

City & County of San Francisco  
Department of Police Accountability  
2019 Second 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 second 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 procuring a new case management system, budget development, advancing the progress of the Audit Team, SB1421 record review and production, and agency strategic planning.

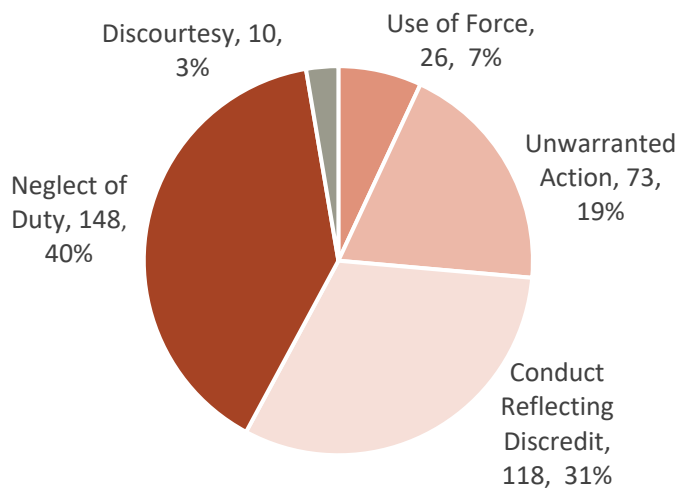
### Department Mission

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 203 complaints of police misconduct, or failure to take action, and closed 177 complaints. In the 203 new complaints, 408 allegations were made against 200 officers. The DPA sustained allegations in 14 complaints against San Francisco police officers, which is a 9% sustained rate<sup>1</sup> for the second quarter and a cumulative 12% sustained rate for the first two quarters of 2019. The DPA mediated 14 cases during the second 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.

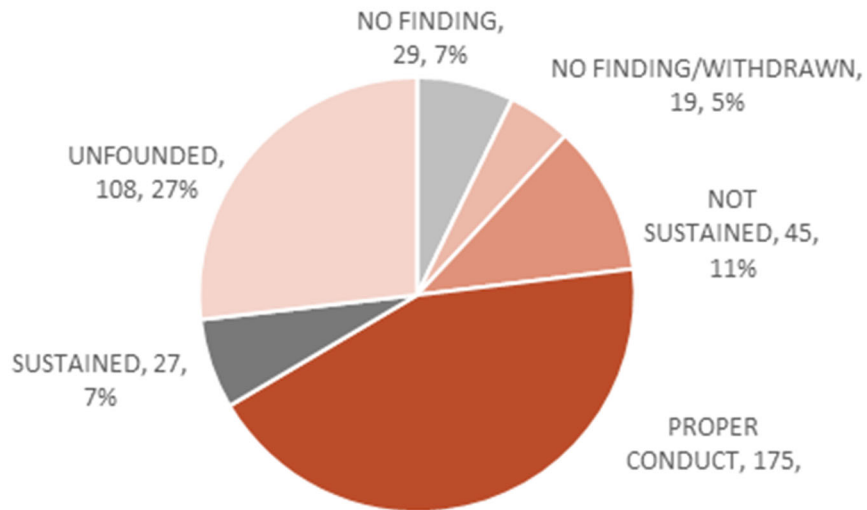
### CONDUCT REFLECTING DISCREDIT

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

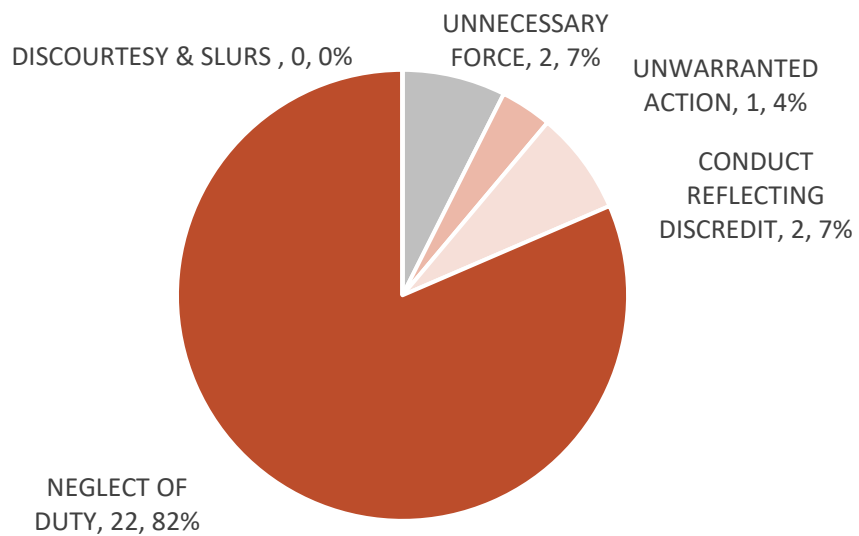
<sup>1</sup> Sustained cases have at least one proven allegation of misconduct or neglect of duty. The sustained rate is the percentage of investigated cases closed with at least one sustained allegation finding. Withdrawals, referrals, and purely informational complaints are not included in the sustained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

