**Summarize**

[**2011-10-27 Bias Comm124\_Derek\_Byrne\_IAD\_2015-0084\_case\_file\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/fff3fd2688f8f9d10ca9c24a3e950ba6/content#page=1)

The document discusses the disciplinary charges filed against Officer Derek Byrne, Star No. 2281, in Case No. ALW IAD 2015-0084. Specifically, the document outlines the charges against Byrne for conduct unbecoming an officer, which stem from numerous text messages with homophobic and racist language. The document argues that Byrne's behavior makes him unfit to serve as a police officer and recommends termination.

The document also contains information about the legality of a search warrant used to seize data from Byrne's cell phone, with both the Department and Byrne presenting arguments for and against the validity of the warrant. Byrne argues that the search was unconstitutionally overbroad and that the text messages used as evidence against him were obtained as a result of this overbroad search. The Department, on the other hand, argues that the warrant was valid and that the SFPD is lawfully in possession of the messages.

The document also discusses Byrne's motion to suppress evidence, which the Department opposes, and the resolution denying Byrne's motion. Additionally, the document contains information about the scheduling of hearings and status conferences, as well as email exchanges between various parties.

The Police Commission adopted Resolution No. 19-23 to take the charges off the calendar due to Byrne's resignation from the San Francisco Police Department. However, the resolution stipulates that the charges will be placed back on the calendar if Byrne falls within the jurisdiction of the Police Commission in the future. The Commission also directs the Department to maintain all discipline-related documents in Byrne's file indefinitely.

[**2011-10-27 Bias Comm124\_Redaction\_Index\_for\_SFPD\_Portal\_Byrne.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/01c3f53798d3f3cda47dcc6b979f4e68/content#page=1)

* The document discusses the San Francisco Police Commission's identification of records related to an incident involving Officer Derek Byrne exchanging racially derogatory text messages from October 2011 through August 2012.
* Redactions have been made to these records based on various exemptions, which are outlined in the Redaction Index.
* Exemptions include: California Penal Code § 832.7(b)(5)(A) (redactions 1 and 2), which protects personal data or information of peace and custodial officers. California Penal Code § 832.7(b)(5)(B) (redaction 3), which preserves the anonymity of complainants and witnesses. California Penal Code § 832.7(b)(5)(C) (redaction 50), which protects confidential medical, financial, or other information. California Penal Code § 832.7(b)(5)(D) (redactions 6, 7, and 8), which prevents disclosure of records that would pose a danger to the physical safety of an officer or another person. California Penal Code § 832.7(a) and § 832.7(b)(7) (redaction 9), which makes personnel records of peace and custodial officers confidential. California Penal Code §§ 11076, 11105 (b) and California Law Enforcement Telecommunications System (CLETS) Policies, Practices and Procedures and Statutes, Section 1.6.4 (redaction 10), which restricts access to CLETS information to authorized personnel. California Penal Code § 13300(b) (redaction 11), which restricts dissemination of criminal offender record information. California Government Code § 6254(a) (redaction 12), which exempts preliminary drafts, notes, or memoranda from disclosure. California Government Code § 6254(f) (redaction 13), which exempts records of complaints, investigations, intelligence information, or security procedures from disclosure. California Code of Civil Procedure § 129 (redaction 14), which protects photographs of a deceased person taken by the coroner. California Government Code § 6254(c) and § 6254(k) (redaction 15), which exempts information that would constitute an unwarranted invasion of privacy. California Welfare & Institutions Code § 5328 and § 827 (redaction 16), which protects mental health and juvenile records. California Government Code §§ 254(k), 6254.25, 6276.04, and Evidence Code § 954 (redaction 17), which protects attorney-client privilege. California Evidence Code 1040(b)(2) (redaction 18), which allows a public entity to refuse to disclose official information.
* The document also references California Penal Code § 832.7(g) and § 832.7(h), which clarify that the section does not affect the discovery or disclosure of information in a peace or custodial officer's personnel file.

[**2017-07-31 Bias Comm118\_part\_3\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/5f71a53979666ee36d178ae7eb82fe2e/content#page=1)

This document contains a series of email exchanges between various members of the San Francisco Police Department, as well as the City Attorney, regarding the disciplinary case against Sgt. Sherry Hicks. The emails discuss the Department's response to Sgt. Hicks' Pitchesses motion, as well as two other motions submitted by his attorney. The exchanges also address scheduling conflicts, deadlines for filing motions, and who will be subpoenaed for the trial. There is some disagreement about whether certain motions need to be heard by the full Commission, but ultimately Commissioner Hirsch decides to proceed with the hearing as scheduled. The document also contains information about requests for continuances, rescheduling of hearings, and the assignment of Commissioner Hirsch to conduct the taking of evidence in the case.

[**2017-07-31 Bias Comm118\_part\_1\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/584f0d5cc05a7eb825aa1206111311cf/content#page=1)

The document is a resolution from the San Francisco Police Commission regarding the disciplinary case of Sergeant Sherry Hicks. It details the charges against Hicks, who was accused of violating the Rules and Procedures by using a racial epithet in a text message exchange with another officer. The document also discusses the investigation into the incident, including witness statements that corroborate Hicks' explanation that she intended to use a Japanese term, not a racial epithet, and that the auto-correct feature on her phone changed the spelling. The Commission held multiple meetings and conference calls to discuss the case and negotiate a settlement. The stipulated agreement between the parties includes Hicks admitting to the violation, a 30-day suspension without pay, mandatory retraining, and a waiver of appellate rights. The document also outlines the legal principles and standards for discipline that are relevant to the case, including the principles of "just cause" and the seven elements that must be considered in determining the propriety of police discipline. Finally, the document provides background information on Hicks, detailing her long-standing commitment to community policing and her involvement in various organizations.

