

Disciplinary Process



CITY & COUNTY OF SAN FRANCISCO

Police Department



Safety with Respect

2

SFPD Discipline Process

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San Francisco Police Department

Discipline Process Overview

The process begins with an allegation of misconduct, or an incident mandated for review.



Discipline Process

Investigation

- IAD reviews allegation(s) of misconduct.
- IAD completes intake form lists specific potential policy violation. (SFPD 83 Form)
- Case is assigned to an investigator.
- Named member(s) receive notice of investigation.
- Administrative investigation is conducted.
- *Members are afforded all rights under DGO 2.08 Peace Officer Rights in Disciplinary Investigations.*
- *The interview rights apply when a sworn member is under investigation and subject to an interview that could lead to punitive action.*

Discipline Process

Finding

- Investigator indicates a conclusionary disposition (*i.e., Improper Conduct, Insufficient Evidence, Proper Conduct, Policy/Training Failure, Unfounded, ref. DGO 2.07*)
- IAD LT evaluates investigation, findings, and recommends discipline for IAD (and sustained DPA cases).
- IAD LT evaluation initiates concurrence phase for completed IAD (and sustained DPA cases).
- *Sustained improper conduct findings require the standard of proof to meet the preponderance of evidence standard (more than fifty percent, or more likely than not).*
- *Consistent with the Disciplinary Penalty & Referral Guidelines, recommended discipline is based on the severity of the offense, progressive discipline, mitigating and aggravating factors.*

Discipline Process

Concurrence

- Report submitted for concurrence through the chain of command (RMO Captain – Chief of Staff – Chief of Police).
- Each member indicates concurrence (or non-concurrence) with findings and/or recommended discipline.
- Chief's Level Discipline: Disciplinary action including written reprimand or suspension of ten day or less.
- Police Commission Level Discipline: Disciplinary action including suspension of 11 days or more up to and including termination.

Discipline Process

COP Decision

- For intended discipline, IAD must issue a written notice to the member.
- The notice must include the basis of discipline, the policies violated, and the intended disciplinary action.
- The notice also includes a date for chief's hearing. The member can waive the right to a chief's hearing and accept the recommended discipline. Conversely, the member can take the matter to a Chief's Hearing.

Discipline Process

Chief's Hearing

Summary of 2.07.03.C "Chief's Hearing"

- Provides member an opportunity to respond to the charges and the intended discipline.
- Hearing Officer is sworn member, with permanent rank of Commander or above, unless conflicts require an outside hearing officer.
- The Hearing Officer shall have no prior involvement in the disciplinary matter.
- The Hearing Officer shall consider the arguments and make a written recommendation to the Chief.
- The Chief of Police is not bound by the Hearing Officer's recommendation.
- Informal, non-evidentiary. Witnesses are not called, and evidence is not taken subject to formal rules.
- The member is entitled to the representative of their choice and may make an audio recording of the proceeding.

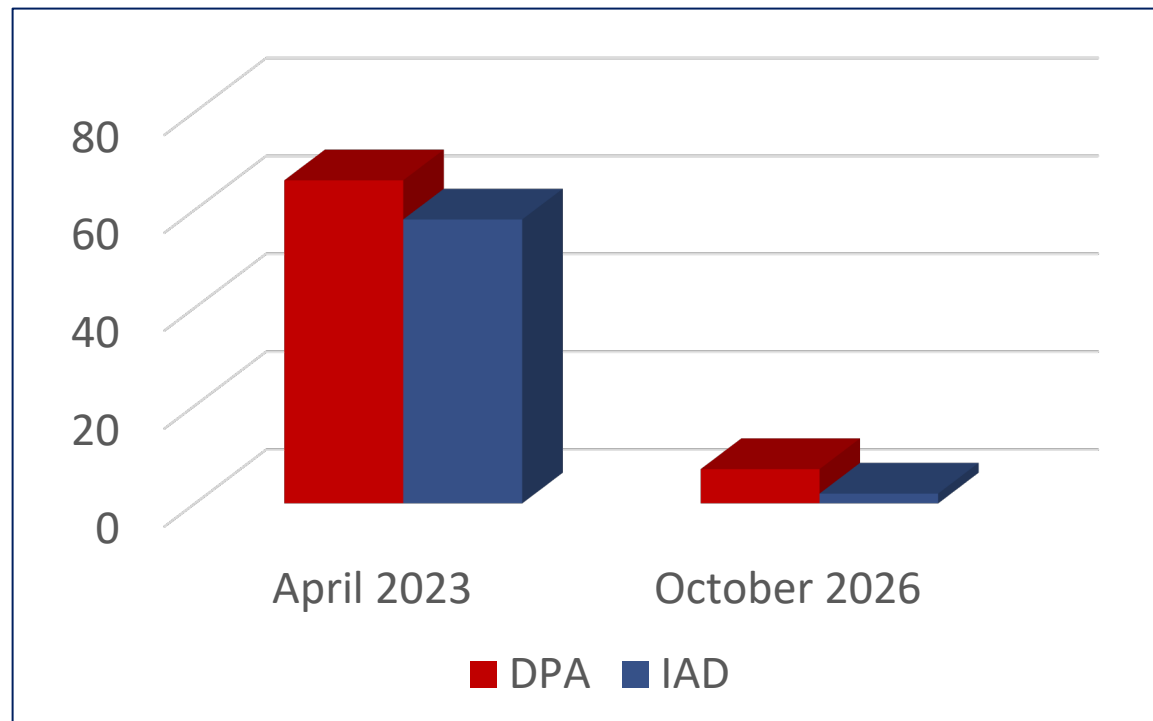
Chief's Hearings – What Changed?

