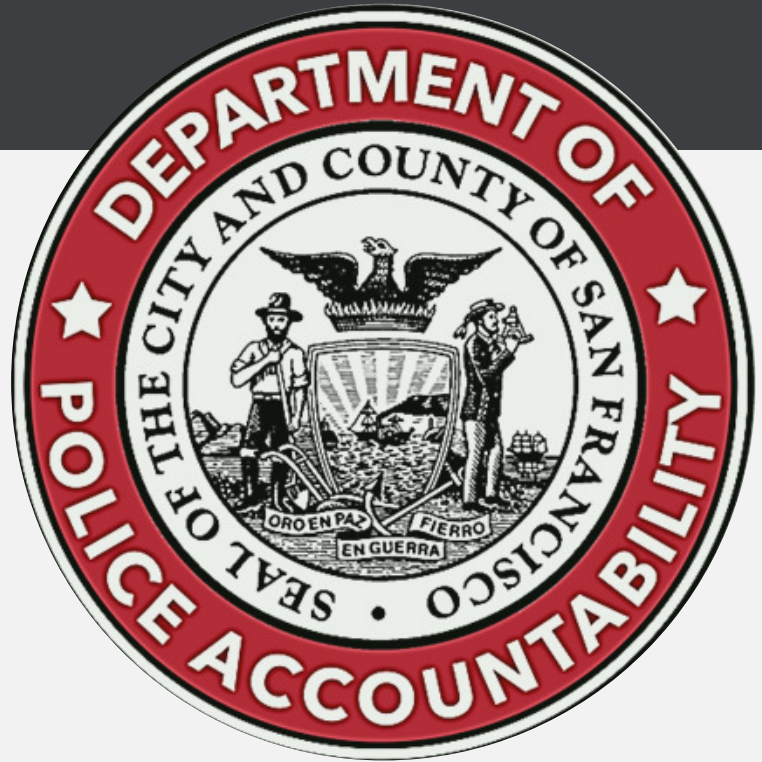


Department of Police Accountability

2nd 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

Acting President Damali Taylor and Members, the San Francisco Police Commission

San Francisco Police Chief William Scott

2020

TABLE OF CONTENTS

Summary

3

Investigations

4

Findings

5

Mediations

11

Policy

13

Outreach

15

Intern Program

16

SB 1421

17

Audit

18



OUR RESPONSE TO THE DEATH OF GEORGE FLOYD

The murder of George Floyd was a harrowing violation of the sanctity of human life. It was a stark reminder of the institutional racism and discrimination in our country, and the disproportionate impact that police brutality has on communities of color. The Department of Police Accountability mourns the loss of George Floyd and stands with the community during this troubled time.

As a civilian oversight agency, we have an important role to play and we take that role seriously. It is our mission to promptly, fairly, and impartially investigate complaints against San Francisco police officers, make policy recommendations regarding police practices, and conduct periodic audits of the San Francisco Police Department. We pledge to serve the community, to continue fulfilling our mission, to hold officers to account, and to strive to modernize police practices to prevent any further members of the community from being victims of misconduct.

San Francisco has been a leader in police reform. We have already instituted the policies put forth by the #8cantwait movement. But, there is more work to do locally and nationally. We are leaning in to do that work and invite you to join us and share your ideas as we create change.

Investigations

The DPA received an adjusted total of 232 complaints of police misconduct and closed 203 complaints. In the 232 new complaints, 435 allegations were made against 305 officers. The DPA proved misconduct in 7 complaints against San Francisco police officers, which is a 5% Improper Conduct (Sustained) rate. The DPA mediated 9 cases during the second quarter.

Spotlight: Cases

The DPA received a complaint about an officer placing her knee on an individual's neck while also holding down the individual's head with her right hand. The officer pressed her knee against the young man's head/neck and he was struggling for air.

The DPA investigated several complaints that officers wore "Thin Blue Line" face coverings.

The DPA continued to investigate several officer-involved shootings.

