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# SAN FRANCISCO POLICE DEPARTMENT

## DISCIPLINARY PENALTY & REFERRAL GUIDELINES



REVISED DECEMBER 1, 1994

**San Francisco Police Department**  
**DISCIPLINARY PENALTY AND REFERRAL GUIDELINES**

As approved by the San Francisco Police Commission

November 17, 1993 and revised 12/01/94.

**I. PURPOSE**

These guidelines are presented as examples of the factors the Chief of Police will consider in determining whether charges of misconduct should be referred to the Police Commission (Commission), the classifications of misconduct, and appropriate penalties for sustained violations.

**II. REFERRAL TO THE FULL COMMISSION**

Some allegations of officer misconduct, even on a first offense, are so serious that the public interest is best served by presenting them to the Commission for hearing and determination. Usually, any allegation of Class A or Class B misconduct (see attached appendix) will be referred to the Commission; however, the Chief may decide to hear a Class B case and determine the appropriate penalty. Depending on the severity of the offense, the accused officer's disciplinary history, the number of violations included in the allegation as well as other factors, the Chief may elect to refer even a Class C or D offense to the Commission.

**III. REVIEW OF ALLEGATIONS OF MISCONDUCT**

Each misconduct charge will fall into one of four classes (A through D) which will have suggested penalties for each offense. These suggested penalties are intended for guidance but are not binding. The appropriate penalty will be determined on a case-by-case basis using the following criteria:

1. The severity of the offense.
2. The number of acts of misconduct involved.
3. The officer's disciplinary history.
4. Whether an injury or death resulted from the violation.
5. Whether lives were endangered.
6. Whether discriminatory intent was involved.

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7. Whether property was damaged.
8. Whether the Department's image was tarnished.
9. When the accused officer was on probation.
10. Whether mitigating factors affected the officer's conduct.

The Department will use progressive discipline where appropriate. Acts of misconduct not identified in the attached appendix will be reviewed to determine which class contains similar types of misconduct.

**IV. SUGGESTED PENALTIES FOR FIRST OFFENSES**

The following penalties for the identified classes of sustained misconduct will generally be imposed or recommended:

- A. Class A Misconduct - termination or suspension
- B. Class B Misconduct - suspension, termination, or fine
- C. Class C Misconduct - suspension\* or fine
- D. Class D Misconduct - discipline up to and including a 10 day suspension\*

\* Multiple violations can lead to more serious punishment up to and including termination.

## DEPARTMENT DISCIPLINARY GUIDELINES

### CLASS "A" MISCONDUCT

Instances of Class A misconduct - the most serious violations - are characterized by the occurrence of any of the below listed behavior:

1. Alcohol intoxication while on duty. (DGO 2.02, Alcohol Use by Members)
2. The use or possession of illegal drugs. (DGO 2.03, Drug Use by Members)
3. Refusal to submit to tests for alcohol or drugs when ordered. (DGO 2.02, Alcohol Use by Members, DGO 2.03, Drug Use by Members)
4. Violation of the Department's Firearms Use policy that results in death or serious injury, or demonstrates reckless disregard for the safety of others. (DGO 5.02, Use of Firearms)
5. Excessive and unnecessary use of force, as defined in Department General Order 5.01, Use of Force that results in death or serious injury, or demonstrates reckless disregard for the safety of others.
6. Conduct that constitutes a felony. (DGO 2.01, General Rules of Conduct)
7. Violations of Department General Order 11.07, Discrimination and Harassment that involve unwarranted physical contact of a sexual nature, or assaults based on race or sexual orientation.
8. Violations of the Department's response and pursuit driving procedures that cause death or serious injury or demonstrate reckless disregard for the safety of others. (DGO 5.05, Response and Pursuit Driving)
9. Violations of the Department's crowd control policy that result in death or serious injury, or demonstrate reckless disregard for the safety of others. (DGO 8.03, Crowd Control)
10. Commission of any act of physical force or threat of force directed against any person(s), or family, or their property or advocate, motivated in whole or in part, by hostility to their real or perceived race, ethnicity, national origin, religion, political affiliation, disability, sex or sexual orientation.