- General Order 2.07, **Discipline Process for Sworn Members**, was revised in April of 2025 and became effective in June of 2025.
- The policy change approved by the Police Commission added in-rank Commanders to the list of Chief's Hearing Officers.
- Prior to the summer of 2025, only Deputy Chief's presided. The former practice, with limited hearing officers, created scheduling delays.
- Today, Commanders and Deputy Chiefs are presiding, increasing the pool of hearing officers and allowing hearings to be scheduled sooner

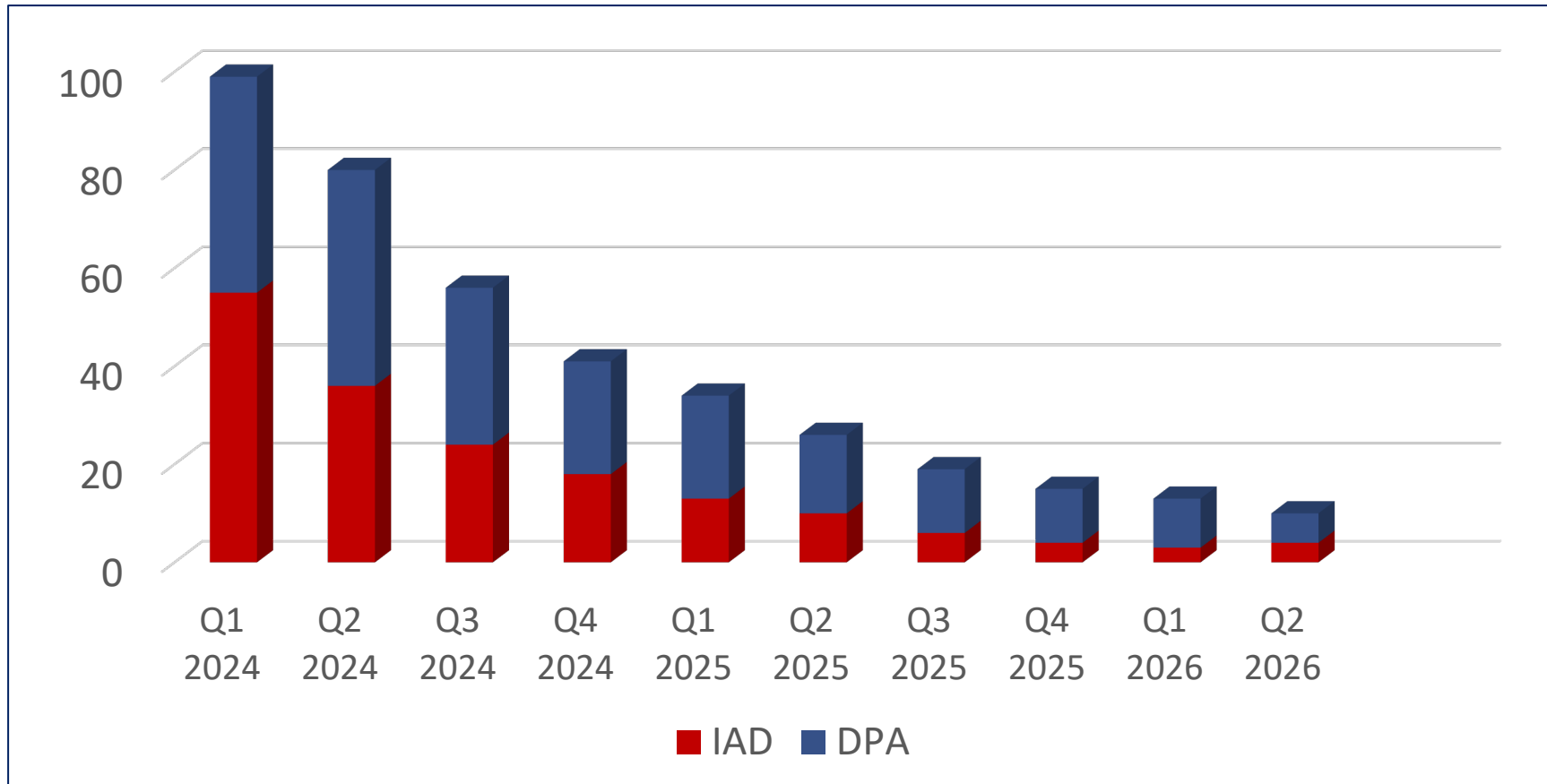
Before and After

According to an April 2023 report, there were 124 cases pending a chief's hearing (66 from DPA and 58 from IAD)

As of 09/30/26, there are 7 DPA and 2 IAD cases pending a chief's hearing.



Cases Pending Chief's Hearing



Chief's Hearing Coordination

A Chief's Hearing requires the attendance of several participants:

- Hearing Officer - Assigned Commander or DC
