

City & County of San Francisco  
Department of Police Accountability  
2019 First Quarter Report



*Presented to*

The Honorable London N. Breed, Mayor

The Honorable Norman Yee, President, San Francisco Board of Supervisors

Members, the San Francisco Board of Supervisors

President Robert Hirsch and Members, the San Francisco Police Commission

San Francisco Police Chief William Scott

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## Introduction

In the first quarter of 2019, the Department of Police Accountability (DPA) worked to fulfill its core mission of providing independent and impartial law enforcement oversight for the San Francisco Police Department (SFPD).

In addition, the DPA focused on developing solutions to fulfill new public record request requirements under California law and prepared for an upgrade to its administrative case management system. Near the end of the quarter, the DPA accepted San Francisco Sheriff's Department administrative misconduct investigations for the first time ever.

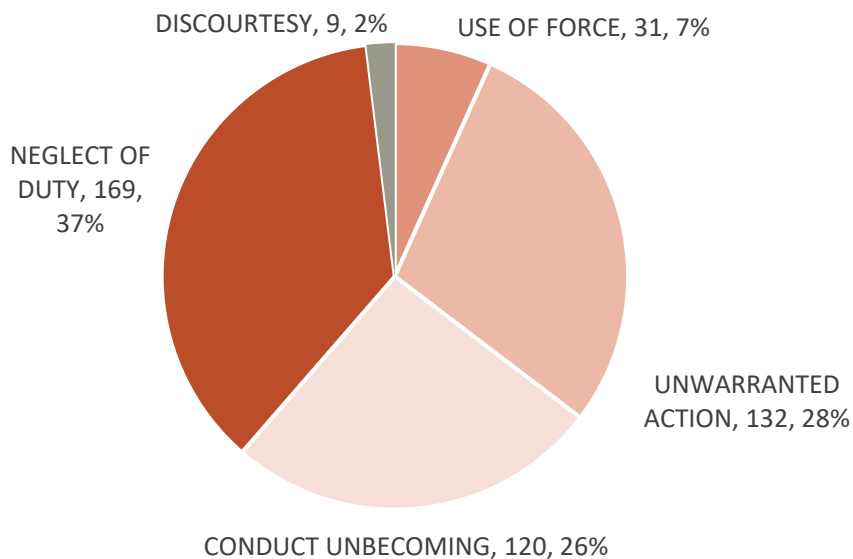
### Department Mission

The Department of Police Accountability is committed to providing the City of San Francisco with independent and impartial law enforcement oversight through investigations, policy recommendations, and performance audits to ensure that policing reflects the values and concerns of the community served.

## Investigations

The DPA received an adjusted total of 161 complaints of police misconduct, or failure to take action, and closed 152 complaints. In the 161 new complaints, 492 allegations were made against 252 officers. The DPA sustained allegations in 24 complaints against San Francisco police officers, which is a 15% sustained rate.<sup>1</sup> The DPA mediated 5 cases during the first quarter.

### ALLEGATIONS RECEIVED



### UNNECESSARY FORCE

An officer used more force than was reasonably needed to perform a necessary police action.

### UNWARRANTED ACTION

An officer's actions were unnecessary or unrelated to a legitimate police purpose.

### NEGLECT OF DUTY

An officer failed to complete a required task.

### DISCOURTESY

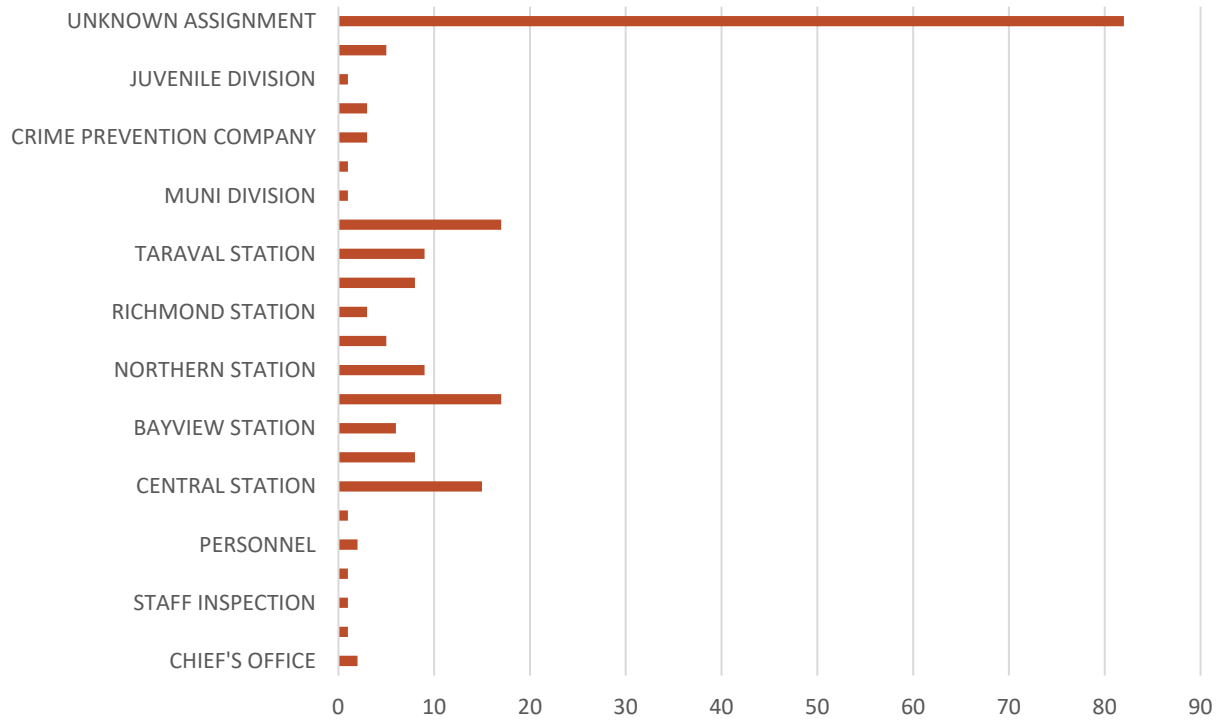
An officer used profanity.

