



DEPARTMENT OF POLICE ACCOUNTABILITY

How DPA Discipline Works

From complaint to final decision

Presentation to the San Francisco Police Commission

1

Complaint

2

Investigation

3

Findings

4

Recommendation

5

Decision

What the Charter requires of DPA



Investigate every complaint

All complaints of use of force, misconduct or neglect of duty, except those proper on their face or lodged by SFPD members.

9 months

Best-efforts target to finish an investigation and send a sustained case to SFPD



Independent

The Director and staff may never have served as uniformed SFPD members. DPA's budget is separate from SFPD's.

1 : 150

Minimum ratio of DPA line investigators to sworn members



Recommend discipline

On every sustained complaint, DPA recommends disciplinary action to the Chief of Police.

1 year

State-law deadline to serve notice of intended discipline after misconduct is discovered

The process at a glance



The 10-day line decides the forum. A reprimand or a suspension of 10 days or fewer is decided by the Chief. A suspension of 11 days or more, up to termination, is decided by the Police Commission.

Inside a DPA investigation

What investigators do

- Interview the complainant, witnesses and officers
- Review SFPD records, policies and procedures
- Obtain records from any City department, which must cooperate promptly and fully
- Question named officers, who must answer truthfully and may bring a representative



Quality review- Team Model

Investigators, supervisors, attorneys, the managing attorney, and the Chief Legal Counsel review each investigation for accuracy, thoroughness, and consistency with Commission standards.



Mediation

When both sides agree, a complaint can be resolved through mediation instead of discipline.



Two possible outcomes

A complaint can lead to officer discipline, a policy recommendation, or both.

Every allegation ends in a finding

SUSTAINED FINDING

Improper Conduct

The conduct occurred and violated department policy, procedure, law or training.

STANDARD OF PROOF

Preponderance of the evidence: more likely than not.

Proper Conduct

Occurred, but was justified, lawful and proper

Insufficient Evidence

Evidence neither proves nor disproves it

Unfounded

Did not occur, or the member was not involved

Policy Failure

Conduct followed policy; the policy should change

Supervision Failure

Resulted from inadequate supervision

Training Failure

Resulted from inadequate training

Referral

Outside DPA or IAD scope; sent to another agency

Withdrawal

Complainant withdrew or gave no further evidence

Mediated

Resolved by agreement, without discipline (DPA only)

Two tracks, set by the penalty sought

	Chief's level	Commission level
Penalty range	Written reprimand, or suspension of 10 days or fewer	Suspension of 11 days or more, up to termination
Decided by	Chief of Police	Police Commission
Starts with	Written notice to the member from IAD	Verified charges filed by the Chief or the DPA Director
Hearing	Informal, non-evidentiary Chief's Hearing	Trial under the Commission's procedural rules
Appeal	Suspensions go to the Police Commission	Administrative Law Judge, Office of Administrative Hearings

PENALTY LADDER



**Advisory only; not formal discipline*

Chief's-level cases: the clock



Written reprimands are outside the Commission's jurisdiction and follow a separate SFPD and POA appeal agreement. IAD copies DPA on every notice in a DPA case.

When DPA may file charges directly

1

Transmit

DPA sends the sustained complaint and its discipline recommendation to SFPD.

2

Meet and confer

The Director meets with the Chief or the Chief's designee about the case.

3

Wait 60 days

The Director may not file for 60 days after transmittal, giving the Chief time to act.

4

Verify and file

The Director verifies charges and files them with the Police Commission.



Filing before 60 days

Allowed only if the Director finds in writing that the one-year discipline deadline may expire within the 60 days, and one of these is true:

- The Chief fails or refuses to file charges
- The Chief fails or refuses to meet and confer
- Other exigent circumstances threaten the Commission's ability to impose discipline

Commission-level cases



Charges filed

By the Chief or the DPA Director. Must state the basis, the rules violated and the recommended discipline.



Service

Member is served. IAD files proof of service with the Commission Secretary and copies DPA.



Hearing

Conducted under the Procedural Rules Governing Trial of Disciplinary Cases.



Decision

The Commission may impose any penalty from reprimand through termination.

After Commission decision

The member has 30 days from service of the decision and findings of fact to appeal to an Administrative Law Judge.

Appellate role

The Commission also hears appeals of Chief's-level suspensions, within 30 days unless the member waives time.

Guardrails that keep discipline fair



Preponderance standard

Findings rest on what is more likely than not.



Just cause

Permanent members may be disciplined only when it is just and fair.



Progressive discipline

Penalties escalate, though serious offenses can justify termination the first time.



Penalty guidelines

Recommendations follow the Disciplinary Guidelines adopted by the Police Commission.



No double jeopardy

A member formally disciplined cannot be disciplined again for the same incident.



One-year notice rule

Written notice of intended discipline is due within a year of discovery, unless tolled.

How DPA and SFPD share discipline data

TODAY: ONE STATIC EXCEL TRACKER

612 case rows **31** columns per case

DPA Case Number	DPA Recommended Discipline	COP Recommended Discipline	Final Discipline	Current Status
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

+ 26 more columns, from IAD case number and NOID dates to the 3304 GC deadline



Manual data entry by both DPA and SFPD



No notifications when a case is updated



DPA emails SFPD every month for an update



Risk of data-entry errors on both sides

Data sharing solution

~4 years

since DPA and SFPD began the API project

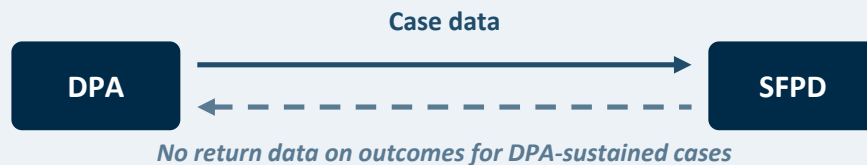
~\$150K

secured by DPA, with a contractor in place for its side

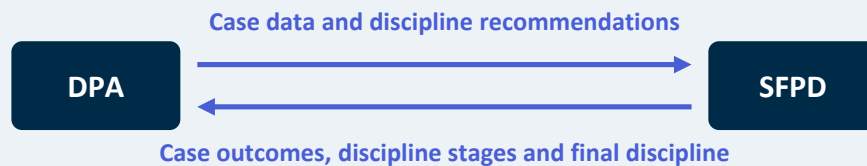
Next Steps

funding for SFPD's side of the connection

Current scope: one-way only



The goal: two-way, live or weekly



What full data sharing delivers

REMOVES THE NEED FOR

- ✓ The Henderson report
- ✓ Manual EIS transfers
- ✓ Manual SB 2 information exchange
- ✓ Manual discipline data exchange



Data entered only by the department that owns it and Data is already shared between the two departments.

How DPA reports back

Monthly

Complaint summaries

Summaries of complaints received, prepared under Commission rules.

Quarterly

Policy recommendations

Changes to SFPD policy or practice that would reduce tension with the public.

Quarterly

Board of Supervisors dashboard

Number and type of complaints, outcomes, and a review of discipline taken.

Biennial

Performance audit

Use of force and how SFPD has handled claims of officer misconduct.



To the extent the law allows, DPA also gives the public access to the progress and disposition of misconduct and use-of-force claims.

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Thank you