulfilling their respective roles and responsibilities. Issues with respect to information sharing between the two entities, timeliness of complaint investigations, and bases for recommending progressive discipline potentially impede the investigative and adjudication processes, potentially eroding the overall integrity of the public complaint resource.

**Recommendation #64.4:** The SFPD should work with DPA to develop standards within 120 days of the issuance of this report regarding timeliness of complaint investigations, and consistency of investigative findings and practices to ensure progressive discipline is appropriately recommended.

**Response Date: 04/02/2021**

### **Executive Summary:**

The SFPD and DPA have collaborated to establish joint standards for investigation. These documents (listed below) outline the standards for investigation, general timelines, and discipline matrix. These documents also provide proof of routine communication between agencies and collaboration to reach shared goals.

- Disciplinary Penalty & Referral Guidelines for Sworn Members of the San Francisco Police Department Guide.
- "Notice of Potential Sustained Allegations" communication with DPA.
- IAD Standard Operating Procedures
- DGO 2.04 "Complaints Against Officers", which was revised on 05/15/19.
- Memorandum of Understanding (MOU) between SFPD and DPA 05/21/2019
- Quarterly meeting with IAD and DPA (per the MOU Resolution19-40)
- Discipline Review Board (DRB)
- AC Chief of Staff of San Francisco PD meets with DPA's Chief of Staff every two weeks.
- Commander of Risk Management (RMO) meets with DPA quarterly.

### **Compliance Measures:**

- 1) **Identify gaps and challenges to a) timely investigations and b) practices to ensure progressive discipline is appropriately recommended.**



## Collaborative Reform Completion Memorandum

The Police Officers Bill of Rights, Gov Code Section 3304(d)(1) sets the timelines for all investigations into officer misconduct to one year from notification of proposed disciplinary action unless the investigation is "tolling."

San Francisco Police Officers are also obligated to cooperate with any investigation related to their employment with the San Francisco Police Department and any allegations that are being investigated by the Department of Police Accountability (DPA) formerly known as the Office of Citizen Complaints. (OCC).

*Cooperation with Investigation: Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights). (Attachment #1) DGO 2.01 Rule 21*

As discussed in Recommendation 56.6, there were challenges/obstacles that were identified in order to complete a timely investigation. IAD reached out to DPA Chief of Operations to coordinate a joint training/review session. With Covid-19 restrictions, both agencies conducted a virtual meeting with all investigators using Microsoft Teams, which took place on November 18, 2020. IAD created an agenda (Attachment #2) to discuss classification of cases, complaints, bi-annual training, investigative challenges, and other relevant topics. Both IAD and DPA investigators had the opportunity to share resources and best practices in investigation to overcome the challenges in following up with cases. IAD took meeting minutes (Attachment #3) to ensure actionable items are followed up on.

Unit Order 20-04 "Internal Affairs Division and Department of Police Accountability Trainings and Seminars" (Attachment #4) was established to ensure bi-annual trainings between both agencies. This will allow for members of the IAD and DPA investigators to attend Internal Affairs related trainings and seminars to keep up to date with current case law and trends related to officer disciplinary issues and Officer Bill of Rights updates.

### **CM (1a) Identify gaps and challenges to a) timely investigations.**

From the group discussion, DPA and IAD investigators shared insight on some of the common challenges and obstacles. IAD and DPA Investigators identified that a shared obstacle they encounter with investigations is the scheduling of witnesses and accused officers for interviews. Officers work various shifts (i.e. day, swing, and night) with rotating days off, while investigators work regular office hours. The investigator must also accommodate the schedule of the attorney or Union Representative, Shop Steward (nonsworn members) of the accused officers or civilian members. This can cause timely delays due to schedule conflicts and other interference.

On Thursday January 28<sup>th</sup>, 2021, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice.