### CONDUCT REFLECTING DISCREDIT

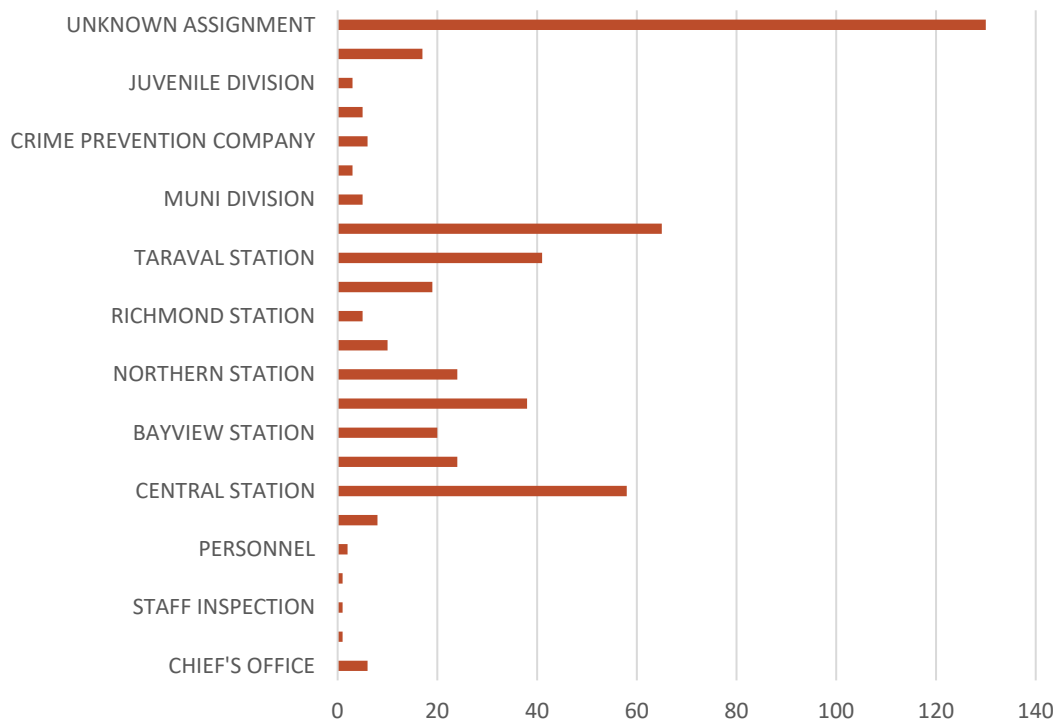
An officer's actions undermined public confidence or reflected poorly on the Police Department.

<sup>1</sup> Sustained cases have at least one proven allegation of misconduct or neglect of duty. The sustained rate is the percentage of investigated cases closed with at least one sustained allegation finding. Withdrawals, referrals, and purely informational complaints are not included in the sustained case rate calculation.