Complaint



Call: 415.241.7711

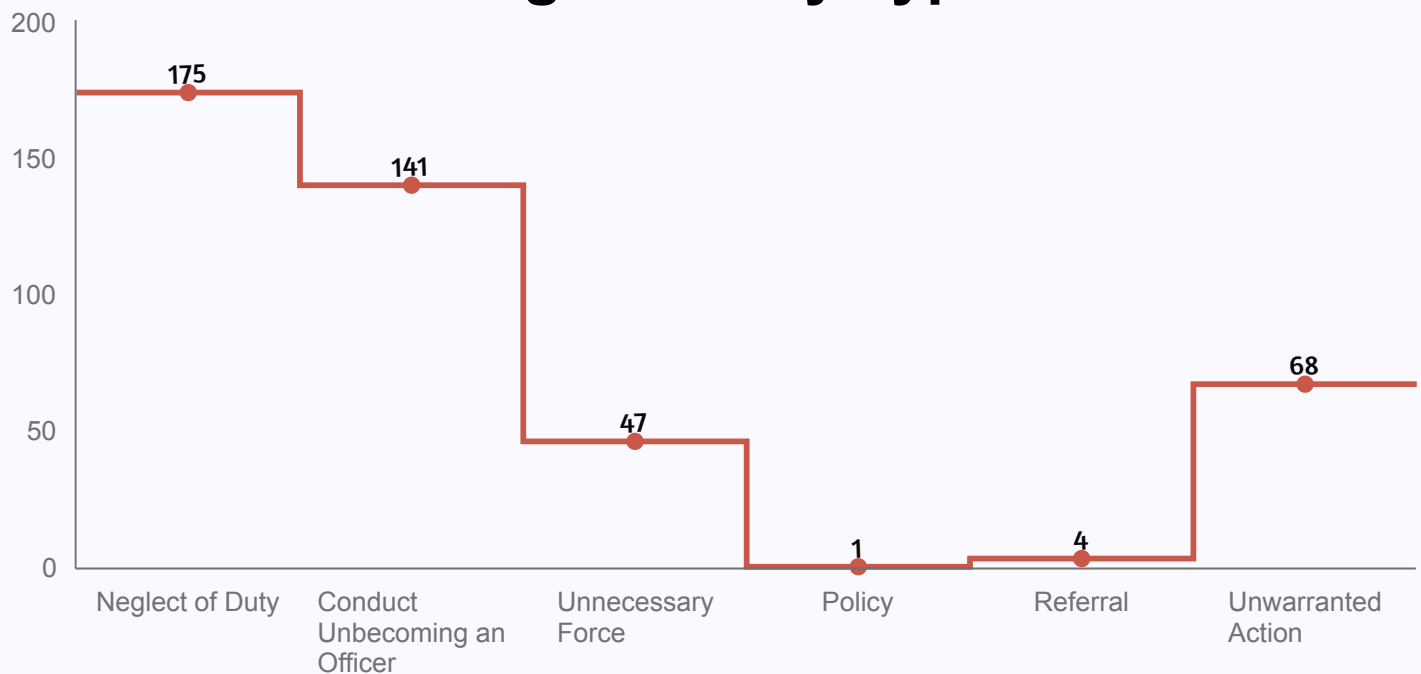
Online:

<http://bit.ly/DPAComplaint>

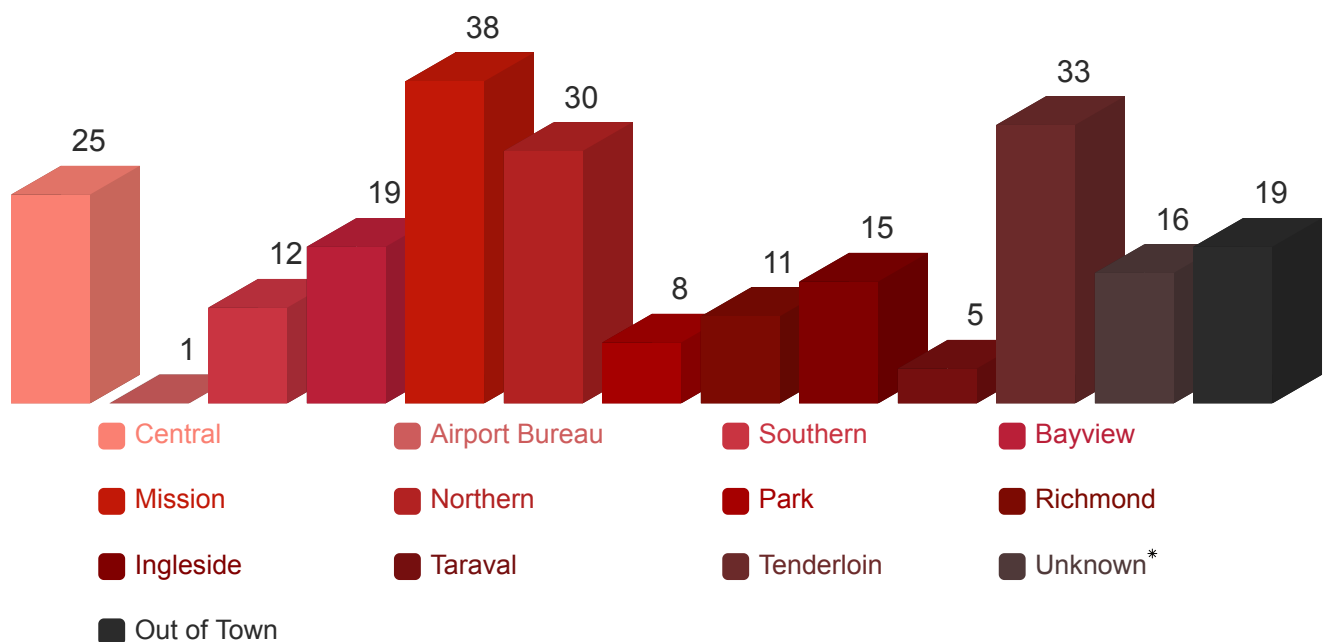
Mail: 1 S. Van Ness Ave,
8th Floor SF, CA 94103