Findings

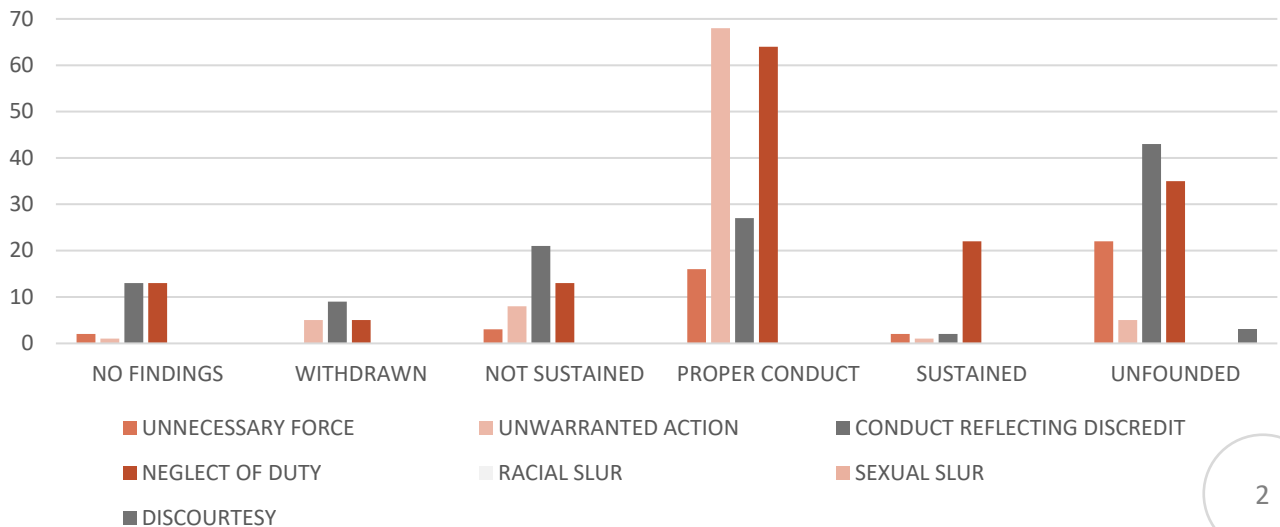
### TOTAL FINDINGS BY TYPE



### SUSTAINED FINDINGS BY ALLEGATION

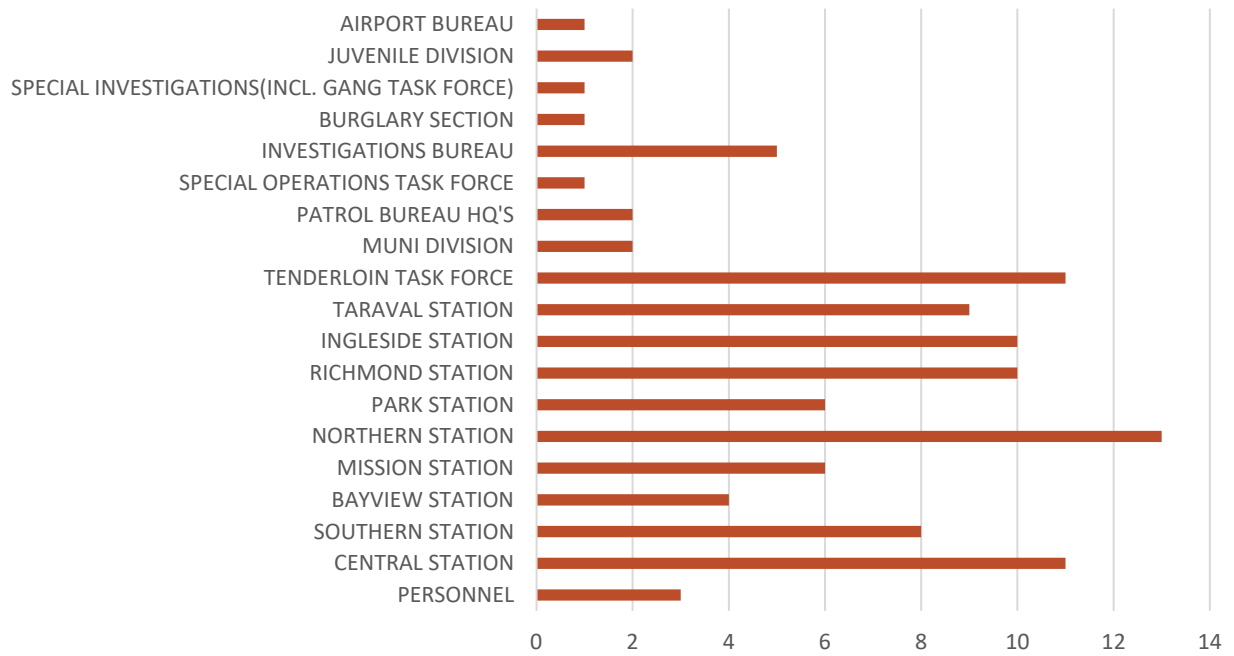


### FINDINGS BY ALLEGATION

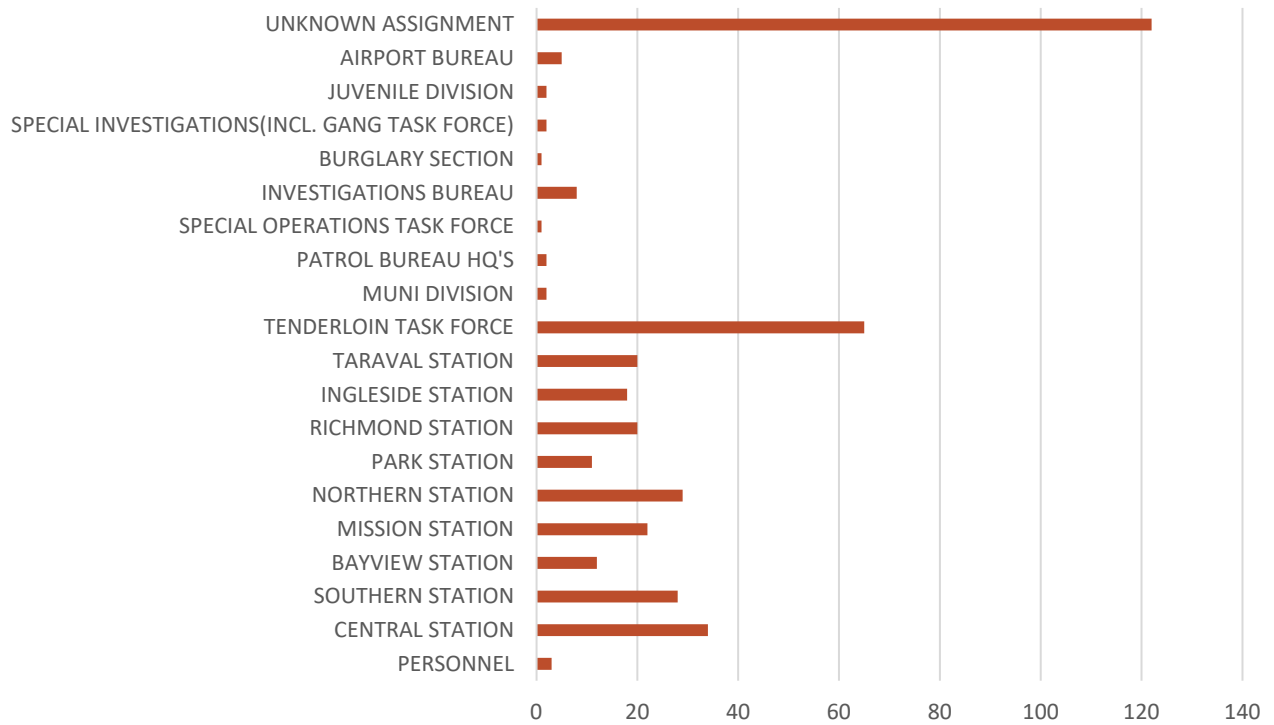


Complaints by Unit

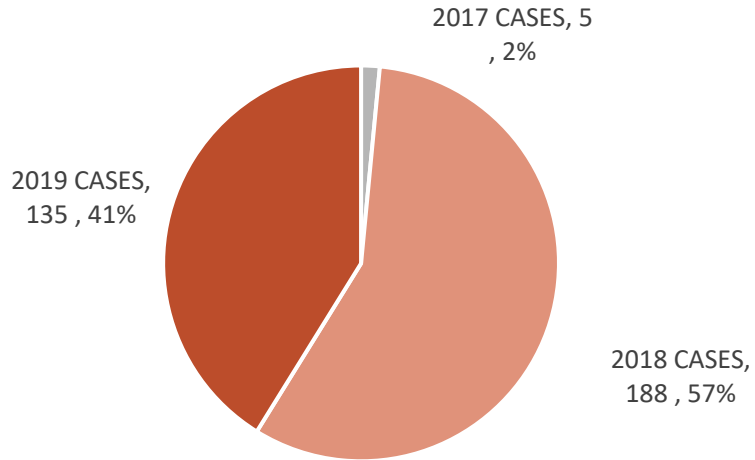
**TOTAL COMPLAINTS BY UNIT**



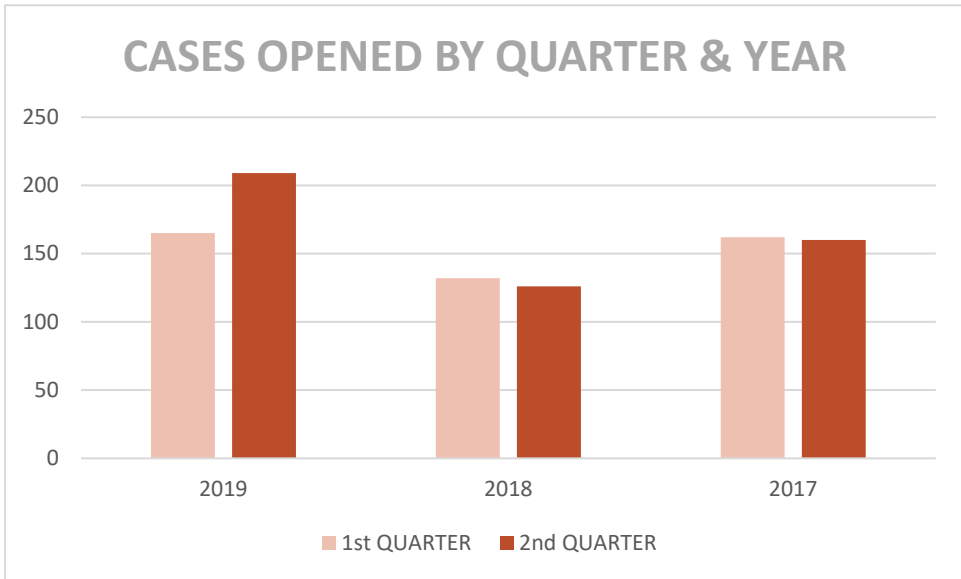
**TOTAL ALLEGATIONS BY UNIT**



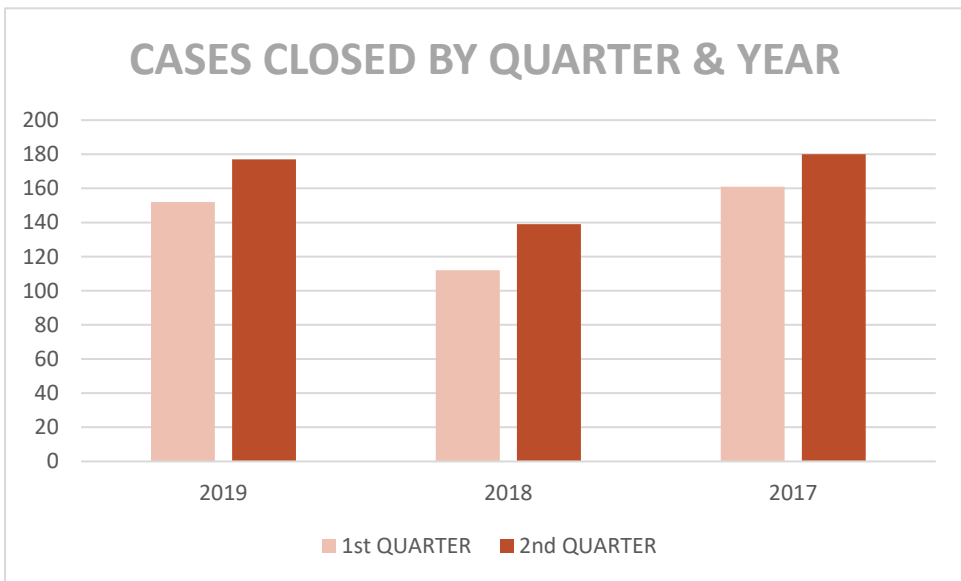
### CASES CLOSED BY YEAR FILED

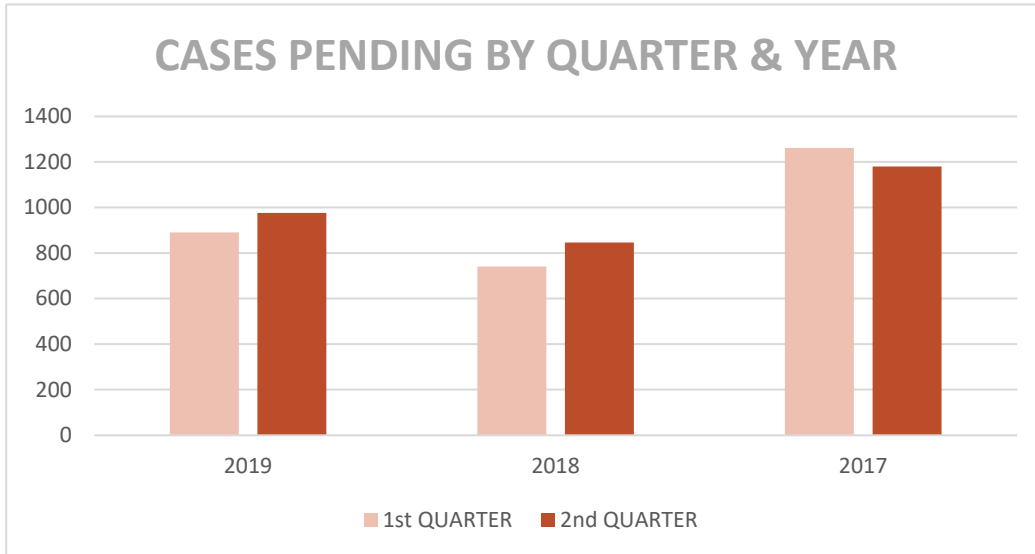