## TOTAL COMPLAINTS BY UNIT

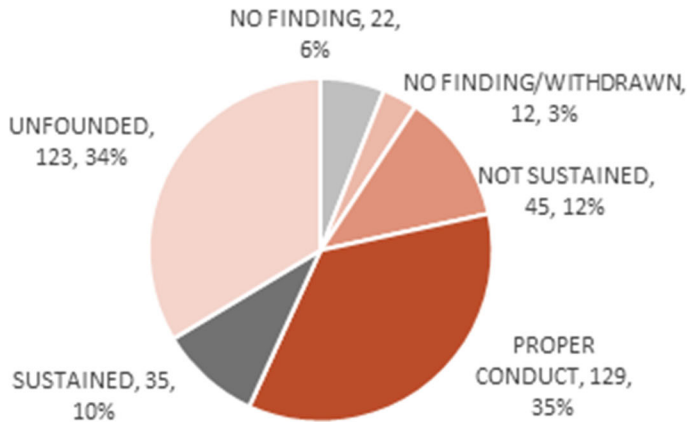


## TOTAL ALLEGATIONS BY UNIT

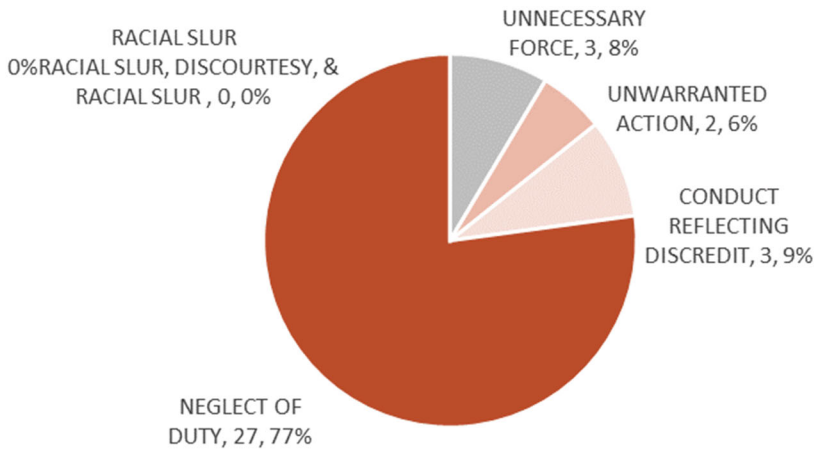


Findings

TOTAL FINDINGS BY TYPE

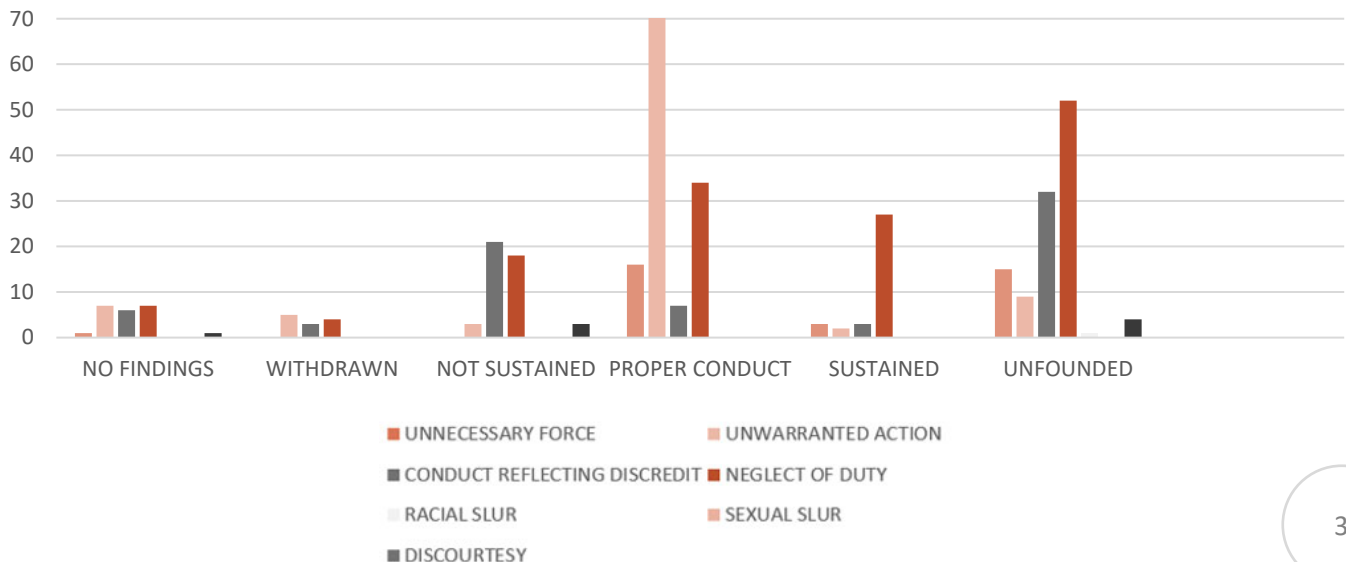


SUSTAINED BY ALLEGATION

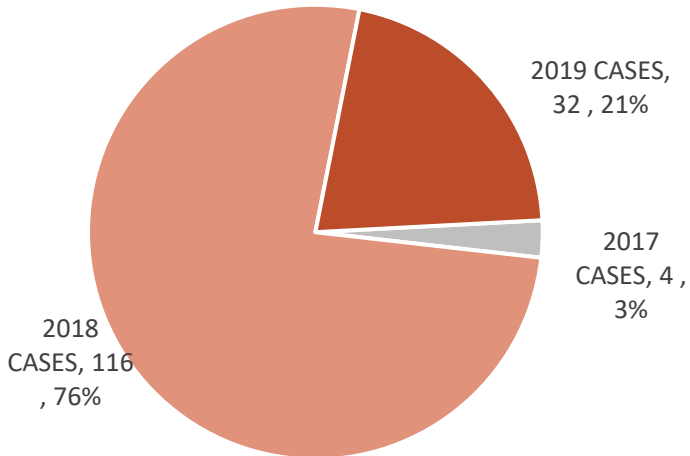


|   |   |
|---|---|
| <p><b>SUSTAINED</b></p> <p>The evidence proved an officer broke a rule or a law. The officer did something improper or failed to complete a required task.</p>  | <p><b>SUPERVISION OR TRAINING FAILURE</b></p> <p>The officer's improper actions or failure to complete a required task were the result of inadequate supervision or training.</p> |
| <p><b>PROPER CONDUCT</b></p> <p>The officer's actions complied with police rules, training, and applicable laws.</p>  | <p><b>POLICY FAILURE</b></p> <p>Although the officer's actions complied with police rules, the DPA recommends that the rules be changed.</p>                                      |