- DPA Attorney (if DPA case)
- IAD Attorney
- Named Officer
- Officer's Representative

IAD coordinates scheduling - Timeline to schedule can vary depending on the availability of officer(s), attorney(s), officer's representative, and assigned hearing officer.

Appeal Process



DPA Collaboration

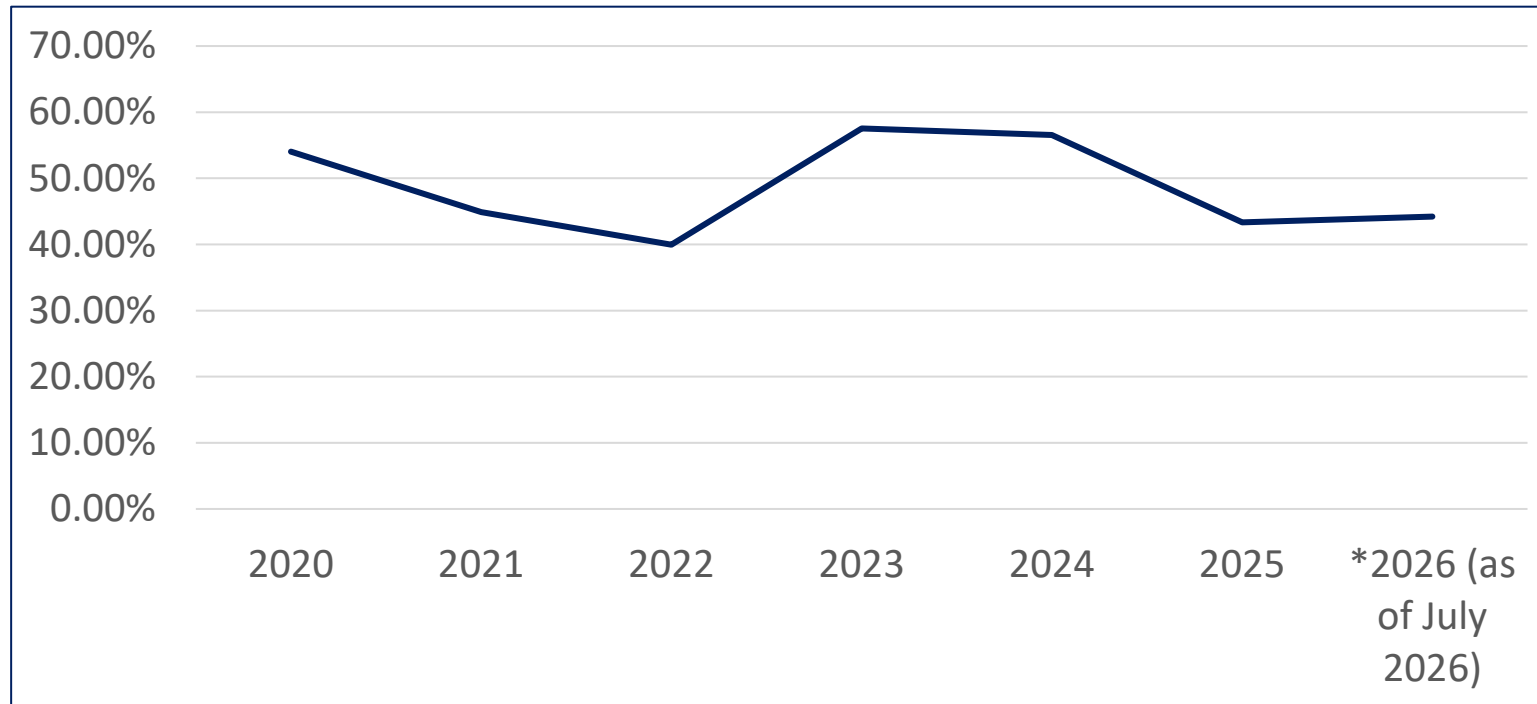
- DPA cases are submitted to the Internal Affairs Division Lieutenant in advance of the 3304 date.
- IAD LT reviews DPA cases and prepares an independent evaluation
- Concurrence process occurs (Captain, Assistant Chief, Chief of Police)
- Chief determines discipline (city charter)
- Meet and confer is scheduled to discuss if there is not consensus on discipline
- IAD issues Notice of Intent to Discipline
- IAD schedules Chief's Hearing
- Since 2019, IAD has a shared tracking spreadsheet with DPA that contains 30 columns of data including (1) DPA recommended discipline, (2) Chief's recommended discipline, and (3) final discipline