### CASES OPENED BY QUARTER & YEAR

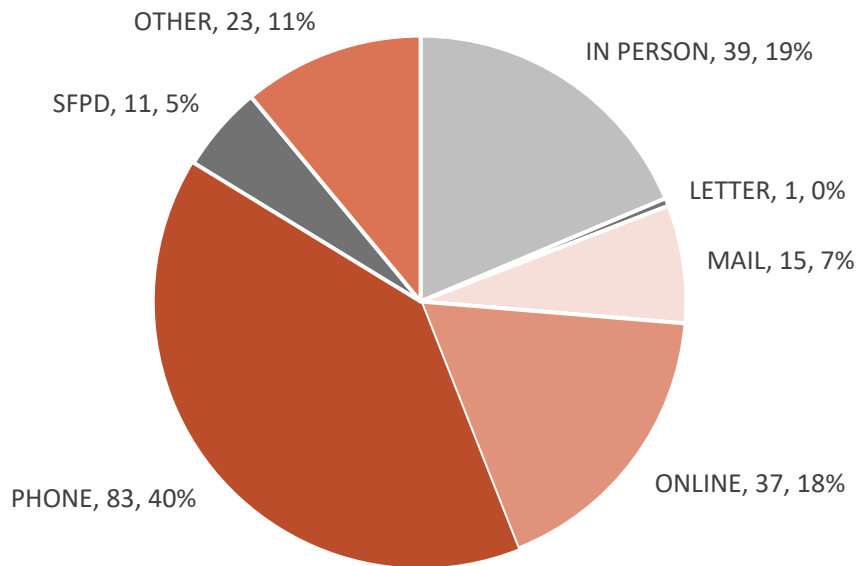


### CASES CLOSED BY QUARTER & YEAR





### HOW COMPLAINTS WERE RECEIVED



Demographics of Officers with Complaints

Gender	Number	Percent
Female	29	12.89%
Male	163	72.44%
Unknown	33	14.67%

Race/Ethnicity	Number	Percent
Asian	38	16.89%
Black or African American	18	8.00%
Hispanic or Latinx	33	14.67%
Unknown	49	21.78%
White	87	38.67%

Age	Number	Percent
20-30	99	44.00%
30-40	62	27.56%
40-50	12	5.33%
Unknown	52	23.11%

Rank	Number	Percent
Officer	158	70.22%
Assistant Inspector	1	0.44%
Sergeant	20	8.89%
Captain	4	1.78%
Unknown	2	0.89%
Other	40	17.78%



Demographics of Complainants

Complainants	Number	Percent
Complainants	206	95.37%
Anonymous	10	4.63%
Total	216	100.00%

Gender	Number	Percent
Female	80	37.04%
Male	92	42.59%
Transgender	3	1.39%
Declined to State	41	18.98%

Race/Ethnicity	Number	Percent
Asian	26	12.04%
Black or African American	42	19.44.00%
Hispanic or Latinx	19	8.80%
White	49	22.69%
Native American/Pacific Islander	0	0.00%
Declined to State	69	31.94%
Other	11	5.09%

Age	Number	Percent
1-13	1	0.46%
14-16	1	0.46%
17-19	2	0.93%
20-30	23	10.65%
31-40	49	22.69%
41-50	39	18.06%
51-60	22	10.19%
61-70	16	7.41%
71-80	6	2.78%
Declined to State	57	26.39%

## Public Record Requests: SB1421 & AB748

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. The DPA continued to devote significant staff hours toward document review and redaction in order to comply with California Public Records Act disclosure requests made pursuant to SB1421.

