

CITIZEN COMPLAINTS AGAINST OFFICERS

This order outlines the policies and procedures for receiving, investigating and processing citizen complaints against officers. It also describes the Office of Citizen Complaint investigative procedures and findings.

I. POLICY

- A. It is the policy of the San Francisco Police Department to encourage citizens to bring forward grievances regarding inadequate police service or official misconduct by officers, and receive such complaints with courtesy and without delay. Officers shall cooperate fully with the Office of Citizen Complaints (OCC) and provide their full assistance in the expeditious and impartial processing of citizen complaints.**

- B. Members of the Department shall immediately receive citizen complaints of official misconduct whether received by letter, telephone or in person. The member receiving the complaint shall immediately refer the matter to the senior-ranking officer on duty in the station, division, section or unit where the complaint is being made. The senior-ranking officer on duty shall be personally responsible for the conduct of the investigation until relieved of responsibility as specified in this order.**

II. PROCEDURES

A. RECEIVING A COMPLAINT/DUTIES OF SENIOR-RANKING OFFICER

- 1. EVALUATION. Evaluate the seriousness of the allegation and determine whether an immediate investigation is needed (see Section B).**

- 2. FORM PREPARATION. If the complaint is against an officer, prepare a Citizen Complaint Form (SFPD/OCC 293). Write only what the complainant states on this form. If the complainant is present, allow him/her to review the form and make any corrections; give the complainant a copy. If the complaint is received by telephone, read the complainant's statement as it is written on the form to assure accuracy. In either case, tell him/her that the complaint will be referred to the OCC for investigation.**

DGO 2.04
07/20/94

3. **ADDITIONAL INFORMATION/COMMENTS.** If there is any additional information or comments that should be brought to the attention of the investigator, do not include it on SFPD/OCC 293. Instead, prepare it on a memorandum to your commanding officer for his/her review. The commanding officer shall then forward it promptly to the OCC.
4. **ROUTING.** Route the original Citizen Complaint form to the OCC and forward a copy to your commanding officer.
5. **INTERNAL COMPLAINTS.** A Citizen Complaint form shall not be completed when the complainant is a member of the Department or is a representative of another police department or government agency. Instead, prepare a memorandum specifying the nature of the complaint and forward it to the accused officer's commanding officer.

B. IMMEDIATE INVESTIGATION/DUTIES OF SENIOR-RANKING OFFICER

1. **WHEN.** You must conduct an immediate investigation if a delay imposed by assigning the complaint to the OCC will jeopardize the investigation or public safety. The following are examples of situations requiring an immediate investigation and report:
 - a. The conduct is still occurring.
 - b. The allegation is that an officer is unfit to perform police duties.
 - c. A witness may be unavailable later.
 - d. The complainant alleges criminal conduct.
 - e. The complainant alleges unnecessary force, resulting in serious injury and medical treatment.
2. **OCC NOTIFICATION.** When an immediate investigation is required, immediately notify an OCC investigator by calling the OCC during business hours, or the answering service at 553-1407 during non-business hours.

3. **INVESTIGATION.** If the accused officer is assigned to your unit, make a complete investigation and prepare an immediate investigation report on a memorandum, in addition to the SFPD/OCC 293 form. Send the original OCC 293 to the OCC, and forward the immediate investigation report to your commanding officer for review. The commanding officer shall then forward the report promptly to the OCC.
4. **UNIT NOTIFICATION/IMMEDIATE INVESTIGATION.** When the officer is assigned to another unit, immediately notify the senior-ranking officer on duty at that unit who shall assume responsibility for the immediate investigation and report. If the unit is closed, contact the officer-in-charge through the Operations Center. Prepare and forward a copy of SFPD/OCC 293 to the OCC.
5. **IMMEDIATE INVESTIGATION REPORT.** The immediate investigation report must contain information that can be reasonably obtained before you report off duty. Examples are:
 - a. Full name, address and telephone number of all witnesses.
 - b. Statements from these witnesses.
 - c. Preliminary findings and recommendations where appropriate.

C. MEMBER RESPONSE FORMS

1. **RESPONSIBILITIES OF MEMBERS.** A Member Response Form (MRF) must be completed by the member and received by the OCC within 21 calendar days of the notice. If the member cannot meet this deadline, he/she must contact the appropriate OCC investigator prior to the due date.
2. **RESPONSIBILITIES OF COMMANDING OFFICERS.** Commanding officers shall maintain copies of the Citizen Complaint forms (SFPD/OCC 293) to ensure that the OCC has received all complaints and to assist in maintaining accurate statistical records. Commanding officers shall also designate a member to maintain a log of all MRF's and interview notifications, distribute them, and return the properly completed forms and notifications to the OCC.