| <p><b>UNFOUNDED</b></p> <p>Allegations are unfounded when: 1) A complaint was made about something that did not occur, or 2) an officer specifically identified by the complainant was not actually involved.</p> | <p><b>NOT SUSTAINED</b></p> <p>There was not enough evidence to prove or disprove the allegation.</p>   |

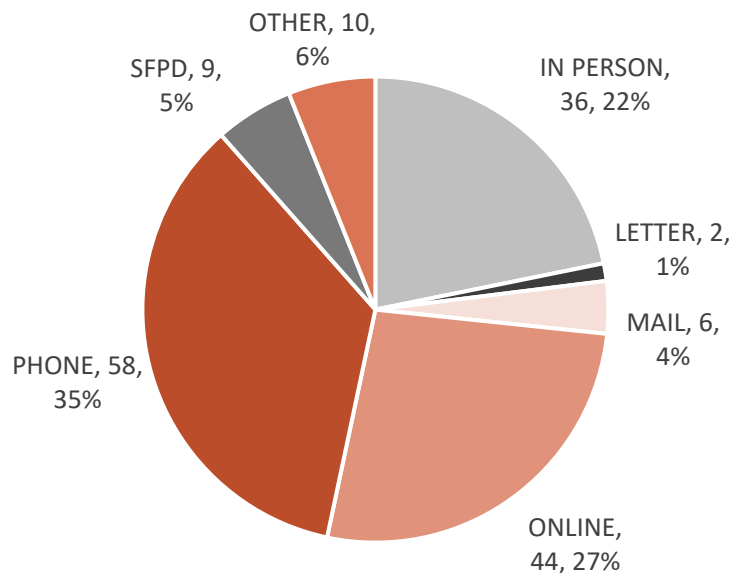
FINDINGS BY ALLEGATION



## CASES CLOSED BY YEAR FILED



## HOW COMPLAINTS WERE FILED



### Cases of Note

#### *Jeff Adachi Case*

Three complainants asked DPA to investigate whether the SFPD improperly released scene details and an incident report following the death of an elected official, Public Defender Jeff Adachi. The complainants expressed concern that the SFPD purposely released information with the intention of defaming the official.

#### *Complaint from the Mayor's Office on Disability*

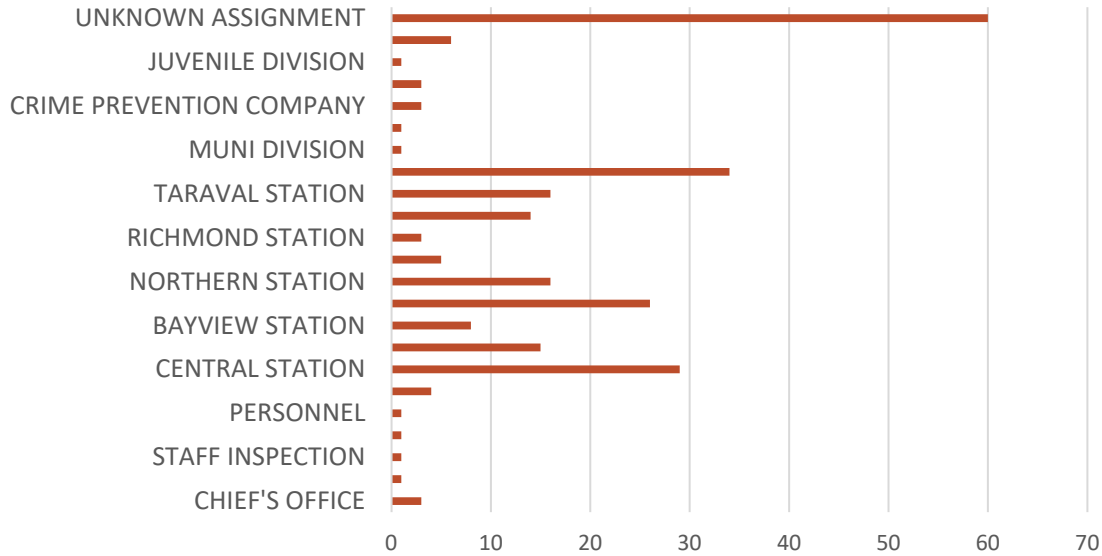
DPA received a complaint regarding a hearing-impaired individual's interactions with the police. The individual has mental health and communication disabilities, in addition to hearing loss. He mentioned contacting the Mayor's Office on Disability numerous times for technical assistance, which the police department failed to provide.