## 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 the SFPD's policies or practices that enhance police-community relations while ensuring effective police services.

Policy Director Samara Marion and staff attorney Janelle Caywood spearhead the DPA's policy work. Second quarter policy work included DPA recommendations to enhance a proposed Memorandum of Understanding between the San Francisco Unified School District and the San Francisco Police Department. The DPA also released an updated Know Your Rights for Youth in San Francisco brochure. The DPA reviewed and provided suggested revisions to several SFPD manuals and a proposed Department General Order on Community Policing. The DPA participated in SFPD's Executive Sponsor Working Groups that addressed the Department of Justice's Collaborative Reform recommendations concerning bias, use of force, accountability, and the SFPD's Staffing Taskforce.

### DPA's Know Your Rights for Youth Brochure

In May, the DPA released an updated Know Your Rights for Youth brochure (a guide for youth and their parents). The guide is available in English, Spanish, Chinese, Filipino, Vietnamese and Russian <https://sfgov.org/dpa/youth>. The guide explains legal concepts such as *Miranda* rights, consensual contacts with police, detentions, pat searches, and bystander rights. It highlights the newly enacted Jeff Adachi Youth Rights Ordinance which requires that, before custodial interrogation, youth under the age of 18 consult with an attorney, a right that cannot be waived. It explains that the San Francisco Public Defender's Office has an attorney available 24/7 and includes its phone number. Interactions with Immigration and Customs Enforcement are also addressed with useful community resources. The DPA collaborated with the San Francisco Youth Commission, San Francisco Public Defender's Office, the Asian Law Caucus: Asian Americans Advancing Justice, Strategies for Youth, Legal Services for Children, and the San Francisco Immigrant Legal and Educational Network in developing this brochure.

### Recommendations to SFUSD-SFPD Memorandum of Understanding

Additional policy work on youth included the DPA's proposed recommendations to enhance the Memorandum of Understanding between the San Francisco Unified School District and SFPD. In addition to discussions with the SFPD and the SFUSD, the DPA provided suggested revisions to the San Francisco Board of Supervisors' subcommittee hearing on June 28, 2019.

Highlights of the DPA's recommendations:

- Require school resource officers to receive specific training concerning police interactions with youth.
- Include in the MOU that the San Francisco Public Defender is available 24/7 for youth subject to custodial interrogation, the Public Defender’s phone number, and the right to privacy during the phone call.
- Define “exigent circumstances” as an “immediate threat to the safety of the public or officers.”
- Collect data on campus arrests involving parent notification, custodial interrogation, and the ability to speak to an attorney before custodial interrogation.
- Include a provision that interpreters will be provided for Limited English Proficient students and Limited English Proficient parents during interviews, questioning and encounters with police.
- Include SFPD Officers’ requirement to notify parents pursuant to Department General Order 7.01.
- Require—instead of recommend—that SFPD officers notify school officials of their presence and purpose on SFUSD property.

#### DPA Revisions to SFPD Manuals and Community Policing DGO

The DPA also attended the Community Policing Working Group and drafted revisions for the proposed Community Policing Department General Order. The DPA also reviewed and provided suggested revisions to SFPD’s Elder Abuse Manual, Community Advisory Board Manual, and Reserve Manual.

#### DPA Case Resulting in a Policy Failure

During the second quarter, one DPA complaint resulted in a policy failure finding. Department documents indicated that a lieutenant assigned three internal investigations to a sergeant. The same officer was a victim in one of the cases and a suspect in the other two cases. The named sergeant investigated all three cases simultaneously without identifying a conflict of interest. The DPA’s investigation concluded that SFPD’s Internal Affairs Division needs clear written policies and training on identifying and addressing conflicts of interest in internal investigations.

## Sheriff’s Cases

Administrative misconduct investigations for the San Francisco Sheriff’s Department were handled by the DPA’s Special Investigations Unit (SIU). Every SFSD case accepted by the DPA involved multiple named deputies. In June, the SIU attended many of the SFSD CORE classes, which is mandatory training for all new deputies. Jail tours and visits to speak to inmates were conducted. Interviews commenced in July, with approximately 127 interviews conducted by the end of the second quarter, with additional interviews scheduled for October. The DPA also evaluated cases for the purpose of developing policy and training recommendations.

## Audit

The Audit Team<sup>2</sup> continued its data integrity testing, including filing a petition with the Juvenile Court for access to juvenile records. While data integrity testing was ongoing, the audit team developed an interim key issues report on the SFPD’s public reporting on its use-of-force data. The work involved assessing the SFPD’s public use of force reporting against leading practices as identified by reviews of literature and external jurisdiction use-of-force reports.