Findings

Allegations by Type



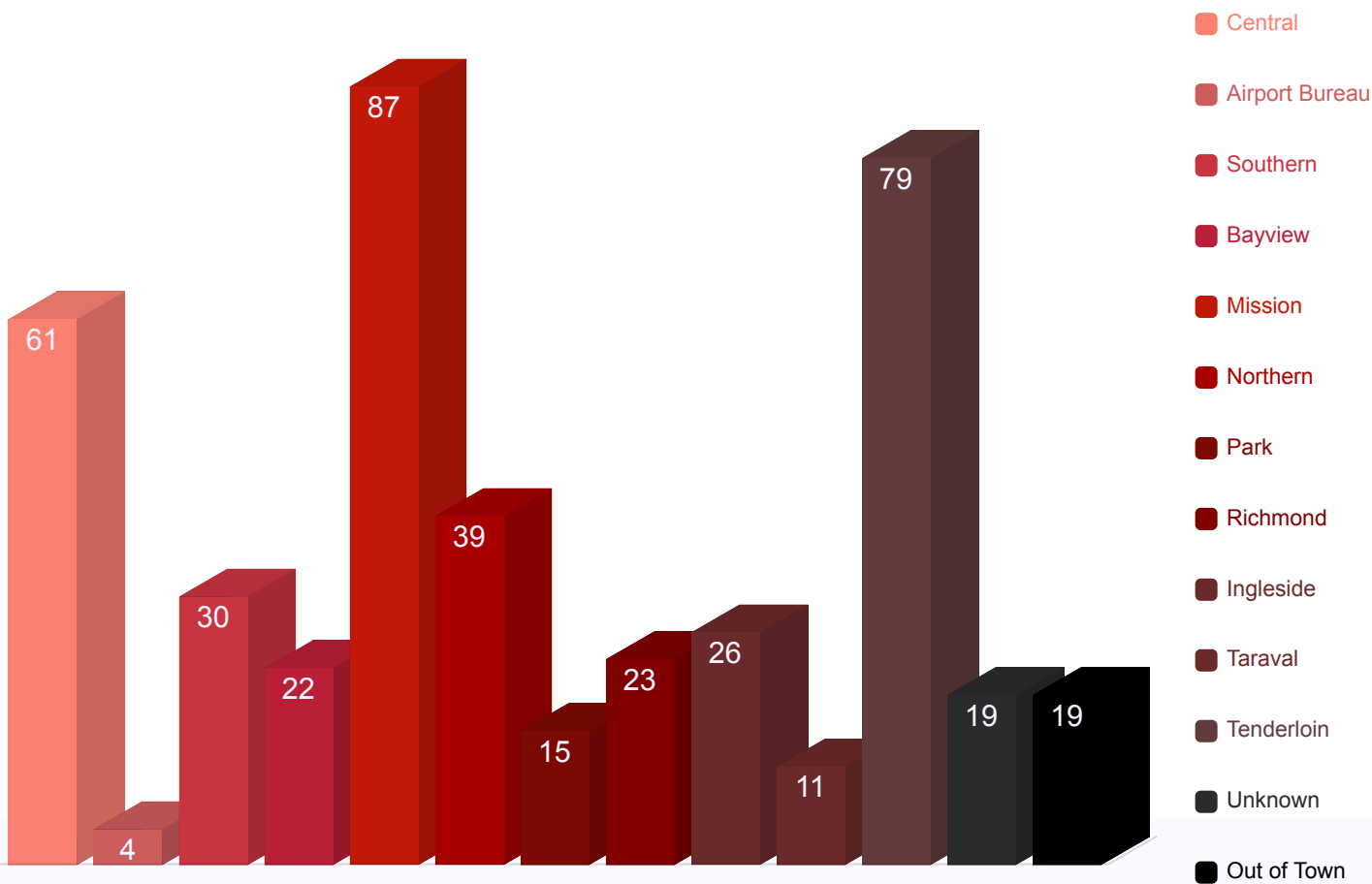
Complaints by District



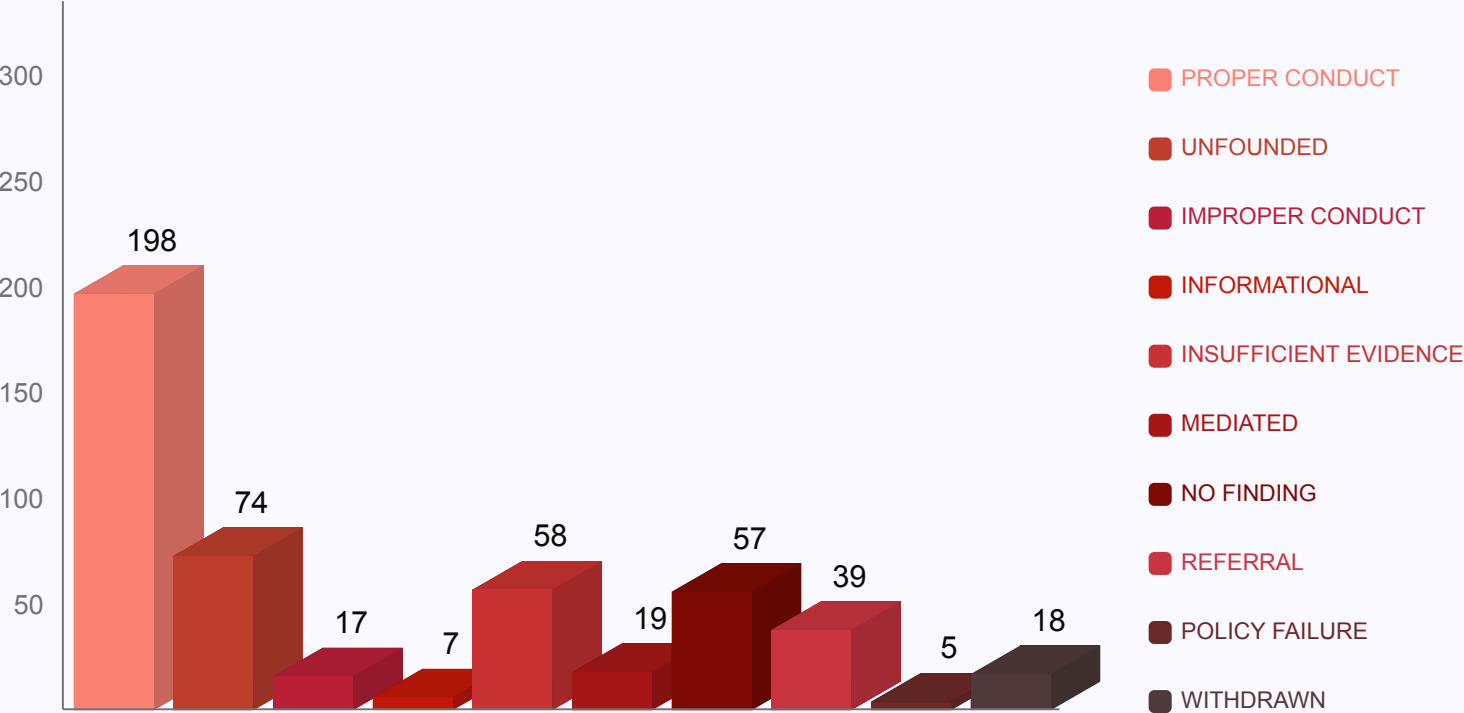
The DPA was unable to identify the officer through reasonable investigative steps.