## Collaborative Reform Completion Memorandum

During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

For Compliance Measure 1, Cal DOJ noted that SFPD references a plan to overcome the obstacles identified in the meeting between DPA and IAD and that the plan is explained in Recommendation 56.6. Cal DOJ advised just copying and pasting language from the Recommendation 56.6 Form 2001 to this package (and include supporting documents).

### Within IAD Office

To deal with scheduling conflicts that may occur because of officers, union representation work schedules, IAD can adjust their work schedule. IAD Investigators are also expected to respond to district stations, private residences of members, and/or to attend Police Commission hearings upon necessity. Members will be compensated (per the IA SOP) if their duties extend beyond their scheduled tour of duty with the OIC's approval. (Attachment #5) *IAD Standard Operation Procedure on page 3*. IAD Investigators have also been encouraged to use the technology that is available, to conduct virtual meetings.

To deal with delayed reporting at the station level, newly promoted Lieutenants and Captains are sent to the Police Academy for instruction and training, regarding their new rank. One aspect of the training is a PowerPoint presentation (Attachment #6) given by IAD reminding superior officers of DGO 1.06 Duties of Superior Officers Sec (a) Prepare an initial investigative report on memorandum (SFPD 68) addressed to his/her commanding officer before reporting off duty. The report shall contain information that can be reasonably obtained e.g., full identification of witnesses, summary of statements from witnesses, preliminary findings, and recommendations where appropriate (Attachment #7) DGO 1.06

In order to minimize some of the obstacle's IAD investigators face, the Officer in Charge of IAD conducts bi-weekly meetings to conduct case reviews with each investigator. These meetings allow for the OIC of IAD to review, discuss and provide feedback to the investigator on his/her cases. The OIC utilizes IAD check list (Attachment #26) as a reference during the case reviews. The check list includes important investigative steps from the Standard Operations Procedure Manual such as compliance with 3304 date, case updates, sending form letter to citizen complainants, and interviewing all witnesses etc.

In addition to the bi-weekly meetings, the IAD investigators are encouraged to discuss their cases with senior investigators in the unit, who are more experienced and versed. IAD investigators can also seek guidance from the IAD attorneys to ensure proper handling of the cases. The OIC also encourages IAD investigators to attend various training to gain knowledges/skills pertaining to their administrative investigations. (Attachment #8) *IAD Procedures Unit Order 20-03*

### With DPA

The Internal Affairs Division has taken the initiative to work collectively with DPA on multiple levels to identify obstacles that interfere with complaint investigations and accountability. Both agencies will strive to implement changes to better support their intended missions. In order for



## Collaborative Reform Completion Memorandum

DPA to overcome their obstacles they should use IAD as a resource to identify and reach out to any Department Head of City Agencies. IAD has a long list of contacts in law enforcement and in the City of San Francisco. DPA requested that a directory with contacts be shared between the two agencies.

A memorandum titled Accountability DOJ Recommendations was written to establish quarterly meetings with the Commander of Risk Management Office and a DPA representative to discuss various topics such as concurrent investigations, trends, policy/training issues and other related matters. (Attachment #9) The Commander of RMO, who oversees the Internal Affairs Division will then disseminate the pertinent information to the investigators of IAD.

### **CM (1b) practices to ensure progressive discipline is appropriately recommended.**

The San Francisco Police Department has used progressive discipline to correct job related behaviors that do not meet the expectations or standards set by the Police Department.

The City and County of San Francisco and the Police Officers Association believe in progressive discipline and have agreed to use the principle of progressive discipline in the application of punitive action where appropriate.

*Mou between the City and County of San Francisco and the Police Officers Association (Attachment #10)*

*The City agrees to use the principle of progressive discipline in the application of punitive action where appropriate. The City is not precluded from imposing suspension and/or termination if the facts so indicate without first imposing lesser forms of punitive action. This provision shall not be subject to the grievance and arbitration procedure set forth in this Agreement.*

Department General Order 2.07 defines the Department's disciplinary procedures.