#### *Officer-Involved Shooting Investigations*

Several officer-involved shooting investigations were ongoing.

Demographics of Officers with Complaints

**OFFICERS INVOLVED BY UNIT**



| Gender  | Number | Percent |
|---------|--------|---------|
| Female  | 31     | 11.61%  |
| Male    | 219    | 82.02%  |
| Unknown | 17     | 6.37%   |

| Age     | Number | Percent |
|---------|--------|---------|
| 20-30   | 130    | 48.69%  |
| 30-40   | 80     | 29.96%  |
| 40-50   | 31     | 11.61%  |
| Unknown | 26     | 9.74%   |

| Rank                | Number | Percent |
|---------------------|--------|---------|
| Officer             | 219    | 82.02%  |
| Assistant Inspector | 1      | 0.37%   |
| Sergeant            | 21     | 7.87%   |
| Captain             | 7      | 2.62%   |
| Unknown             | 4      | 1.50%   |
| Other               | 15     | 5.62%   |

| Race/Ethnicity            | Number | Percent |
|---------------------------|--------|---------|
| Asian                     | 53     | 19.85%  |
| Black or African American | 18     | 6.74%   |
| Hispanic or Latinx        | 42     | 15.73%  |
| Unknown                   | 26     | 9.74%   |
| White                     | 120    | 44.94%  |
| Other                     | 8      | 3.00%   |

Demographics of Complainants

| Complainants | Number | Percent |
|--------------|--------|---------|
| Complainants | 180    | 94.75%  |
| Anonymous    | 10     | 5.26%   |
| Total        | 190    | 100.00% |

| Gender            | Number | Percent |
|-------------------|--------|---------|
| Female            | 54     | 28.42%  |
| Male              | 91     | 47.89%  |
| Transgender       | 3      | 1.58%   |
| Declined to State | 42     | 22.11%  |

| Race/Ethnicity                   | Number | Percent |
|----------------------------------|--------|---------|
| Asian                            | 16     | 8.42%   |
| Black or African American        | 31     | 16.32%  |
| Hispanic or Latinx               | 23     | 12.11%  |
| White                            | 49     | 25.79%  |
| Native American/Pacific Islander | 2      | 1.05%   |
| Declined to State                | 57     | 30.00%  |
| Other                            | 12     | 3.00%   |

| Age               | Number | Percent |
|-------------------|--------|---------|
| 1-13              | 1      | 0.53%   |
| 17-19             | 1      | 0.53%   |
| 20-30             | 23     | 12.11%  |
| 31-40             | 37     | 19.47%  |
| 41-50             | 41     | 21.58%  |
| 51-60             | 21     | 11.05%  |
| 61-70             | 14     | 7.37%   |
| 71-80             | 6      | 3.16%   |
| Declined to State | 46     | 24.21%  |



## Sheriff's Cases

In March, Sheriff Vicki Hennessey asked the DPA to take over certain San Francisco Sheriff's Department (SFSD) Internal Affairs Unit (IAU) investigations of highly publicized allegations of unnecessary force and inappropriate female inmate strip searches. The complaints were made in December 2018. The DPA's Special Investigations Unit (SIU) performed the investigative work for the SFSD cases and Lieutenant Jennifer Collins was the unit's IAU contact. The SIU initially accepted 19 case files, with the caseload eventually growing to 53 SFSD cases.

To undertake the investigations, the SIU learned SFSD policy, procedure, recordkeeping, specialized terms, jail operations, and other policies and procedures. The SIU toured all SF County Jails, observed a security search conducted in one of the pods, and took photos. The SIU met with Lieutenant Collins regularly to ask questions, accept additional cases, and receive requested records. The SIU also received training on navigating complicated jail video software. To streamline workflow, the SIU drafted templates for Records Requests, Notices to Appear, Member Response Forms, and the Case Summary Report.

## Policy

Policy work is an essential aspect of the DPA's mission. While discipline of individual officers is an important component of law enforcement management, the DPA's policy work directly impacts the entire police force and the community it serves. The San Francisco City Charter requires the DPA to present quarterly recommendations concerning SFPD's policies or practices that enhance police-community relations while ensuring effective police services.

Policy Director Samara Marion spearheads the DPA's policy work. Throughout the first quarter, the DPA participated in the SFPD's Executive Sponsor Working Group that addressed the DOJ's Collaborative Reform recommendations concerning complaint and disciplinary processes and the SFPD's Staffing Taskforce. Additionally, the DPA advanced its policy work in three areas as discussed below.

