



Joint Response to Public Comment Pursuant to DGO 3.01.04(D)

DGO 2.07 Discipline Process for Sworn Members

June 25, 2024

SFPD Department General Order (DGO) 3.01 requires that all policies under development be posted publicly to provide members of the public thirty (30) business days to submit policy recommendations.

Pursuant to DGO 3.01.04 (D), the Department and the Department of Police Accountability (DPA) jointly prepare a public response, which shall be posted on the Department's website, outlining the recommendations included and not included in the DGO draft submitted to the Police Commission.

Joint responses are captured in the following recommendation grid which captures the original recommendation, whether the recommendation was included or not included in the draft DGO, and the explanation relating to the decision to include or not include the recommendation into the draft DGO.

The Department reserves the right to remove or not respond to comments if they are:

- Unrelated to the subject of the DGO
- Include private personal information (whether the commenter's or someone else's), including home address, home or cell phone number, personal e-mail address, or personal identification.
- Include profanity or obscene language.

The Department received three (3) recommendations for *DGO 2.07 Discipline Process for Sworn Members* from the public and reached a consensus with the DPA on each of the responses.

The Department and DPA extend gratitude to all who took the time to contribute recommendations to this policy.

DGO 2.07 - Public Comment and Responses

#	Public Comment	DGO SEC	Date Received	Required Response	SFPD Explanation	DPA Explanation
R1	No cause discipline for all probationary employees seems to be an overreach. What about a probationary captain or lieutenant? Can they be suspended or terminated without cause? Does not make sense, especially related to tenured employees.	2.07.06	8/31/23	Recommendation will not be included in Draft DGO	Per San Francisco Civil Service Rules Commission, Rule 217, An employee may be released by the appointing officer at any time during the probationary period upon written notice to the employee and the Human Resources Director. Except if the release is for disciplinary reasons and subject to approval of the Human Resources Director, an employee released during a promotive probationary period shall revert to a position in the class from which promoted.	Agree with SFPD.
R2	All discipline should have a timeline. The department's bypassing pobar by just assigning some discipline and appeals taking many years, including PC referrals, is unacceptable. There should be a mandatory timeline for appeals and PC.		9/20/23	Recommendation will be modified and will be included in the draft DGO	POBAR imposes a one year statute of limitations for noticing an officer of intended discipline, but does not set forth timelines for when appeals must be heard. The timing of when hearings occur is otherwise left to the parties' determination and availability. During Concurrence the Department set a timeline of no later than 180 business days in which a Chief's hearing may be held absent good cause. Furthermore, the Department expanded the Chief's hearing presiding officer pool to the rank of Commander. This expansion presiding officers allows more Chief's hearings to be held if necessary.	DPA concurs with the 180 day deadlines for Chief's hearings, as well as the limits on continuances, in the draft policy. While SFPD and DPA cannot force the Police Commission to set deadlines to complete disciplinary trials, we can recommend that the Police Commission do so.
R3	"The time to file the notice shall be extended." How much longer will the extension be? Who sets the extension period parameter?	2.07.03(A)	9/28/23	Recommendation will be modified and will be included in the draft DGO	The Department changed the response period to thirty calendar days after service of the disciplinary notice. This applies regardless of whether holidays fall within the response period.	DPA agrees with amended draft which defines a deadline.