- Admonishment
- Reprimand
- Suspension
- Chiefs Disciplinary Suspension
- Suspension Pending Hearing
- Suspension by Commission
- Fine
- Termination

Subject to the approval of the Chief, a commanding officer may dispose of minor violation of orders, policy, and procedures by an officer of his/her command by retraining or admonishment. (Attachment #11) DGO 2.07 Discipline Process for Sworn Officers

In the past, the San Francisco Police Department has used the *San Francisco Police Department Disciplinary Penalty and Referral Guidelines Rev 1994 (Attachment #12)* to assess misconduct and to which type of corrective actions would be taken, to correct the behavior. A newly revised *Referral Guidelines for Sworn Members of the San Francisco Police*



## Collaborative Reform Completion Memorandum

Department (Attachment #13) has been completed. The newly revised referral guide has identified misconduct and placed it into six different categories:

- Use of Force
- Search and Seizure
- Conduct Unbecoming an Officer
- Neglect of Duty
- Alcohol and Drugs
- Bias, Rudeness, and Harassment

The referral guide has also identified which discipline should be considered for a first, second or third offense:

- A. Admonishment
- B. Reprimand
- C. Suspension of 1 to 10 days
- D. Suspension of 11 to 20 days
- E. Suspension of 21 to 30 days
- F. Suspension of 30 to 90 days
- G. Demotion of Rank if *employee is in a civil service classification of inspector, sergeant or above.*
- T. Termination

On Thursday January 28<sup>th</sup>, 2021, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

Cal DOJ advised submitting this recommendation until after the Police Commission as approved the Referral guidelines, since approval is on the Commission's agenda in a few weeks.

The newly revised *Referral Guidelines for Sworn Members of the San Francisco Police Department* was approved by the Police Commission on February 11, 2021.

(Attachment #14) Resolution 21-17.

The principles of progressive discipline from 1994 are true to the principles being used today 2021. For example, both referral guides have identified different incidents and levels of misconduct. The referral guides have also established first, second, and third offenses and the progression of discipline. Recommended discipline should normally fall within the range determined by the matrix. The matrix determines the charges for instances of misconduct if it is consistent with principles of progressive discipline and supported by evidence establishing just cause for the recommendation. However, the matrix is ultimately only a guideline and not a mandate.

Attached is an example of progressive discipline currently being used. This officer failed to appear and complete a fitness test on four different occasions. (Attachment #15) Employee Multiple Card-IAD



## Collaborative Reform Completion Memorandum

- First Offence, Admonishment
- Second Offence, Suspension (1 Day)
- Third Offence, Suspension (3 Day) /Retraining/Performance Improvement Plan
- Fourth Offence Suspension (4 Day)

**San Francisco Police Department**  
**Employee Multiple Card - IAD**

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**Personal Profile:**

Employee Name	██████████	Rank/CI	██████████
Employee ID	██████████	Sworn /UCID	██████████
Unit #	██████████	Assignment	██████████
Sex	██████████	Rate Code	██████████
Race	██████████	Agency San Francisco Police Department	
DOB	██████████	Position Title Other	
Union Affili			

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Case No.	Case Type	Incident Date	Status	Allegation	Findings	Action	Suspension Days
MCD-2011-██████████	MCD Complaint	██████████	Closed	False Allegations	Innocent/Exonerated	Admonishment	
MCD-2011-██████████	MCD Complaint	██████████	Closed	False Allegations	Innocent/Exonerated	Exonerated	
MCD-2011-██████████	MCD Complaint	██████████	Closed	False Allegations	Innocent/Exonerated	Suspension	
MCD-2011-██████████	MCD Complaint	██████████	Closed	False Allegations	Innocent/Exonerated	Exonerated	

### 2) Establish timelines for investigative stages and provide shared information regarding the meeting of those timelines.