[**2017-07-31 Bias Comm118\_Redaction\_Index\_for\_SFPD\_Portal\_Hicks.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d227a8301961faebe8c154aeaa6f1883/content#page=1)

* The document discusses the San Francisco Police Commission's identification of records related to an incident involving the use of a racial epithet by Sgt. Sherry Hicks on July 31, 2017.
* Redactions have been made to these records based on various exemptions, which are outlined in the Redaction Index.
* Exemptions include: California Penal Code § 832.7(b)(5)(A) (redactions 1 and 2), which protects personal data or information of peace and custodial officers. California Penal Code § 832.7(b)(5)(B) (redaction 3), which preserves the anonymity of complainants and witnesses. California Penal Code § 832.7(b)(5)(C) (redaction 50), which protects confidential medical, financial, or other information. California Penal Code § 832.7(b)(5)(D) (redactions 6, 7, and 8), which protects against the disclosure of records that would pose a danger to the physical safety of an officer or another person. California Penal Code § 832.7(a) and § 832.7(b)(7) (redaction 9), which protects personnel records of peace officers and custodial officers. California Penal Code §§ 11076, 11105 (b) and California Law Enforcement Telecommunications System (CLETS) Policies, Practices and Procedures and Statutes, Section 1.6.4 (redaction 10), which restricts access to CLETS information to authorized personnel. California Penal Code § 13300(b) (redaction 11), which restricts the dissemination of criminal offender record information. California Government Code § 6254(a) (redaction 12), which exempts from disclosure preliminary drafts, notes, or memoranda. California Government Code § 6254(f) (redaction 13), which exempts records of complaints, investigations, intelligence information, or security procedures. California Code of Civil Procedure § 129 (redaction 14), which protects photographs of a deceased person taken by the coroner. California Government Code § 6254(c) and § 6254(k) (redaction 15), which protects against the disclosure of information that would constitute an unwarranted invasion of privacy. California Welfare & Institutions Code § 5328 and § 827 (redaction 16), which protects mental health and juvenile records. California Government Code §§ 254(k), 6254.25, 6276.04, and Evidence Code § 954 (redaction 17), which protects attorney-client privilege. California Evidence Code 1040(b)(2) (redaction 18), which allows a public entity to refuse to disclose official information.
* The document also provides the address, phone number, fax number, and email address for the San Francisco Police Department Headquarters.

[**2017-07-31 Bias Comm118\_part\_2\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/6bbff737f12232589b8655b49d31047e/content#page=1)

This document discusses the case of Sergeant S. Hicks, who is requesting that charges against her be dismissed because she has not been provided with an opportunity for administrative appeal. The document references a hearing scheduled for August 9, 2018, in San Francisco, CA, with Commissioner Robert Hirsch as the hearing officer. The document also discusses the case of Morgado v. City and County of San Francisco, which is relevant to Sergeant Hicks' case.

Both sides make various arguments throughout the document. Sergeant Hicks argues that the lack of an administrative appeal procedure has already impacted her case and violated her rights, while the San Francisco Police Department argues that the motion to dismiss is premature. The Department also argues that the filing of Commission charges is just one step in the disciplinary process and that the right to an administrative appeal is triggered by the final disciplinary action by the Commission.

The document also contains discussion of the defense's argument that the recommended penalty of termination is overly harsh and excessive, and that the department has a history of not terminating officers for similar offenses. Additionally, the document discusses the Department's opposition to the motion for discovery, arguing that Sgt. Hicks has not shown good cause for the records she seeks.

The document also discusses the relevance of Pitchess/Stiglitz material to the case, and the statutory scheme that permits such motions in Police Commission proceedings. The document also addresses the question of whether the Commission has the authority to impose its own appeal procedures.

The Commission ultimately denies the motion to dismiss and decides to implement the same appeal process as in the Morgado case. The document also contains information about a proposed settlement agreement for Sgt. Hicks, as well as a stipulated protective order regarding the disclosure and use of confidential records.

[**2019-07-21 Bias SFPD274.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/295a760cc742235e655a6a1cad3765a9/content#page=1)

The document is a report summary from the San Francisco Police Department (SFPD) regarding a complaint against Officer Gordon Brown. The complaint alleges that Officer Brown engaged in "Conduct Unbecoming an Officer" and "Improper Conduct" by using his department-issued cell phone to text a racial epithet on two separate occasions. Specifically, Officer Brown used the word "nigga" which he claims is not derogatory in the context he used it.

The case was assigned to various individuals and groups for investigation and review, including Jamie Hyun, Angela Wilhelm, and Ashley Worsham. The investigation process included interviews with Officer Brown, during which he confirmed that he had read the complaint form and answered questions about the allegations.

Officer Brown's defense centered on the argument that the recommended penalty was overly harsh and that other officers had not been terminated for similar or worse misconduct. He also requested discovery of records in order to ensure a fair hearing. Additionally, he appealed his termination, arguing that the punishment was disproportionate. However, the California Supreme Court ruled against him.

The case was ultimately closed on 10/10/2023, with the Police Commission finding that Officer Brown violated Rule 9 of Department General Order 2.01. As a result, Officer Brown received a 15-day suspension without pay (with 10 days served and 5 days held in abeyance for 2 years) and was required to undergo retraining. This resolution was reached as part of a settlement agreement, which included Officer Brown's admission to violating rules and agreeing to certain waivers and rights.