### Comparison with the SFPD’s 96A Reports

There are significant differences in the purpose, scope, methodology, and outcomes of the DPA’s audit and the reports SFPD produces to fulfill the requirements of the San Francisco Administrative Code, Chapter 96A. The Controller’s Audits Division collects evidence to reach conclusions on the accuracy and completeness of the SFPD’s reported use-of-force data. The DPA’s final audit report will provide objective analysis, findings, and conclusions, contribute to public accountability, and assist management and those charged with governance and oversight in initiating corrective action.

Area	SF Admin Code 96A	DPA Use-of-Force Audit
Purpose	To specify law enforcement reporting requirements	Assesses the adequacy and effectiveness of SFPD’s collection and reporting of use-of-force data
Scope	Quarterly	Calendar year 2017
Use-of-Force Reporting	Reports on all uses of force by SFPD broken down by: <ul style="list-style-type: none"> <li>• Race/Ethnicity</li> <li>• Age</li> <li>• Gender Identity</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’s recommendations</li> </ul>
Benefits	Compliance with Admin Code	<ul style="list-style-type: none"> <li>• Provides objective analysis, findings, and conclusions</li> <li>• Assists management and those charged with governance and oversight</li> <li>• Facilitates decision making by parties responsible for overseeing or initiating corrective action</li> <li>• Contributes to public accountability</li> </ul>

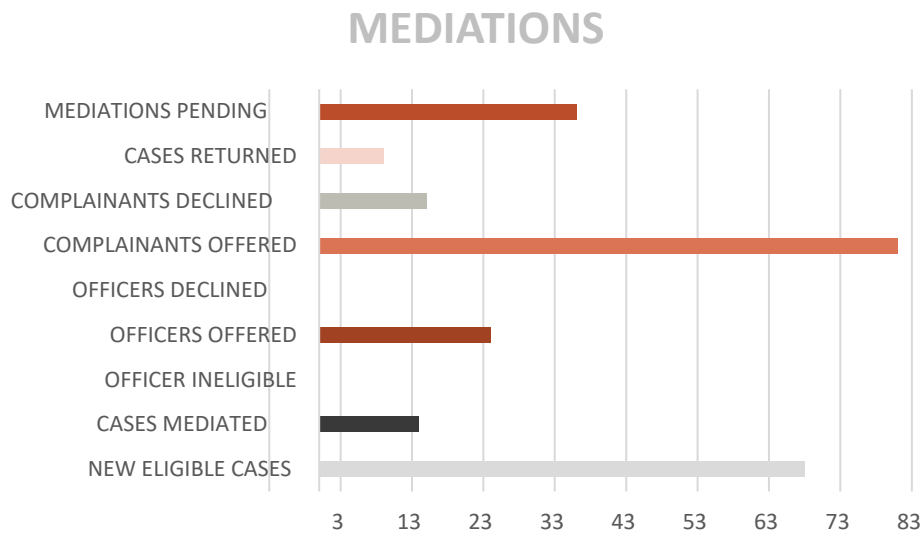
<sup>2</sup> To fulfill the requirement of the San Francisco Charter, Section 4.136(k), the DPA engaged the Office of the Controller (Controller) to audit the collection and reporting of use-of-force data by the San Francisco Police Department (SFPD).

## Mediation

In the second quarter of 2019, a total of 40 cases were evaluated for mediation prospects. Of the 31 cases considered, 14 cases were mediated. This is 11 more cases than were mediated in the same quarter in 2018.

The mediation team presented an overview of the DPA’s mediation program at nine District Stations. The district station roll-call outreach encouraged at least one Sergeant to suggest a case for mediation.

The mediation team also hosted a training seminar for new mediators in May.



## Strategic Planning

The DPA engaged with Slalom Consulting to create an agency strategic plan. The strategic plan initiatives include improvements in efficiency, goal setting, leveraging technology, and expanding the mediation program. Refining and developing mission and vision statements is a basic component of strategic planning. The DPA refined its mission statement to include auditing. The vision statement focuses on goals for the future.

### Mission Statement

The Department of Police Accountability (DPA) 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.

### Vision Statement

As a national standard for effective and independent civilian oversight of law enforcement, the DPA is:

- Accessible, transparent, and engaged with community members

- Trusted and credible with a strong reputation for providing high quality, independent, and timely investigations and audits
- A balanced reporter of evidence-based information related to law enforcement accountability

### Deliver Excellence

Invest in DPA's professionals, continually building capability and evolving internal processes to deliver excellence in execution of our mission

### Strengthen Relationships

Build a transparent, trusted, and credible relationships with the community and law enforcement

### Leverage Data to Drive Decisions

Improve DPA's ability to capture and leverage data to drive evidence-based decision making

### Improve Enabling Tools and Processes

Continuously identify and improve tools and processes to realize greater efficiency in our operations

## Operations

Slalom consulting performed business analysis and worked to create the DPA's new Salesforce-based case management system.

