



LONDON BREED  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**Department of Police Accountability**

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PAUL DAVID HENDERSON  
EXECUTIVE DIRECTOR

February 26, 2021

Hon. Malia Cohen, President  
Hon. Cindy Elias, Vice-President  
Members, San Francisco Police Commission

**Re: Department of Police Accountability's 4th Quarter 2020 Policy Work  
Sparks Report**

Dear President Cohen, Vice President Elias, and Commissioners:

This letter provides an overview of the Department of Police Accountability's 4th Quarter 2020 policy work.

**4<sup>th</sup> Quarter 2020 Policy Work**

During the 4th Quarter 2020, DPA received four new SFPD Department General Orders for review and recommendations. DPA provided recommendations and discussed 15 DGOs, which encompassed 53 recommendations. SFPD accepted 31 of the 53 DPA recommendations. The remaining recommendations were discussed during the three monthly SPARKS meetings (as well as several special meetings) between DPA and SFPD during the 4th quarter 2020.

DPA also reviewed and collaborated with SFPD on a number Department Bulletins, including issues such as carrying of secondary firearms, grooming standards, and search warrants involving Shield Laws.

Highlights of DPA's 4th Quarter 2020 policy work include:

**A. Finalizing Post Concurrence Discussions on DGO 6.09 – Domestic Violence  
DGO and Manual**

Since 2016, DPA worked along side members of a community based working group and SFPD to revise the Domestic Violence DGO and create the first Manual for the Department. In the 4<sup>th</sup> quarter 2020, this work came to fruition. Extremely hard work between our community partners and SFPD resulted in a strong collaboration and an excellent finished product. Accessing equal accountability for sworn members for both the DGO and manual was essential, allowing the working group to move forward with this important work. During Q4, our discussions were finalized and the DGO and Manual were forwarded to the Commission for approval.

## **B. Proposed Language for DGO 5.03 Investigative Detentions- Standard for a Pat Search**

**CONDUCTING A PAT SEARCH.** Members may conduct a pat search for weapons when:

- (1) the person is lawfully detained for an investigative purpose, and
- (2) the officer has specific and articulable facts causing them to believe the suspect is armed and dangerous.

The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent person would be warranted in the belief that the officer's safety, or that of others, was in danger.

If conditions (1) and (2) are met, the officer may perform a carefully limited search of a person's outer clothing for weapons, i.e., a pat search, whether or not the officer has probable cause to arrest. The pat search must be limited to that which is necessary for the discovery of guns, knives, clubs, or other hidden instruments which might be used to harm the officer or others nearby.

## **C. Provided Recommendations for SFPD Bias Strategic Plan - Bias in the Workplace (ESWG-Bias)**

DPA provided 12 recommendations for the Bias Strategic Plan – Bias in the Workplace subgroup including:

- (1) The needed inclusion of police officers of color who are underrepresented in this sub-working group. The DPA recommends that at a minimum, Officers for Justice SF, as well as Asian, and Latino officers be afforded an opportunity to provide valuable input since people of color are among the most affected by workplace bias.
- (2) DPA recommends that the following sentence be removed because minimization and denial of past problems creates mistrusts with members in protected classes and the community: "While members of the working group are aware of publicly reported incidents that cast SFPD culture in a specific and negative light, the goal of this strategic plan is not to focus on past missteps but to chart a vision for where the organization would like to be in the future." Instead, the DPA recommends that the Department openly state that implementation of the Strategic Plan is essential due to the Department's past bias problems, including a) the racist, homophobic, misogynistic text message scandals by multiple SFPD officers; b) the DHR trainer's concerns about specific instances of bias he observed within SFPD while conducting trainings; and c) US DOJ's findings about SFPD conducting disproportionate stops of

Blacks and Latinos. The Strategic Plan currently acknowledges that biased treatment toward members of the public may shed light on bias in the workplace so the DOJ's recommendations on bias in search and seizures should be mentioned. It does not make sense to address the bias problems in the 1970s on page 1, and then sidestep more current bias problems that the Department is attempting to address with its Strategic Plan. Real change requires an honest accounting of the past.

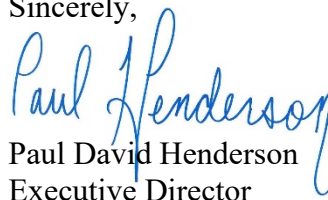
- (3) The DPA recommends that page 10 include a final section entitled "Review and Monitoring" in lieu of "Ongoing Review." In that section, the Department should identify a unit, such as Professional Standards, which will monitor the Department's compliance with these recommendations as a second layer of assurance that Department processes are performing as intended. As a third layer of assurance, it is recommended that the Department state in its Strategic Plan that it will bring in external organizations such as DPA, DHR, HRC, to assess the quality of the initiatives that result from these recommendations.
- (4) The DPA recommends that SFPD ensure that its recommendations are data-driven. It is recommended that in its Strategic Plan, the Department commit to working with experts in bias such as Dr. Jennifer Eberhardt, Dr. Lori Fridell, US DOJ, Cal. DOJ and Hillard Heinze (HH) to address institutional practices/systems that fail to recognize, permit and/or foster bias. The DPA recommends that Cal DOJ and HH be afforded an opportunity to review and provide input on this draft.

**D. Creation of an SFPD / DPS DGO Tracking SharePoint Document**

SFPD and DPA created a SharePoint document to allow both Departments to track and update the progress and status of the DGO revision process.

Beyond these highlights, DPA has worked to provide recommendations to the new DGOs provided by the Department. We continue to have monthly SPARKS meetings as well as special meetings when specific issues need to be addressed individually. As an attachment, we have provided a grid to identify the scope of work completed in Q4 2020 during SPARKS meetings.

Sincerely,



Paul David Henderson  
Executive Director

SPARK Meetings: 4th Quarter

DGO	DESCRIPTION	DISCUSSION	RESULT
1.03	Duties of Patrol Officers	Request SME	
1.05	Duties of Station Personnel	SME on DPA Recommendations	To Concurrence
2.04	Citizen Complaints for Officers	Amend DGO to Allow for EMAIL Transmissions of Station Complaints	On-Going Discussion about Process
2.07	Discipline Process for Sworn Officers	SME on DPA Recommendations	To Concurrence
2.08	Peace Officer's Rights	Discussions	To Concurrence
5.04	Arrests By Private Persons	Final Discussion	To Commission
5.07	Rights of On-Lookers	Discussion	To Concurrence
5.08	Non-Uniformed Officers	SME on DPA Recommendations	To Concurrence
6.04	Assault on Police Officers	Requested SME	
6.09	Domestic Violence and Manual	Discussion with COP – SPARKS II	To Commission
8.01	Critical Incident Response Team	SME on DPA Recommendations	To Concurrence
8.02	Hostage and Barricaded Suspects	SME on DPA Recommendations	To COP for SPARKS II
10.02	Equipment	DB on Secondary Firearms	To Commission
11.08	Grooming	Discussion	To Concurrence
11.11	Evaluation and Rehabilitation Programs	Discussion	To Commission