As stated earlier, The Police Officers Bill of Rights section 3304(d)(1) sets the timelines for all investigations into officer misconduct to one year, from notification to the proposed disciplinary action. IAD Investigators should complete their investigations within 6 months, in an effort to adjudicate the case in a timely fashion. Investigators shall meet with the OIC of IAD on a bi-monthly basis to provide case status updates. This audit and review loop of the case status ensures the investigation is completed within the allotted time. Exceptions to the six-month rule, shall be discussed with the OIC of IAD and documented in the Case Tracking System. (Attachment #16) IAD Standard Operating Procedures pg 18

*IAD investigators Shall do the following (IAD Standard Operation Procedure)*

- *Conduct an objective, timely, and professional investigation. Sergeants will be responsible for notifying their Lieutenant if a case cannot be completed within six months.*
- *Inform their Lieutenant of all pertinent developments during the investigation.*
- *At the conclusion of the administrative investigation, the IAD Sergeant will be expected to make a determination based on the preponderance of evidence (50.1%) as to the disposition of each allegation of misconduct made against the employee involved.*
- *Submit complete and accurate investigative reports to the Lieutenant.*



## Collaborative Reform Completion Memorandum

- Review and discuss all open cases with the assigned IAD investigator on bi-weekly basis. The OIC reserves the right to review any case at any time due to the needs of the Department and or unit. (Attachment #5) IAD Standard Operation Procedure, pg 3

### Review open cases (IAD Standard Operation Procedure)

- Attend bi-weekly meetings with the Commander of Risk Management Office, Captain of Risk Management to provide updates on IAD cases. In biweekly meetings, the OIC of IAD will also meet with the OIC of ISD to ensure the timely transfer of cases
- The OIC of IAD shall review all open cases with the assigned investigator every two weeks
- Investigators shall notify the OIC regarding issues that may cause an untimely delay in the completion of an assigned investigation. (i.e. Tolling, inability to interview subject officers and/or witnesses.)  
(Attachment #17) IAD Standard Operation Procedure pg 8

In addition to the bi-weekly meetings and the presentation of case status tracking, IAD uses a software program called AIM, which sends 30, 60, and 90-day "warnings" to the investigator and the Lieutenant of IAD when a case is nearing the expiration date as defined by Government Code 3304. See attached examples of 30, 60, and 90-day 'warnings.'

(Attachment # 18)

On Thursday January 28<sup>th</sup>, 2021, SFPD Professional Standards members participated in a conference call with members of Hillard Heintze and the California Department of Justice. During the prescreening, suggestions and guidelines were discussed for this recommendation as described below.

For CM#2, POBAR is the time frame outlier and should not be the management guidance. How has the MOA worked? What is the process that supports timely engagement – how is this a joint focus of DPA/SFPD?"

On May 15, 2019, the San Francisco Police Department, and the Department of Police Accountability (DPA) adopted Resolution 19-40, A Memorandum of Understanding ("MOU") in order to establish procedures for the complaints and attendant administrative investigations of SFPD personnel in a timely manner. As listed below, the MOU outlines the time frames that DPA must adhere to per the MOU if a complaint is filed.

When there is sufficient evidence to proceed with a complaint, DPA shall do the following.

1. DPA shall quarterly complete and send updates on cases to IAD with expected completion dates and the statute of limitations deadline. (3304) govt. code
2. DPA shall notify the Chief of Police and IAD of all cases that reach the six months mark inclusive of cases which may be tolling. (3304) govt. code.



## Collaborative Reform Completion Memorandum

3. *DPA shall use its best efforts to conclude investigations of complaints and, if sustained, transmit the sustained complaint to the Police Department within nine months of receipt thereof by DPA.*
4. *If DPA is unable to conclude its investigation within such nine-month period, the Director, within such nine-month period, shall inform the Chief of Police of the reasons therefor and transmit information and evidence from the investigation as shall facilitate the Chief's timely consideration of the matter.*
  - a. *Completed or pending DPA case files sent to the Chief of Police or IAD, shall contain a copy of the original complaint, chronological of investigation, all audio or video evidence, transcripts, investigative notes, investigative summary, pending or final conclusions, and pending or final recommendations.*
  - b. *For all cases that the DPA fails to meet the nine-month deadline, the Director shall advise the Chief of Police of the specific reasons for said failure and expected completion date(s).*
5. *The DPA shall send completed investigations to IAD within thirty (30) days of the DPA Director's approval except those over the nine (9) month deadline which shall be sent immediately.*