Most Common Allegation Types (2020 - mid 2026)

- Neglect of Duty (General)
- Conduct Unbecoming
- Neglect of Duty (Body Worn Camera)
- Neglect of Duty (Vaccination Related)
- Unwarranted Action
- Insubordination
- Failure to Appear (Range)
- Failure to Write an Incident Report
- Neglect of Duty (Lost Property)

Sustained Rate

- The sustained rate is generated from the number of allegations that have findings of Improper Conduct in cases closed during the year.
- The sustained rate varies between approximately 40 and 60 percent.



Allegation Types Sustained vs Not Sustained

Categories Most Often Sustained

- Failure to Appear (Range, Fitness, Court, DPA)
- Neglect of Duty (Lost Property, Body Worn Camera, Vaccination Related, DPA Response Form)
- Failure to Properly Investigate
- Off duty conduct
- Inappropriate Behavior/Comments
- Conduct Reflecting Discredit
- Insubordination
- Missing/Incomplete/Inaccurate Incident Report

Categories Most Often NOT Sustained

- Unwarranted Action
- Use of Force/Unnecessary, Excessive
- Failure to Properly Supervise
- Discourtesy
- Conduct Unbecoming
- Failure to Take Required Action
- Neglect of Duty, General

Reasons Sustained vs Not Sustained

- Sustained *improper conduct* findings require the standard of proof to meet the preponderance of evidence standard (DGO 2.07, *more than fifty percent, or more likely than not*).
- An “improper conduct” finding is defined as a preponderance of the evidence proves that the alleged conduct occurred and that conducted violated department policy, procedures, applicable legal principles, or training.
- Not sustained findings for an allegation can be due to insufficient evidence, proper conduct, policy, supervision, or training failure (DGO 2.07)
- Allegation findings are determined by evaluating each allegation individually, based on the unique facts, evidence, and circumstances associated with that specific incident.

Education

- The Internal Affairs Division presents to every recruit class and every promotional class.
- IAD and DPA conducted a joint presentation at Southern Station in August, similar to trainings done in 2023. Joint presentations are scheduled for Ingleside, Taraval, and Mission Stations over the month of October, and Northern and Bayview Stations are scheduled for November. The goal is to get to all ten district stations prior to the end of the calendar year.



Questions?

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