Findings

Allegations by District

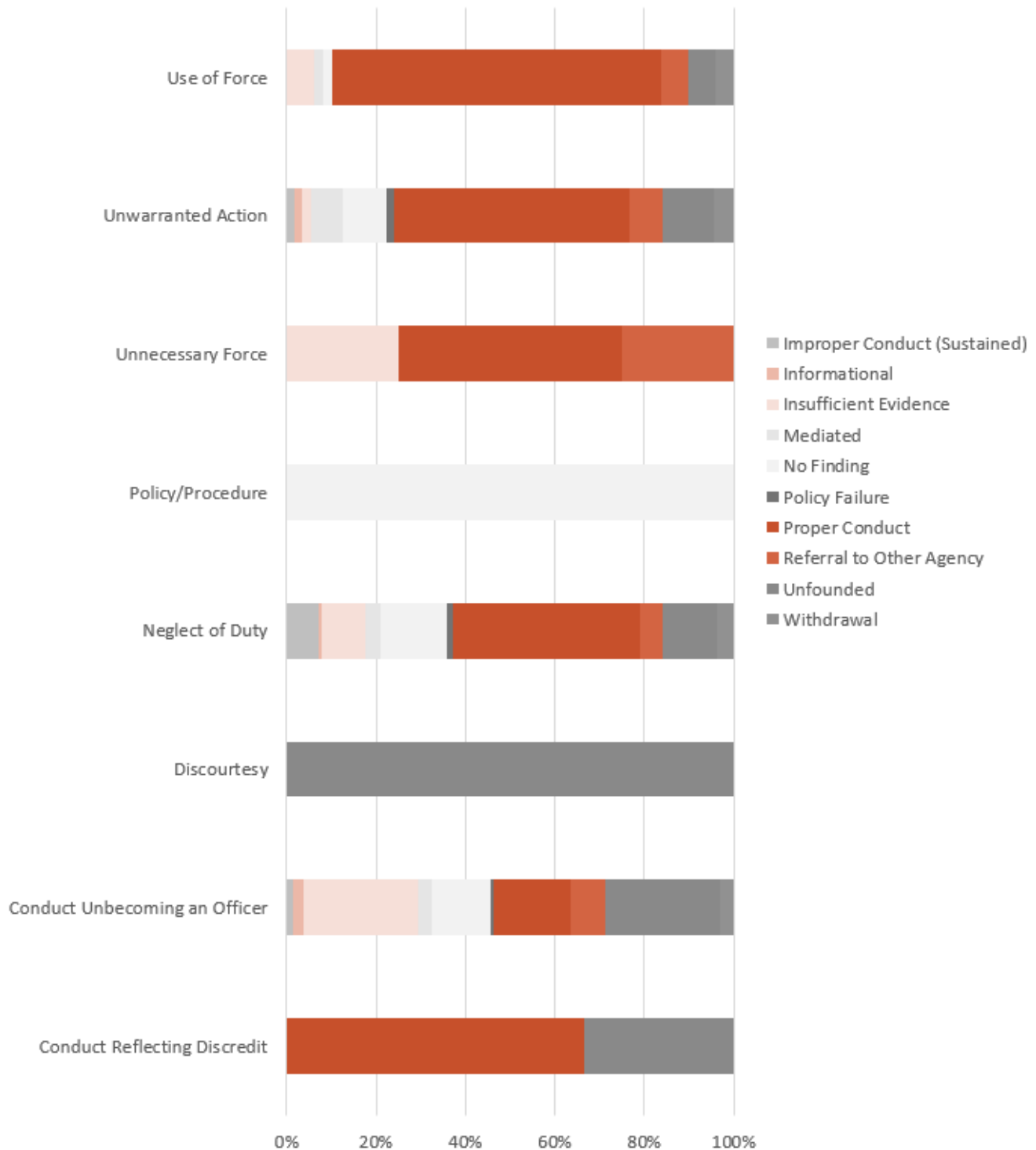


Case Findings



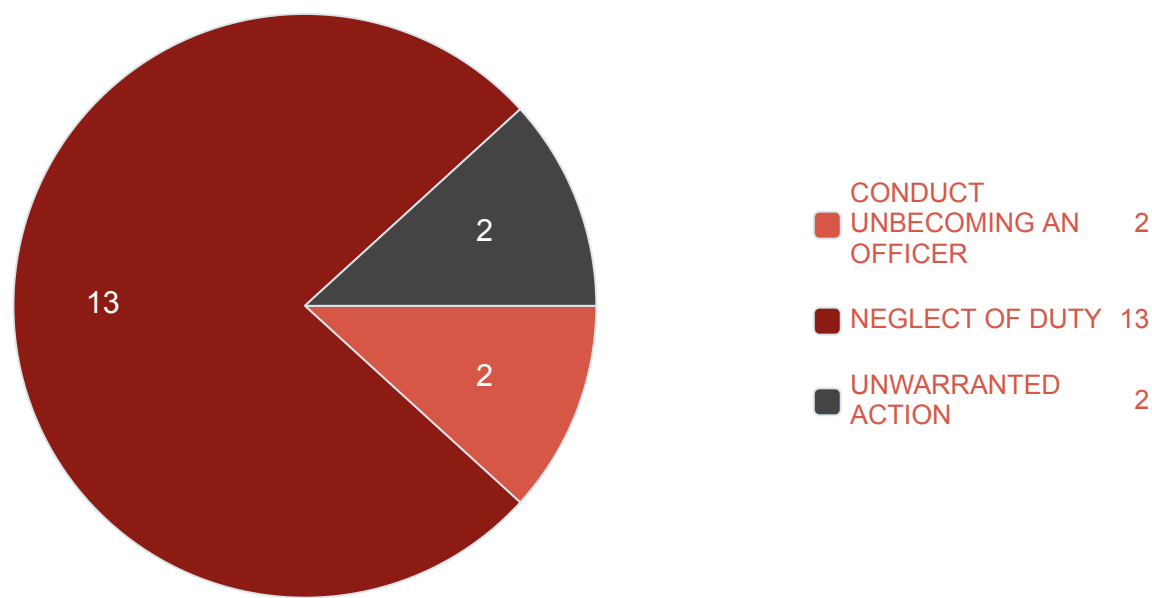
Findings

FINDINGS BY ALLEGATION

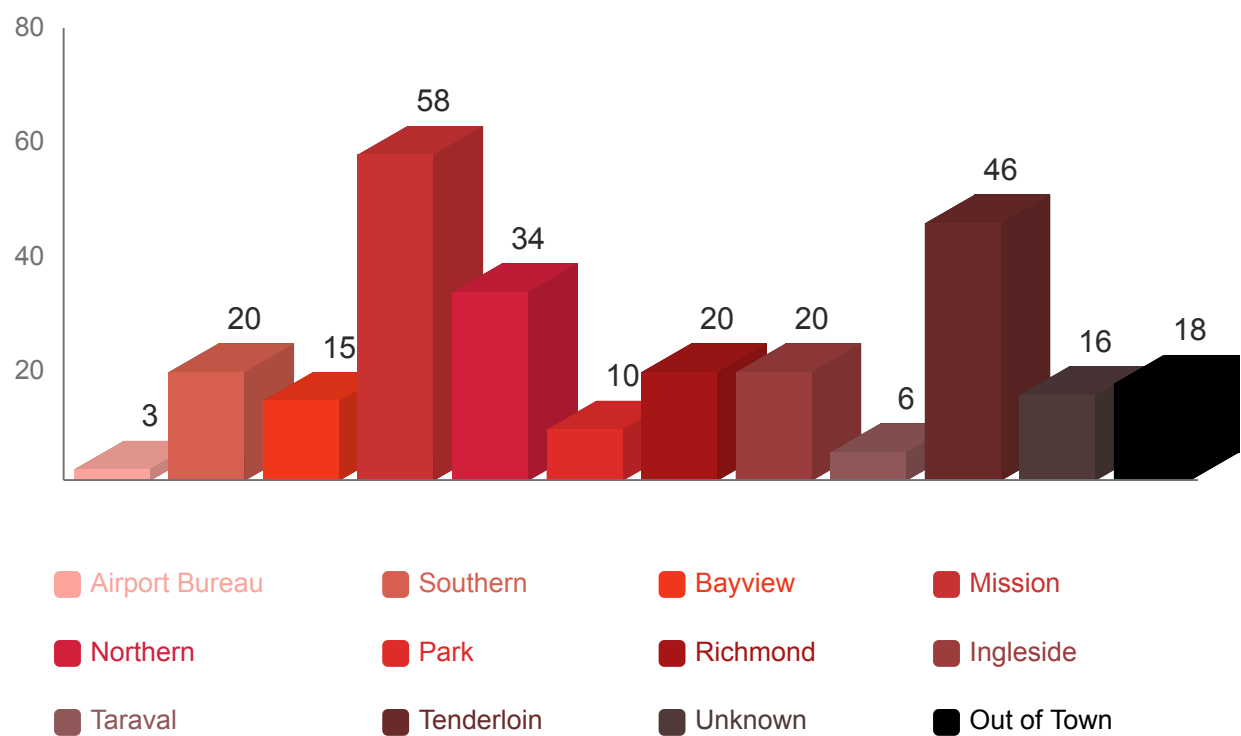


Findings

Improper Conduct Findings by Allegation



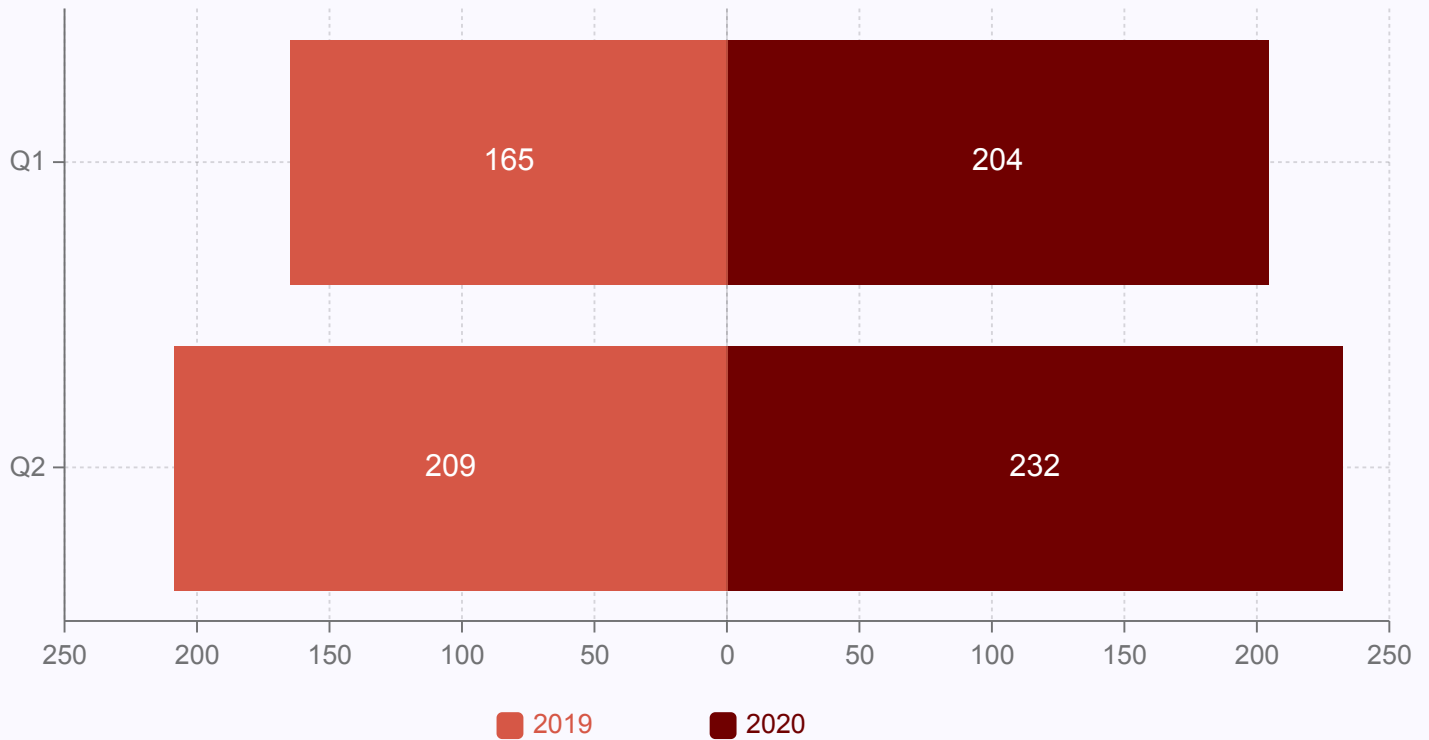
Officers With Complaints by District



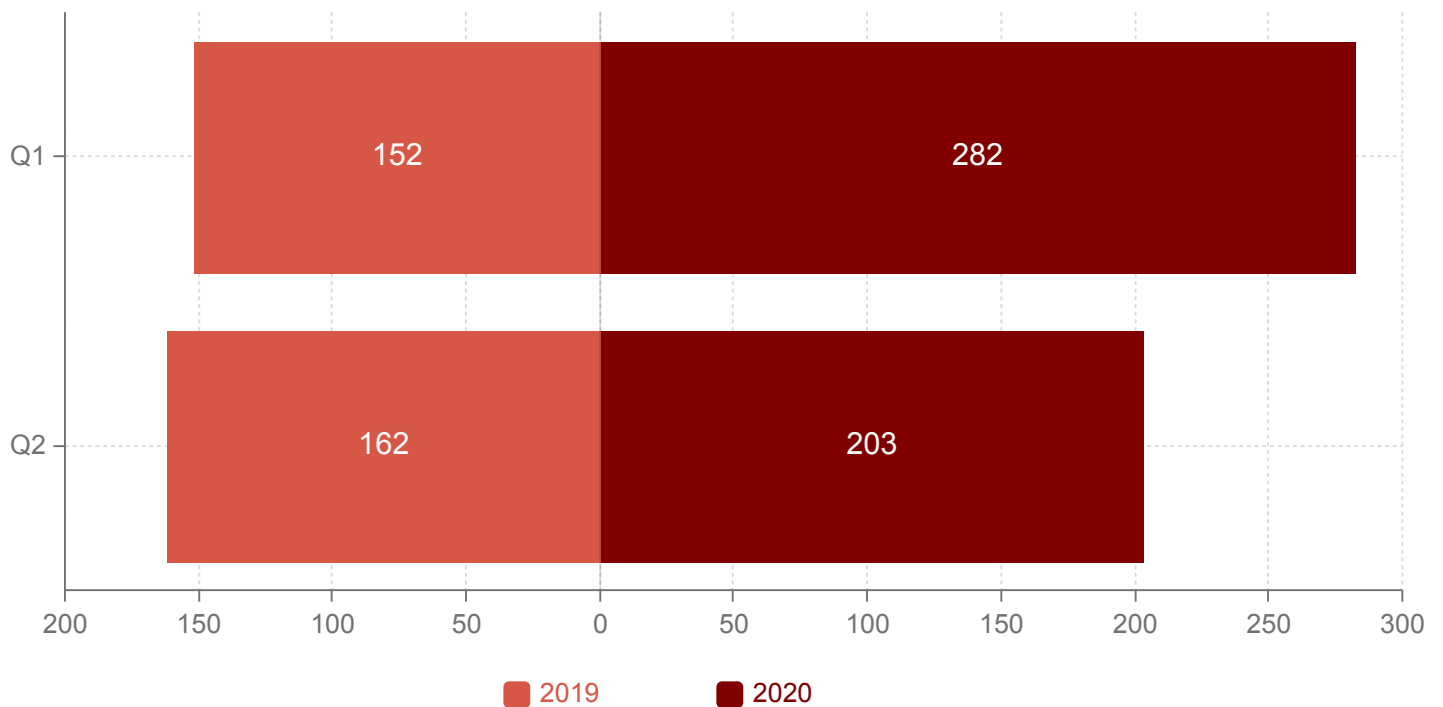