### Deaf and Hard of Hearing Department General Order Completion

The DPA continued its policy work to enhance services, police protocols, and training for Deaf and hard of hearing individuals. In November 2017, the DPA brought together a group of community stakeholders, including Deaf individuals, to draft a Department General Order (DGO) on police protocols for interacting with Deaf and hard of hearing individuals. Meeting monthly, the working group completed a proposed DGO, created an officer reference guide to use during traffic stops, and identified different technologies to assist SFPD officers at the station and in the field to communicate with Deaf and hard of hearing individuals. The DPA responded to questions and advised on provisions as this DGO underwent SFPD and SF Police Officer Association review during the first Quarter of 2019.

### Timely Release of Incident Reports to Domestic Violence and Sexual Assault Survivors and Data Collection Concerning SFPD Compliance with Family Code Section 6228 Advocacy

The DPA participated in the Police Commission's Working Group concerning the timely release of police reports to domestic violence and sexual assault victims. During 2018, in response to a DPA complaint and numerous other incidents where domestic violence survivors were unable to obtain incident reports within the mandated deadline, the DPA recommended that the SFPD:

1. Immediately implement a system that provides the enumerated victims their incident reports within the statutory deadline;
2. Provide information on SFPD's website about how victims of domestic violence, sexual assault, stalking, human trafficking, elder/dependent adult abuse can obtain their incident reports pursuant to Family Code § 6228;
3. Monitor compliance with the statutory deadline and report to the Police Commission its compliance with the Family Code §6228 on a quarterly basis.

The DPA, community stakeholders, Police Commissioners Damali Taylor and John Hamasaki, and SFPD representatives met several times to discuss SFPD procedures for releasing police reports pursuant to Family Code §6228, including exceptional circumstances when victims did not have identification or could not travel in person to Police Headquarters. The Working Group also discussed the manner in which SFPD would collect and present its compliance data on a quarterly basis.

### Enhancing SFPD's Ability to Provide Language Access Services

The DPA and the Language Access Working Group met throughout the quarter to advance recommendations concerning language access services. The Language Access Working Group comprises domestic violence, sexual assault and child abuse service providers, language access advocates, City agencies, Police Commissioner Petra DeJesus, and the Police Department. The working group meets monthly, a practice the DPA initiated in 2012 to enhance the SFPD's language access services. The Working Group is focused on expanding the number of certified languages to include growing populations in which the SFPD has officers who speak these languages yet need certification to use them at work, such as Toisan, Hindi and Arabic. A second large project involves rolling out the Language Line mobile application on all patrol officer Department-issued cell phones to allow easier access to spoken language interpreters and video conferencing with an American Sign Interpreter when interacting with Deaf or hard of hearing individuals.

### California Public Records Request Law: SB 1421 and AB748 Compliance

Starting in 2019, two significant pieces of legislation, Senate Bill 1421 and Assembly Bill 748, require major changes in how agencies respond to requests for peace officer personnel records. These two statutes allow members of the public to obtain certain peace officer personnel records that were previously available only by filing a court motion.

#### Senate Bill 1421

In an unprecedented step, SB1421 changed the law by granting widespread public access to reports and findings of police officer misconduct that were previously confidential. The law went into effect on January 1, 2019. SB1421 created four new categories of records that the DPA and other law enforcement agencies must now disclose upon request by a citizen via the California Public Records Act or San Francisco's Sunshine Ordinance. The four categories are:

1. The report, investigation, or findings regarding an officer's discharge of a firearm at a person;
2. The report, investigations, or findings regarding an officer's use of force that results in death or great bodily injury;

3. A sustained finding that an officer engaged in sexual assault involving a member of the public; and;
4. A sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.

Notably, DPA must disclose investigation records in categories one and two regarding officers' discharge of firearms or use of force resulting in death or great bodily injury, even if misconduct charges are unsubstantiated. As for categories 3 and 4, sexual assault involving a member of the public and dishonest conduct, the records can only be disclosed if the charges are substantiated.

These changes in the law impose a monumental administrative burden on City agencies like the DPA and all San Francisco law enforcement agencies as they begin to comply with the legal mandate that thousands of records be disclosed in response to requests made by the public. The DPA has investigation-related peace officer personnel records dating to 1983. While some aspects of DPA's records are digitized, the vast majority are paper files and not electronically stored. Additionally, DPA case files are not organized in a manner that falls neatly within the four categories of disclosable records under SB1421. DPA files are categorized by the DPA case number, name of the citizen complainant, and the name of the involved officer, not by type of allegations made against the officer. Therefore, DPA staff must open each case file we possess, both paper and electronic, and review each case to determine if the underlying conduct falls within the four disclosable categories. A further complication is that many of the allegations DPA investigates do not squarely align with the four categories enumerated in the new law based on the language of the allegation alone. For example, if an officer has a sustained allegation of "conduct reflecting discredit on the police department" or "neglect of duty" for writing an inaccurate police report, DPA staff will have to manually review the file and evaluate the underlying conduct to determine if the officer engaged in dishonest conduct within the meaning of the fourth category of disclosable records.

On January 1, 2019, DPA received comprehensive requests for all records disclosable under SB1421 and is currently preparing to manually review both paper and electronic files for approximately 3,000 cases spanning 36 years to determine which cases are disclosable. Thousands of documents and media files are now in queue for individual review and redaction by legal staff redacted.