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11. Serious violations not delineated above that bring discredit upon the Department. (DGO 2.01, General Rules of Conduct)
12. Unauthorized use or dissemination of confidential information. (DGO 2.01, General Rules of Conduct)

CLASS "B" MISCONDUCT

Instances of Class B misconduct are characterized by the occurrence of any of the below-listed behavior:

1. Solicited compensation for police duties without permission of the Police Commission. (DGO 2.01, General Rules of Conduct)
2. Drinking alcohol while on duty or in uniform. (DGO 2.02, Alcohol Use by Members)
3. Off-duty offenses while under the influence of alcohol. (DGO 2.02, Alcohol Use by Members)
4. Intoxicated while off duty and carrying a firearm. (DGO 2.02, Alcohol Use by Members)
5. Attempting to mislead or deceive the treating physician, Police Physician, the commanding officer or any superior officer assigned to investigate the circumstances of an injury or illness. (DGO 2.01, General Rules of Conduct)
6. Deceiving, misleading or obstructing an administrative investigation or hearing conducted by the O.C.C., M.C.D., Police Commission or the Chief of Police or his/her designee. (DGO 2.01, General Rules of Conduct, DGO 2.04, Citizen Complaints Against Officers, DGO 2.05, Citizen Complaints Against Non-Sworn Members)
7. Under the influence of prescription or over-the-counter drugs, while on duty, in violation of Department General Order 2.03, Drug Use by Members.
8. Failure of a supervisory or command officer to comply with provisions of Department General Order 2.03, Drug Use by Members, and Department General Order 2.02, Alcohol Use by Members, when suspected drug use or an alcohol violation on the part of a member is brought to his/her attention. (DGO 2.03, Drug Use by Members, DGO 2.02, Alcohol Use by Members, DGO 1.04, Duties of Sergeants, DGO 1.06, Duties of Superior Officers)

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9. Violations of the firearms use policy that does not result in death or serious injury but demonstrates reckless disregard for the safety of others. (DGO 5.02, Use of Firearms)
10. Excessive and unnecessary use of force, as defined in Department General Order 5.01, Use of Force, that results in serious injury or demonstrates reckless disregard for the safety of others.
11. Violations of the Department's Standards and Procedures for First Amendment activities. (DGO 8.10, Guidelines for First Amendment Activities)
12. Use of a weapon or ammunition on-duty that is not Department-issued or authorized and results in serious injury. (DGO 10.02, Equipment)
13. Discrimination or harassment that constitutes a violation of DGO 11.07, Discrimination and Harassment, such as employment benefits in exchange for sexual favors, or repeated incidents of sexual harassment or discrimination based on race, political affiliation, disability, sex or sexual orientation.
14. Conduct that constitutes a misdemeanor. (DGO 2.01, General Rules of Conduct)
15. Violations of Department response and pursuit driving procedures that result in injury or demonstrate disregard for the safety of others. (DGO 5.05, Response and Pursuit Driving)
16. Furnishing confidential information to bail bondsmen or attorneys that is not required by law. (DGO 2.01, General Rules of Conduct)
17. Use of official position to avoid the consequence of illegal conduct, or securing personal privileges beyond what is authorized by law. (DGO 2.01, General Rules of Conduct)
18. Attempt to threaten, intimidate, mislead or harass O.C.C. complainants, witnesses or staff members. (DGO 2.01, General Rules of Conduct, DGO 2.04, Citizen Complaints Against Officers)

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19. Commission of any act of intimidation, threat or coercion directed against any person(s), or family, or their property or advocate, motivated in whole or in part, by hostility to their real or perceived race, ethnicity, national origin, religion, sex or sexual orientation.
20. Failure to treat members of the public with courtesy and respect by using racial, sexual, religious, homophobic or ethnic slur. (DGO 2.01, General Rules of Conduct)
21. Failure of command or supervisory personnel to comply with provisions of Department General Order 11.07, Discrimination and Harassment to report and/or investigate possible violations.
22. Working while off-duty on sick leave or disability leave without permission of the Chief of Police. (DGO 11.02, Secondary Employment)
23. Knowingly make false statements on police reports. (DGO 2.01, General Rules of Conduct)
24. Arresting a person without probable cause to believe the person committed the crime for which the arrest was made. (DGO 2.01, General Rules of Conduct)
25. Failure of a member to report his/her belief that another member used unnecessary force. (DGO 2.01, General Rules of Conduct)
26. Intentionally conducting searches of persons, places and/or things without lawful authority or with reckless disregard for 4th Amendment Rights. (DGO 2.01, General Rules of Conduct)
27. Violations not delineated above that bring discredit upon the Department. (DGO 2.01, General Rules of Conduct)

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**CLASS "C" MISCONDUCT**

Instances of Class C misconduct are characterized by the occurrence of any of the below-listed behavior:

1. Egregious or multiple failures to obey all lawful orders of superior officers. (DGO 2.01, General Rules of Conduct)
2. Failure of a member to report his/her belief that another member is illegally using drugs, to a supervisor, without delay. (DGO 2.03, Drug Use by Members)
3. Unnecessary use of force, as defined in Department General Order DGO 5.01, Use of Force, that results in minor injury or demonstrates reckless unnecessary force.
4. Violations of the Department's Crowd Control Policy that do not result in death or serious injury, nor demonstrate reckless disregard for the safety of others. (DGO 8.03, Crowd Control)
5. Responding "Code 3" when specifically instructed not to do so by a supervisory or commanding officer, or failure to terminate a pursuit when specifically instructed to do so by a supervisory or commanding officer. (DGO 5.05, Response and Pursuit Driving)
6. Offering or giving material consideration with the intent of inducing the retirement of a member of the department or being a party in any such transaction. (DGO 2.01, General Rules of Conduct)
7. Borrowing money from, or becoming indebted to a bail bond broker. (DGO 2.01, General Rules of Conduct)
8. Submitting compensation request for overtime in order to receive overtime compensation to which the officer is not entitled. (DGO 2.01, General Rules of Conduct)
9. Accepting a gratuity without approval of the Police Commission. (DGO 2.01, General Rules of Conduct)
10. Failures to appear - court/subpoena. (DGO 2.01, General Rules of Conduct, DGO 3.08, Court Appearances by Members)



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11. Unlawful detention or request for identification of an individual absent specific and articulable facts leading the officer to believe the subject is involved, was involved, or about to become involved in an illegal activity. (DGO 5.03, Investigative Detentions)
12. Violations not delineated above that bring discredit upon the department. (DGO 2.01, General Rules of Conduct)

**CLASS "D" MISCONDUCT**

Examples of Class D misconduct are included below as are the respective penalties that will generally be imposed for first, second and third offenses. The symbol "R" is for reprimand, a number is the number of days of suspension, the letters "A" through "C" means the class of offense.

1. Failure to devote entire time and attention to the efficient performance of police business while on duty. (DGO 2.01, General Rules of Conduct)  
1st-R      2nd-5      3rd-"C"
2. Failure to take proper action, while off-duty, consistent with the officer's ability at the time. (DGO 2.01, General Rules of Conduct)  
1st-1      2nd-5      3rd-"C"
3. Not fit to perform police duties while carrying a firearm, or while acting in the capacity of a police officer off-duty. (DGO 2.01, General Rules of Conduct, DGO 2.02, Alcohol Use by Members, DGO 2.03, Drug Use by Members)  
1st-1      2nd-5      3rd-"C"
4. Disrespectful to a superior officer. (DGO 2.01, General Rules of Conduct)  
1st-1      2nd-5      3rd-"B"
5. Failure to treat members of the public with courtesy and respect. (DGO 2.01, General Rules of Conduct)  
1st-R      2nd-5      3rd-"B"

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6. Failure to provide name, star number and assignment upon request. (DGO 2.01, General Rules of Conduct)

1st-1      2nd-3      3rd-"C"

7. Knowingly make false and/or evasive statements when questioned by a superior officer or designee, related to the officer's employment by the Department. (DGO 2.01, General Rules of Conduct)

1st-5      2nd-"B"      3rd-"A"

8. Failure to complete and return Member Response Form to O.C.C. as directed. (DGO 2.04, Citizen Complaints Against Officers)

1st-1      2nd-5      3rd-"C"

9. Failure to complete an O.C.C. Complaint Form #293. (DGO 2.04, Citizen Complaints Against Officers)

1st-1      2nd-5      3rd-"B"

10. Failure of the senior ranking officer or designee to conduct an immediate investigation as specified. (DGO 2.04, Citizen Complaints Against Officers, DGO 2.05, Citizen Complaints Against Non-Sworn Members)

1st-5      2nd-"B"      3rd-"A"

11. Failure to make a written report to the commanding officer of any serious crime or urgent police matter which is brought to their attention, or in which the member becomes involved as a peace officer, while off-duty. (DGO 2.01, General Rules of Conduct)

1st-5      2nd-"C"      3rd-"B"

12. Failure to report in writing, loss or damage to Department property, or in the case of a traffic accident involving a department vehicle to take appropriate measures to have a report made. (DGO 2.01, General Rules of Conduct, DGO 2.06, Vehicle Accidents Involving Members, DGO 10.02, Equipment)

1st-1      2nd-10      3rd-"B"

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13. Failure to make required notifications when subpoenaed or requested to appear for the defense in a criminal proceeding, before the Commission or in a civil proceeding in which the City is a party or prior to filing a suit against the city, or when offered a fee to testify in a criminal or civil case. (DGO 2.01, General Rules of Conduct, DGO 3.08, Court Appearances by Members, DGO 3.14, Civil Legal Process)

1st-R      2nd-5      3rd-10

14. Failure to properly accept a citizen's arrest. (DGO 5.04, Arrests by Private Persons)

1st-R      2nd-5      3rd-"B"

15. Failure to provide members of the media with information as required. (DGO 8.09, Media Relations)

1st-R      2nd-2      3rd-10

16. Failure to control arrestee or prisoner resulting in his/her escape. (DGO 2.01, General Rules of Conduct, DGO 1.03, Duties of Patrol Officers)

1st-R      2nd-2      3rd-10

17. False report of sickness by a member or failure of a sworn member to submit a sick certificate after being absent for three consecutive working days due to illness or injury, not in the line of duty. (DGO 2.01, General Rules of Conduct)