Unknown - The DPA was unable to identify the officer through reasonable investigative steps.

Cases Opened & Closed

Cases Opened by Quarter

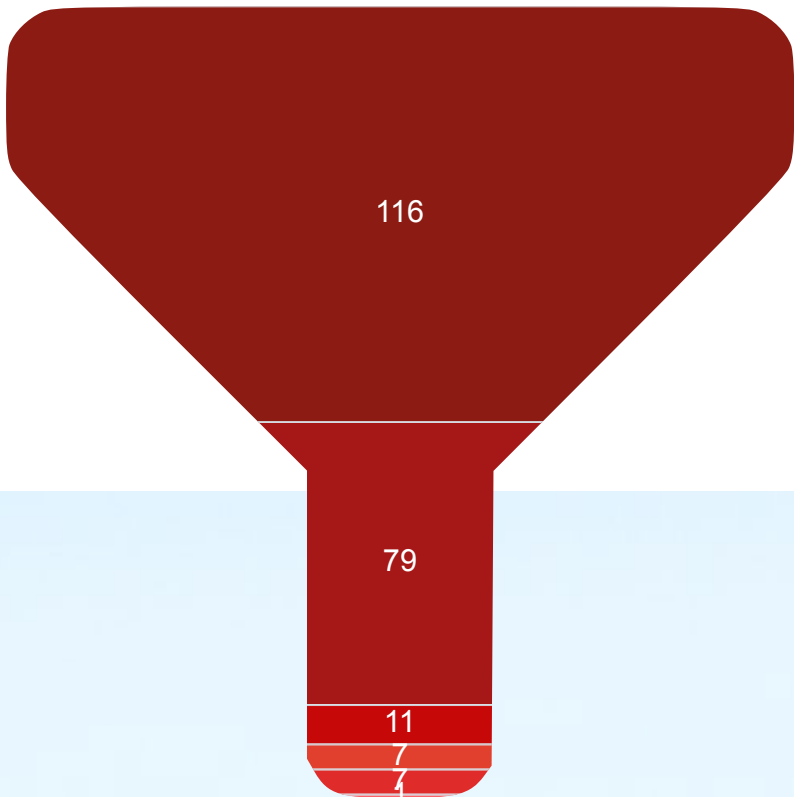


Cases Closed by Quarter



How Complaints Were Received

How Complaints Were Received



▼ ONLINE	116
▼ PHONE	79
▼ EMAIL	11
▼ MAIL	7
▼ SFPD	7
▼ IN PERSON	1



Complainant Demographics

Complainants	Number	Percent
Complainants	226	97%
Anonymous Complainants	6	3%
Total	232	100%
Gender	Number	Percent
Female	61	26%
Male	77	33%
Genderqueer / Gender Non-binary	1	0%
Transgender	1	0%
Declined to State	92	40%
Total	232	100%

Race/Ethnicity	Number	Percent
Asian	5	2%
Black or African American	32	14%
Hispanic or Latinx	23	10%
White	51	22%
Other	30	13%
Declined to State	91	39%
Total	232	100%
Age	Number	Percent
1-13 (by an adult)	0	0
14-16	0	0
17-19	1	0.1%
20-30	23	10%
31-40	42	18%
41-50	24	10%
51-60	23	10%
61-70	20	9%
71-80	3	1%
Over 80	1	0%
Declined to State	95	41%
Total	232	100%

Mediation

The DPA's Mediation Program began the year in a strong position. The increased demand for mediation continued into the second quarter and, despite disruptions caused by the COVID-19 pandemic, the number of completed mediations in the second quarter of 2020 equaled the number completed in the same period in 2019.