#### Assembly Bill 748

Effective July 1, 2019, AB 748 will require the release of body-camera footage and audio recordings from critical incidents within 45 days. Those incidents include when officers fire their guns at a person or use force that causes great bodily harm or death. Just like records disclosable under SB1421, the recordings will need careful review and redaction before being released.

Although these changes in state law represent positive steps toward transparent government, compliance with record requests proved costly and burdensome. The DPA anticipates that it will take several years to fulfill the comprehensive requests already received under SB1421. The DPA anticipates that disclosure of its records will benefit the community by increasing transparency and benefit law enforcement stakeholders by providing previously unavailable information and data.

## Audit

Passed in 2016, Ballot Measure G amended San Francisco’s City Charter and empowered the Department of Police Accountability to conduct performance audits and reviews on police officer use of force, how the SFPD has handled claims of officer misconduct, and whether SFPD personnel and management have complied with federal and state law, City ordinances and policies, and SFPD policies.

The DPA engaged the Office of the Controller to conduct a performance audit assessing the adequacy and effectiveness of SFPD’s collection and reporting of use-of-force data. Focusing on calendar year 2017, the audit will evaluate whether SFPD use-of-force data collection and reporting procedures are consistently applied and effectively guide supervisors to objectively assess whether uses of force are reasonable. The audit will also assess whether the SFPD’s reporting on use of force provides easily understood data, and whether the SFPD has implemented the United States Department of Justice’s recommendations on use-of-force data collection and reporting.

In the first quarter, the audit team refined its testing methodology, including surveying the underlying use-of-force data in the SFPD’s systems, reviewing the data’s supporting documentation, and developing an understanding of the data pipeline between the field and public reporting. The audit team conducted 28 interviews with supervising police officers, distributed a survey to sworn officers, performed data integrity testing, and analyzed incident-level documentation of uses of force to identify potential exceptions. The audit team reviewed use-of-force documents, incident reports, and body-worn camera footage for select incidents. The Office of the Controller expects to release the audit report in fiscal year 2019-20.

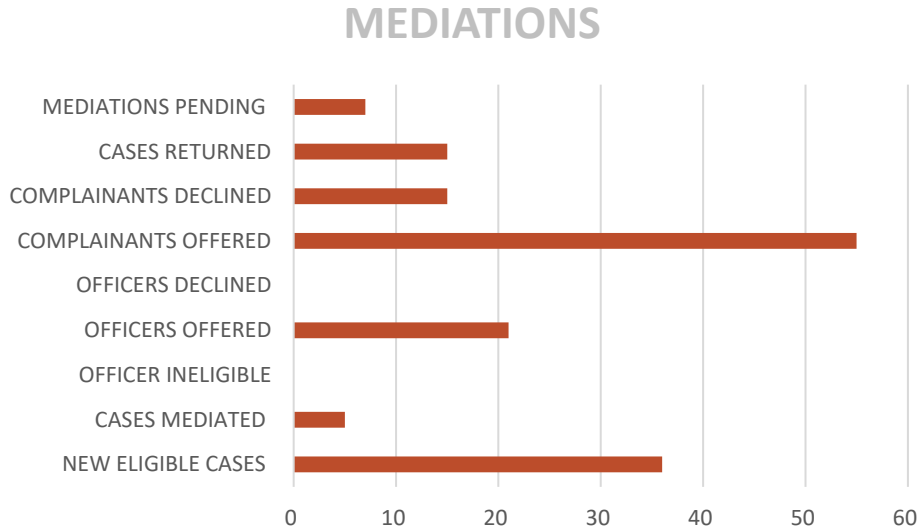
The DPA’s audit requirements differ from the SFPD’s law enforcement reporting requirements under San Francisco Administrative Code 96(a), which required the SFPD to provide quarterly a report to the Mayor, Board of Supervisors, Police Commission, and Human Rights Commission regarding traffic stops, detentions, and arrests.

|                               | SF Admin Code 96(a) & Cal. Gov. Code §12525.5   | DPA Use-of-Force Data Audit   |
|-------------------------------|---|---|
| <b>Purpose</b>                | To identify and prevent racial or identity profiling and discriminatory practices   | Assesses the adequacy and effectiveness of SFPD’s collection and reporting of use-of-force data   |
| <b>Scope</b>                  | Preceding calendar year   | Calendar year 2017  |
| <b>Use-of-Force Reporting</b> | Reports on all use of force conducted by SFPD broken down by: <ul style="list-style-type: none"> <li>• Race</li> <li>• Gender</li> <li>• Nationality</li> <li>• Religion</li> <li>• Sexual orientation of subject(s)</li> </ul> | Analyze SFPD’s use-of-force data by evaluating: <ul style="list-style-type: none"> <li>• Data collection and reporting procedures</li> <li>• Procedures guiding supervisors to assess use-of-force</li> <li>• Data accuracy and reliability</li> <li>• Use-of-force reports for transparency and meeting reporting mandates</li> <li>• Implementation of DOJ-related recommendations</li> </ul> |

***Audits are performed in accordance with the U.S. Government Accountability Office’s Generally Accepted Government Auditing Standards (GAGAS)***

## Mediation

In the first quarter of 2019, a total of 29 cases were evaluated for mediation prospects. Of the 14 cases considered, 5 cases were mediated. This is two more cases mediated than were mediated in the same quarter in 2018.