1st-R      2nd-2      3rd-10

18. Recommend to a prisoner or person involved in an accident the name or employment of an attorney, bail bondsman or tow truck operator. (DGO 2.01, General Rules of Conduct)

1st-5      2nd-"C"      3rd-"B"

19. Failure to secure and book property. (DGO 6.15, Property Processing, DGO 6.02, Physical Evidence)

1st-R      2nd-3      3rd-"C"

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20. Giving anything of value to a person in custody without permission of the officer in charge of such person. (DGO 2.01, General Rules of Conduct, DGO 4.01, Booking and Detention of Prisoners)

1st-R      2nd-5      3rd-"C"

21. Failure to comply with provisions of Department General Order 5.05, Response and Pursuit Driving, when responding "Code 3," when in a vehicle pursuit, or any other violation of the order that does not cause injury or property damage, or involve disregard for a supervisor's instructions.

1st-R      2nd-5      3rd-"C"

22. Failure to log or to report the use of force as required in Department General Order 5.01, Use of Force.

1st-R      2nd-5      3rd-"C"

23. Use of Department letterhead stationery in violation of Department General Order 3.01, Written Communication System.

1st-R      2nd-3      3rd-"C"

24. The misuse of, improper care of, or improper wearing of the Department uniform and equipment (DGO 10.01, Uniform & Equipment Classes, DGO 10.02, Equipment)

1st-R      2nd-5      3rd-10

25. Failure to report for duty at the time and place required and be physically and mentally fit to perform assigned duties. (DGO 2.01, General Rules of Conduct)

1st-5      2nd-"C"      3rd-"B"

26. Failure to report for duty at the range or for training. (DGO 2.01, General Rules of Conduct)

1st-R      2nd-1      3rd-3      4th-"C"

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27. Failure to perform police duties promptly and according to Department procedures. (DGO 2.01, General Rules of Conduct, DGO 1.05, Duties of Station Personnel, DGO 1.04, Duties of Sergeants, DGO 1.03, Duties of Patrol Officers, DGO 1.06, Duties of Superior Officers, DGO 1.07, Duties of Command Officers, Field Operations Bureau, DGO 5.04, Arrests by Private Persons, DGO 6.15, Property Processing, DGO 3.01, Written Communication System)

1st-R      2nd-3      3rd-"C"

28. Carrying a firearm or weapon and/or ammunition on-duty that is not Department issued or authorized by the Department. (DGO 10.02, Equipment)

1st-R      2nd-3      3rd-"C"

29. Failure to appear in court, in proper attire, when subpoenaed. (DGO 3.08, Court Appearances by Members)

1st-R      2nd-3      3rd-"C"

30. Failure to keep an accurate "Certificate of Residence" on file with the Department. (DGO 3.06, Residence Certification)

1st-R      2nd-3      3rd-"C"

31. Engaging in secondary employment in violation of the provisions of Department General Order 11.02, Secondary Employment.

1st-R      2nd-5      3rd-"C"

32. Failure to obey all lawful orders of a superior officer. (DGO 2.01, General Rules of Conduct)

1st-2      2nd-10      3rd-"C"

33. Use of the MVT or Department computer system for non-work related reasons. (DGO 2.01, General Rules of Conduct, DGO 10.08, Use of Computers)

1st-1      2nd-5      3rd-'C"

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34. Violations of Department General Order 11.07, Discrimination and Harassment that do not include unwanted physical contact of a sexual nature, prejudice based assaults, quid pro quo sexual harassment or repeated incidents of sexual harassment or discrimination.

1st-1      2nd-10      3rd-"B"

35. Unnecessary use of force, as defined in Department General Order 5.01, Use of Force that does not result in injury.

1st-R      2nd-5      3rd-"C"

36. Violation of the Department's Response and Pursuit Driving Procedures. (DGO 5.05, Response and Pursuit Driving)

1st-R      2nd-10      3rd-"B"

37. Improper use of information that is for use within the Criminal Justice System only or improper use of MVT/CAD System. (DGO 2.01, General Rules of Conduct, DGO 10.08, Use of Computers)

1st-R      2nd-3      3rd-"C"

38. Dissemination of non-confidential information that is for use in the Criminal Justice System. (DGO 2.01, General Rules of Conduct, DGO 3.16, Release of Police Reports, DGO 10.08, Use of Computers, DGO 8.09 Media Relations)

1st-3      2nd-10      3rd-"B"

39. Violations of Department General Order 5.03, Investigative Detentions not covered in Class "C". (Certificate of Release)

1st-R      2nd-2      3rd-"C"

40. Violations not listed above that bring discredit upon the Department. (DGO 2.01, General Rules of Conduct)

1st-R      2nd-2      3rd-"C"