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Contact with Victims/Witnesses during on-going OCC Investigations
(Re-issue DB 12-145)

Members are reminded that under Police Commission Resolution 1159-88, they may not contact victims or witnesses during an on-going administrative investigation: "Officers are not allowed to contact complainants or witnesses regarding the issues in the complaint while the complaint is under investigation."

Police Commission Resolution 1159-88 #3 states: "Members who are the subject of a complaint filed with the OCC shall not contact the complainant or witnesses regarding the issues of the complaint. If the member must contact the complainant or a witness to a complaint in the line of duty, the officer shall not discuss or make any reference to the complaint." If a member comes into contact with a "known" party to an OCC complaint, members shall write a memorandum regarding the incident and submit it through the chain of command. Some examples of contact are:


1. Upon a traffic or pedestrian stop, you realize the complainant or witness is the driver or passenger.
2. A call for service to the residence/business that necessitates a police response.

If an officer happens to be walking by the complainant or witness, they would not have to write a memo.

Further, members are reminded that DGO 2.01, Rules 48 and 49, prohibit members from compromising any investigation or divulging confidential information:

COMPROMISING INVESTIGATIONS. Except as required by law or by Department policy and procedure, members shall not divulge any information or engage in any conduct that may compromise an investigation or prosecution of a criminal offense.

DIVULGING CONFIDENTIAL INFORMATION. Except as required by law, members shall not divulge any information that is made confidential by law or by Department policies and procedures.


TONEY D. CHAPLIN
Interim Chief of Police

Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.

POLICE COMMISSION RESOLUTION 1159-88, adopted June 8, 1988:

RESOLUTION NO. 1159-88

**POLICY OF THE POLICE COMMISSION OF THE SAN FRANCISCO
POLICE DEPARTMENT ON OCC COOPERATION**

WHEREAS, the Police Commission believes and hereby reaffirms as policy, that the efficient operation of the Police Department is a goal all members of the Department must strive to attain. A critical part of achieving this goal is to have a complaint process which has the credibility and support of all members of the department as well as the public; and

WHEREAS, the San Francisco Police Commission considers the obligation of members of the Department to cooperate and assist the Office of Citizen Complaints to be essential to the prompt and thorough investigation of allegations of officer conduct and to the management of this department; and

WHEREAS, all members are reminded of the following:

Section 3.530-2 of the Charter of the City and County of San Francisco requires that:

“In carrying out its objectives the Office of Citizen Complaints shall receive prompt and full cooperation and assistance from all departments, officers, and employees of the City and County.”

SFPD General Order L-1 states:

“It is the policy of the Department that both sworn and non-sworn members cooperate fully with the Office of Citizen Complaints (OCC) staff members in their investigation of citizen complaints. Furthermore, members shall provide full assistance in the expeditious processing of citizen complaints consistent with this order.”

Therefore, be it

RESOLVED, all members are advised:

1. Attempts to threaten, intimidate, mislead, or harass potential or actual OCC complaints, witnesses, or staff members will be considered to be serious violations of General Order L-1 deserving of severe forms of discipline including, but not limited to, termination.
2. That when the Chief of Police receives a sustained case involving a violation of General Order L-1, such case will be referred to the Police Commission for trial.
3. Members who are the subject of a complaint filed with the OCC shall not contact the complainant or witnesses regarding the issues of the complaint. If the member must contact the complainant or a witness to a complaint in the line of duty, the officer shall not discuss or make any reference to the complaint.

AYES: Commissioners Giraud, Nelder, Owens
ABSENT: Commissioner Sanchez