The mediation team held events throughout the quarter to train stakeholders and increase awareness.

### SFPD All-Hands Meeting

In February, DPA Mediation Director Sharon Owsley and Outreach Manager Danielle Motley-Lewis presented at the SFPD Captain’s Meeting to Command Staff, Captains, Directors and Employee Groups about the DPA’s Mediation program benefits, strategic goals, and shared outreach efforts for 2019.

### Mediation Refresher Training

The mediation team held a Refresher Training for mediators in February. The training covered best practices and provided an overview of how to conduct DPA-specific mediations.

### Mediation of Note

At the request of a resident, an officer issued the complainant a parking citation for double-parking and blocking a driveway in a residential area while dropping her child off at school. The complainant was upset and wanted to mediate the complaint. During the mediation, the complainant acknowledged blocking the driveway and expressed frustration that the City failed to provide adequate parking options in the school zone for students with special needs. During the mediation, the complainant shared that the school requires a parent’s presence to sign her child in and out of attendance. The complainant’s story enhanced the officer and his representative’s awareness of the challenges facing parents and residents in that area. After the mediation, the officer’s representative called the school to bring awareness to the parking issues.

## Operations

The operations team continued working with the DPA's Civic Bridge Fall 2018 cohort partner, Slalom Consulting. The team made progress toward the goal of obtaining a new case management system by publishing a Request for Quotes.

In February, the DPA introduced the first digital Henderson Report, a paperless version of the traditional Morning Report. The Henderson Report lists all new cases and newly identified officers and allegations for existing cases on a weekly basis. Copies of the original complaint forms and allegations are attached.

Unlike the Morning Report, the Henderson report is delivered by email, which will save thousands of printed pages each year.

Our Civic Bridge Engagement ended with a presentation at Civic Bridge Demo Day with Mayor Breed in attendance.



DPA Interns pose for a photo with the director, chief of staff, and the internship program coordinators.

## Staffing

The DPA continued hiring to fill vacant positions. Several attorney, investigator, and administrative staff positions were filled.

### Swearing-In Ceremony

A swearing-in ceremony for investigators and attorneys was held at City Hall.



### Outreach

Establishing a public presence is essential to enabling all San Francisco communities to know about and understand DPA services. At the DPA, we believe that our commitment to extensive and thoughtful outreach has contributed to increased complaints. Throughout the year, DPA staff attend events, host informational booths, and make presentations at various gatherings designed to build community and educate individuals on their rights and resources. A selection of the events that took place this quarter follows:

- Visitation Valley Public Safety Meeting at the Visitation Valley Elementary School.
- Human Rights Commission: Advancing the Dream Career Fair at the War Memorial Building.
- Director Henderson facilitated a conversation with youth advocates about race and disparities in the justice system at the Social Justice Teach-In at Bishop O'Dowd High School.
- Signs and Indicators of Human Trafficking presented by the District Attorney's Office of



Victim Services Division at the San Francisco Main Library.

- Black History Month Celebration.
- DCYF Summer Resource Fairs at the County Fair Building in Golden Gate Park and the SoMa Recreation Center.
- Tenderloin Rec Center Pop Up Summer Resource Fair.
- 2019 Chinatown Street Fair.
- SFPD Cadet Class Academy presentation by the Chief of Investigations on civilian oversight and the complaint process.
- Lunar New Year Celebration at City Hall.
- Betty Ong Rec Center Pop-Up Summer Resource Fair.
- Monthly SFPD Community Meetings at District stations.
- Eureka Valley Recreation Center Pop-Up Summer Resource Fair.
- OFA Government Career Fair at City Hall.
- Director Henderson and attorney Tinetta Thompson went to Tulane Law School's first Black Alumni Weekend, which celebrated the 50th anniversary of Michael Starks, the first Black person to graduate from Tulane Law School. They staffed a Speed Networking event with law students, explained civilian oversight to the students, and encouraged them to apply for internships with our agency.
- The DPA Policy Director and a Senior Investigator attended a school district event to discuss revisions to a memorandum of understanding between the SFUSD and SFPD.
- Mediation and Outreach staff met with Chief of Police William Scott, Lt. William Braconi, Commander Peter Walsh, Lt. R. Andrew Cox and Chief Hector Sainez to discuss collective outreach efforts for 2019, including ensuring DPA forms and brochures are visible and accessible to the public in police district stations lobbies.
- The DPA continued its work with the Government Alliance on Race and Equity (GARE), a national network of government working to achieve racial equity and advance opportunities for all. The Alliance is a joint project of the new Race Forward and the Haas Institute for a Fair & Inclusive Society.