DGO 2.04.
07/20/94

D. O.C.C. INTERVIEWS. Members shall appear for scheduled interviews and be prepared to proceed. If a member needs to reschedule, he/she must contact the appropriate investigator at least 24 hours prior to the interview. The inability to arrange for a specific representative will not necessarily be cause for rescheduling the interview. The final decision to reschedule will remain with the O.C.C.

III. O.C.C. PROCEDURES

A. INVESTIGATIONS

1. PRELIMINARY INVESTIGATIONS. All complaints against sworn members are subject to Preliminary Investigations. Preliminary Investigation consists of the collection and review of basic case-related material. A case will be closed with no further action when the Preliminary Investigation clearly discloses one of the following:

- a. The available evidence is insufficient to prove or disprove the allegation.
- b. -The evidence proves that the alleged act did not occur or that the accused member was not involved.
- c. The alleged act did occur but was justified, lawful and proper.

The OCC will forward Preliminary Investigation complaints, along with the findings, to the accused member's Commanding Officer for information purposes only.

2. DIRECTED INVESTIGATIONS. When a Preliminary Investigation indicates that there is sufficient evidence to proceed, the complaint will be classified as a Directed Investigation and will be assigned to an OCC investigator.

3. **FINDINGS.** All Directed Investigations will include a finding for each allegation in the complaint. The types and definitions of OCC findings are as follows:

a. **SUSTAINED**

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure. (Recommended only after the completion of a Preliminary Investigation.)

b. **NOT SUSTAINED**

The evidence fails to prove or disprove that the alleged act(s) occurred.

c. **PROPER CONDUCT**

The evidence proves that the alleged act(s) occurred; however, the act(s) were justified, lawful, and proper.

d. **POLICY FAILURE**

The evidence proves that the alleged act occurred but was justified by Department policy or procedures; however, the OCC recommends that the policy or procedure be changed.

e. **SUPERVISION FAILURE**

The evidence proves that the alleged acts occurred and were the result of inadequate supervision.

f. **TRAINING FAILURE**

The evidence proves that the alleged act resulted from inadequate or inappropriate training.

g. **UNFOUNDED**

The evidence proves that the acts alleged did not occur or that the accused officer was not involved.

DGO 2.04
07/20/94

- h. INFORMATION ONLY** The evidence proves that the alleged act did not involve a sworn member of the Department or that the actions described were obviously imaginary. Information Only allegations are not counted as complaints against sworn members of the Department.
 - i. NO FINDING/WITHDRAWAL** The complainant failed to provide additional requested evidence, or the complainant requested a withdrawal of the complaint.
- 4. NOTIFICATION AND REVIEW.** After completing a Directed Investigation, the OCC will ensure that every named officer and complainant receive a letter containing the disposition of the complaint and instructions for requesting a hearing.
- 5. TRANSMITTAL TO AND ACTION BY DEPARTMENT ON COMPLAINTS SUSTAINED BY THE OCC**
- a.** When a complaint has been sustained and the OCC investigation (including Investigative Hearings) has been completed, the OCC's investigation and findings shall be transmitted to the Police Chief or the Chief's designee for review and actions.
 - b.** The Chief or the Chief's designee shall complete his or her review and make an action recommendation within 60 days of receipt of an OCC case.
 - c.** If, however, the Chief or Chief's designee cannot meet the deadline stated in Section 5., b., he/she shall seek an extension of time from the Police Commission. The Commission shall be advised of the reasons for the request for deadline extension, and accused officer (s), complainant (s) and witness (es) shall be informed of any delays and time extensions beyond the initial 60-day period.

6. STATISTICS AND RECOMMENDATIONS

- a. As directed by the Police Commission, the OCC compiles and publishes monthly summaries and quarterly reports of complaint statistics.
 - b. These summaries and reports include, but are not limited to, the disposition by the Chief of Police and the Police Commission of complaints and allegations referred to the Chief of Police by the OCC Director.
 - c. As directed by the Police Commission, the OCC prepares and publishes quarterly recommendations concerning policies and practices of the Department.
 - d. The Chief of Police shall review OCC quarterly statistical reports within two weeks of the Chief's receipt of same. In the course of that review, the Chief shall cross-check OCC status and disposition information, particularly information on cases sustained by the OCC and referred to the Department for review and further action, and advise the Police Commission of any discrepancy. It is the intent of this policy, however, that apparent statistical discrepancies created by simple mathematical or typographical/data entry errors shall be resolved by the Department and the OCC without reporting to the Commission, other than the publication of a corrected version of the report in which the error occurred.
-