



DPA

San Francisco Department of Police Accountability

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Executive Director

August 27, 2020

Hon. Damali Taylor, Vice-President
Members, San Francisco Police Commission

**Re: Department of Police Accountability's 2nd Quarter 2020 Policy
Work – Sparks Report**

Dear President Taylor and Commissioners:

This letter provides an overview of the Department of Police Accountability's 2nd Quarter 2020 policy work.

2nd Quarter 2020 Policy Work

During the 2nd Quarter 2020, DPA submitted to SFPD suggested revisions to fifteen (15) SFPD Department General Orders and made over two hundred and one (201) policy recommendations to the SFPD Department or Police Department.

Highlights of DPA's recommendations include:

DPA Recommendations to Enhance SFPD's Department General Order Revision Process

- In 2016, the United States Department of Justice found that SFPD's Department General Order are outdated (many from 1994), do not reflecting current policing practices, and need to be updated to align with current laws and statutes, community expectations, and national best practices every three years.
- Almost four years later, most of SFPD's 119 DGOs still need to be revised and SFPD has yet to publicly announce its revision schedule.
- DPA made several recommendations to enhance the Police Commission's Proposed Resolution to address SFPD's DGO revision including:

- 1) Require SFPD to post publicly (for Commission and community) its schedule for updating all outstanding DGOs including dates SFPD will commence the

revisions, deliver the revisions to DPA, enter the revisions into concurrence and present them to the Commission.

- 2) Require SFPD to provide the Police Commission monthly updates on the progress of DGO revisions as well as the status of any proposed DGO either submitted to SFPD for review or initiated by SFPD.

Two key DPA recommendations to SFPD's 1994 Department General Order on Psychological Evaluations of Adults (DGO 6.14) include:

1. **Incorporate Provisions That Enables in Appropriate Cases for A Mental Health Response Instead of Police Response.** DPA suggests that SFPD develop a protocol concerning police disengagement that should be incorporated into DGO 6.14 to address calls for service where SFPD respond, determine no threat to others or the public exist (such as a suicide), and that a mental health response such as Mobile Crisis Support should assume responsibility for the call, including the 5150 assessment, determination of services, transportation etc.
2. **Incorporate Provision That Enables SFPD to Respond with DPH Clinicians to Mental Crisis Calls.** DPA suggests that SFPD develop a protocol with the Department of Public Health that enables DPH clinicians to respond with SFPD officers on behavior health crisis calls so that a DPH clinician can provide an assessment, determine appropriate services, and arrange most clinically appropriate transportation as necessarily. SFPD-DPH's current MOU provides for DPH clinicians to assist SFPD officers though it does not explicitly provide for DPH clinicians and SFPD officers to respond together to calls for service. Numerous counties such as Los Angeles and Santa Clara have a co-responder model.

Bystander DGO (5.07)

DPA recommended that SFPD's 1995 DGO 5.07 entitled Bystander's Rights be updated to include First Amendment protections that protect individuals' rights to observe, photograph and record the police and the Fourth Amendment right to retain the recorded material free from government intrusion.

Awards DGO (DGO 3.09)

To ensure that an award arising from an officer-involved shooting is based on exemplary conduct, avoids any conflict of interest for the Police Commission, and maintains the integrity of the disciplinary and award process, the DPA urges an award nomination process that requires regardless of the age of the shooting:

- 1) completion of both SFPD and DPA's administrative investigations,
- 2) Firearm Discharge Board's review and finding of in policy; and
- 3) no pending Police Commission charges arising from the officer-involved shooting.

DPA Recommendation that SFPD Develop a Policy of Disengagement Immediately

DPA recommends that SFPD develop a written policy of disengagement to address circumstances where police engagement is no longer needed or where resuming police engagement in a different manner would be more consistent with police or public safety goals.

Former Washington, DC Metropolitan Police Chief Cathy Lanier addressed how a disengagement policy provides officers more options for safely resolving incidents. Using the Sandra Bland case as an example, Chief Lanier commented:

In the training of our officers and our policy, we have to be able to give officers options. For example, in a traffic stop that starts to go really wrong, like the Sandra Bland case, once you get into that confrontation to enforce an arrest, when things are that excited, the chances for things to go wrong...are pretty high. So we need to teach officers that it's OK in a scenario like that to step back. You've got the person's information, you have the driver's license, you have the tag number, so you can get a warrant and make an arrest later." Guiding Principles on Use of Force. Police Executive Research Forum (March 2016), page 39.
<https://www.policeforum.org/assets/30%20guiding%20principles.pdf>.

Early Intervention System

DPA recommends that SFPD adopt an evidence-based, data-driven EIS system in lieu of the current outdated and wholly ineffective "threshold" system.

Field Training Officer Program

- **Review of Incidents Involving Field Officer Trainees and Field Officer Supervisors**
In light of two officer involved shootings involving SFPD trainees who were under the supervision of Field Training Officers at the time of the incidents, DPA recommends a robust review process involving SFPD's Field Tactics and Force Options Unit and DPA that analyzes the trainee's and FTO's decision-making and tactics in light of SFPD's training, policies and procedures and makes written recommendations as to individual officer conduct as well as training and policy suggestions for the field training program, Academy training and SFPD as appropriate.


DPA Recommendations to Fix SFPD's Complaint Log System at District Stations That Fails to Provide DPA Complainant's Name, Contact Information and a Copy of the Complaint in a Timely Manner

- US DOJ Recommendation 58.1 required SFPD to institute a tracking system at the district stations to ensure that civilian complaints received at district stations are forwarded properly and in a timely manner to DPA.

- The complaint log which SFPD instituted did not document whether the officer memorialized a complaint or received a written complaint from a complainant, the complainant's name or contact information. Nor does it instruct officers to email by the end of the officer's watch a copy of the DPA complaint to DPA.
- DPA recommended that SFPD's complaint logging system provide the name and contact information of the complainant, document SFPD's receipt of the complaint or memorialization of the complainant's complaint, and e-mail the DPA complaint before the officer's end of watch as required by DGO 2.04.

Thank you for your continued support in advancing the policy work of the Department of Police Accountability.

Sincerely,



Paul Henderson
Executive Director