*In cases involving concurrent investigations, DPA shall not receive the IAD investigative conclusions and recommendations until IAD has received the completed DPA report.*

6. *Upon final disposition of an investigation of a complaint, the DPA shall issue a letter to the complainant and every named officer that includes the findings of each allegation in the complaint. (Attachment #19) MOU resolution 19-40*

Attached is an example of the "Notice of Potential Sustained Allegations" that is sent to IAD as a DPA investigation nears its conclusion. This letter notifies the Chief of Police and Risk Management that a DPA investigation is nearing completion, and "...the potential exists that the following allegation may be sustained..." The letter also summarizes the incident, the allegations, the evidence, and the approximate investigation completion date. A thumb drive or CD usually accompanies this letter with electronic documents such as interview transcripts, BWC footage, and police reports. The letter is sent as a formal notification of the "90-day notice" prior to the one-year expiration of the statute of limitations on investigations. This joint sharing of timelines allows both agencies to be aware of each other's status, relevant deadlines, and associated investigative requirements. (Attachment #20) *Notice of Potential Sustained Allegations Letter*

**3) Continuous improvement loop regarding timely investigations, progressive discipline, and shared information as appropriate.**



## Collaborative Reform Completion Memorandum

The IAD SOP sets forth formalized policy and procedure for IAD Sergeants to complete their investigations in a timely manner. IAD Sergeants are to make every effort, absent extenuating circumstances, to complete administrative cases in six months from date of assignment. This is codified in the SOP under "Responsibilities of IAD Sergeants" and is consistent with Government Code 3304, which requires administrative cases to complete their investigation and notify the subject officer of the possible discipline within one (1) year of the discovery.

*Failure to complete the investigation and notify the public safety officer of its proposed discipline, by a Letter of Notice of Adverse Action articulating the discipline within that year, means the case is "time barred" and no discipline may be imposed. See Government Code §3304(d)(1).*

*IAD will perform their due diligence and thoroughly investigate administrative cases that surpass the "3304 Date". Upon receipt of a case that surpasses "3304 date", the OIC of IAD will review the administrative case and consult the IAD Attorneys before case assignment.*

*Internal audits are conducted to ensure that investigations do not reach the "3304 Date" IAD has several internal mechanisms in place (ie. case tracking sheets, bi-weekly review with OIC of IAD, and RMO quarterly meetings) to ensure that all assigned IAD cases do not surpass the statute of limitation per Government Code § 3304. The OIC will ensure IAD Sergeants are complying with Government Code § 3304 and submitting cases in a timely manner. If deficiencies are found, the OIC of IAD will take corrective actions, if necessary.*

*(Attachment #21) SOP pg 29*

The Memorandum of Understanding (MOU) between SFPD and DPA outlines the responsibilities of DPA investigators and timelines for investigations. On a quarterly basis, DPA sends updates on their cases to IAD with expected completion dates and the statute of limitations deadline per Govt. Code 3304. DPA will transmit all sustained complaint to the Police Department within nine months of receipt by DPA.

In addition to timely investigations, the Department is committed to the concept of progressive discipline, where applicable. A good example of progressive discipline was mentioned above in CM #2 involving an SFPD member who had developed a pattern of "Failure to Appear" violations at the bi-annual physical fitness evaluation. In this case, the member had failed to appear on multiple occasions for this required test and was disciplined for each progressive offense.

SFPD also established a plan for an ongoing collaboration between SFPD and DPA called the "Discipline Review Board" in the revision of DGO 2.04 (Attachment #22). The board consists of members from SFPD, DPA and the Police Commission. The protocol for the members is to have quarterly meetings to examine inefficiencies, policy gaps, and protocols for the complaint system and discipline process.