## Budget

In the spring of 2019, the Department of Police Accountability worked closely with the Mayor's Office of Public Policy and Finance and the Board of Supervisors' Budget and Finance Committee to reach a balanced departmental budget for the next two fiscal years. The DPA presented the Mayor's Proposed Budget to the Budget and Finance Committee on June 13, 2019, and reappeared to confirm agreement with the Committee's recommendations on June 20, 2019.

## Staff Development & Training

Former Police Commission President Suzy Loftus visited the DPA to explain Commission procedures.





## Internship Program

The DPA's Summer Intern Program is a professional development program designed to build and foster legal and professional skills. The program lasts 10 weeks and incorporates community outreach, legal analysis, the intersection of the public and private sectors, exposure to San Francisco's own diverse legal community and community partners, and academics to build a foundation



for San Francisco's future workforce. The DPA works closely with other City agencies and partners to expose its interns to the different landscapes of government and private sector careers. The DPA's interns have unique advantages. They are given basic workforce training from Dressing for Success, resume building, and the opportunity to present to the Police Commission. This summer, the interns read and analyzed current and prevalent works, such as *Biased* by Dr. J. Eberhardt. DPA program coordinators facilitated a discussion on how the book relates the DPA's work in the community and the potential for change. The DPA's internship program is unique and ever evolving, where interns help change and affect policy regarding police accountability. Summer 2019 interns included three seniors and one junior from San Francisco State University, one junior from University of San Francisco, a first year student from U.C. Hastings College of the Law, a second year student from Rutgers Law School, and a second year student from Golden Gate School of Law. A policy intern from UC Berkeley's Goldman School of Policy worked independently on a policy project related to civilian oversight.



## 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:

- The DPA’s policy director, Samara Marion, attended Chief Scott’s and Dr. Jennifer Eberhardt’s discussion on *Confronting Implicit Bias* at the Jewish Community Center of San Francisco. Many community stakeholders from the Bias Policing executive-sponsored working group attended as well. Dr. Eberhardt read from her newly released book *“Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do”* and Chief Scott and Dr. Eberhardt took questions from the audience and talked about the challenges of bias and police reform.
- DPA staff met with the San Francisco Youth Commission to finalize the materials for the DPA’s Youth Know Your Rights Initiative.
- DPA staff gave several Know Your Rights presentations: to a group of young adults (18-24) at the San Francisco Conservation Corps, to a small group of community members at the Golden Gate Valley Library, at the San Francisco Main Library African American Center, and at The Village in Visitacion Valley.
- The DPA Outreach Manager and YCD Fellow Elijah Dale delivered brochures to nine SFPD District Stations, including the San Francisco International Airport.
- DPA staff hosted an informational booth at the San Francisco District Attorney’s Beacon of Hope Victims’ Rights event at the Embarcadero Center.
- Chief of Staff Sarah Hawkins was a panelist at the Youth Advocacy Day panel on Community Safety: Policing and the Public. The panel was part of an all-day event committed to youth empowerment and civic engagement for San Francisco’s youth. During the event, high school students had the opportunity to meet with city leaders and public officials to share their thoughts, concerns, and questions about issues they care about as youth.
- Black to the Future Family Fun Day at the Malcolm X Academy.
- Sunday Streets in Golden Gate Park.
- DPA’s Policy Director Samara Marion, DPA Attorney Tinnetta Thompson, and several DPA interns attended SFPD’s 5th Annual Crisis Intervention Team (CIT) Awards ceremony on Thursday, June 13, 2019. SFPD officers were awarded for using their CIT skills to resolve high-risk incidents with minimal or no use of force. DPA is a founding member of the CIT Working group that has been meeting monthly since 2011 to implement and support SFPD’s Crisis Intervention Team’s responses to behavior health crisis calls and services.



DPA staff showing support for the Golden State Warriors





- DPA staff hosted an informational booth at the Juneteenth Festival in the Fillmore District.
- Staff attorney Newton Oldfather attended a hearing on a memorandum of understanding between the SFUSD and SFPD. The DPA presented at Supervisor Safai's hearing on the progress of the SFUSD-SFPD memorandum of understanding in light of an incident at Balboa High School in August 2018. Staff provided updated Know Your Rights for Youth and Parents brochures that include information about the City's newly adopted ordinance for youth 17-years-old and younger who are subjected to custodial interrogation.
- 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.
- Staff members marched with the Mayor's contingency in the San Francisco PRIDE parade and staffed informational booths at the two-day PRIDE celebration.