The Department of Police Accountability Mediation

Spotlight: Mediation

Mediation Certification:

Mediation Director Sharon Owsley and Mediation Coordinator Chanty Quesada attended a 40-hour mediation training to achieve accreditation as certified mediators.

Online Mediation:

The pivot to online-only mediations proved effective at resolving conflict and no participants were resistant to using the technology.

Mediation Website Update:

The information and graphics on our website have been updated and improved, with an emphasis on ease of use, accessible language, and notice of our remote mediations.

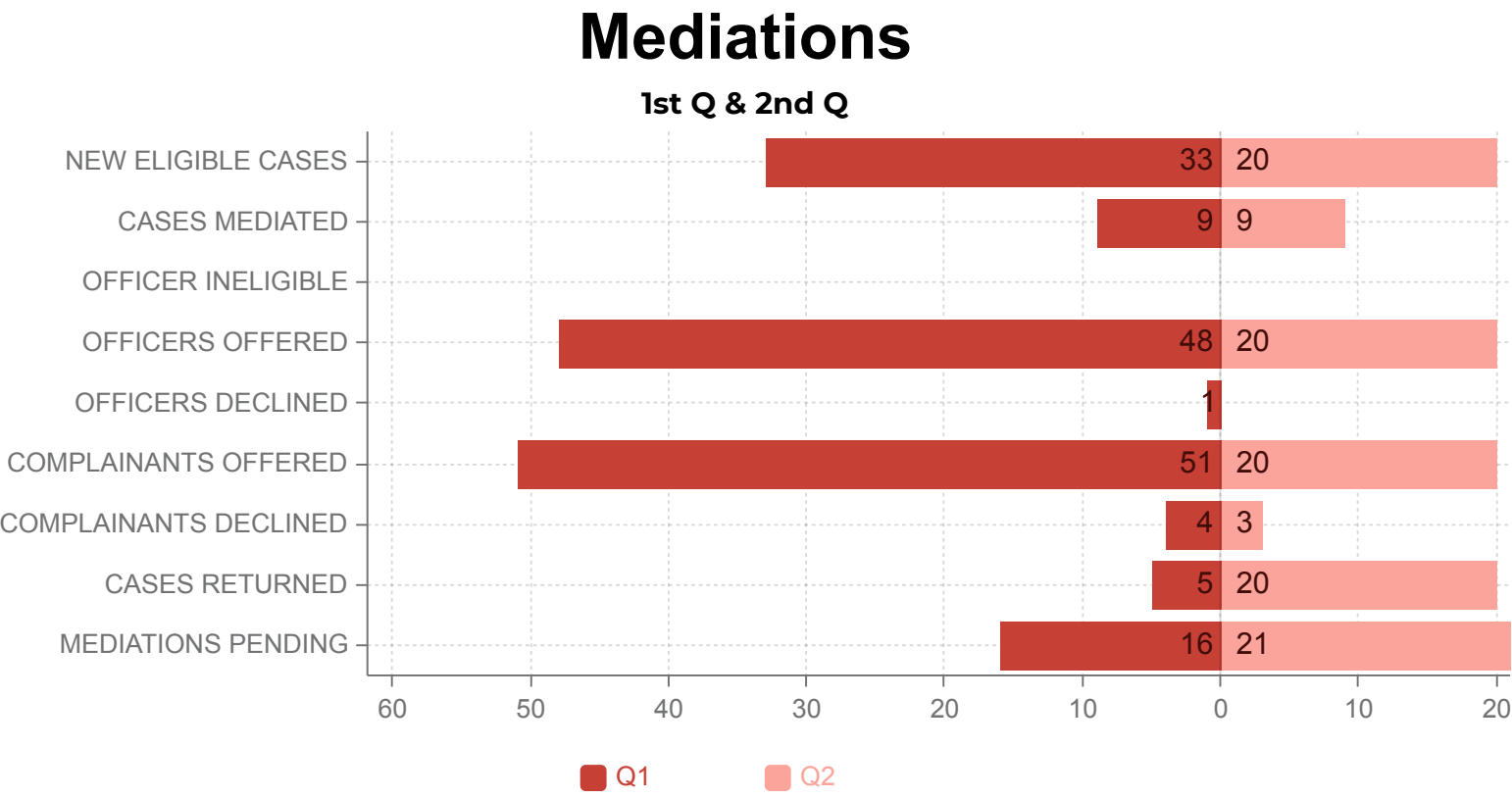


[DPA Mediation Overview Power Point](#)

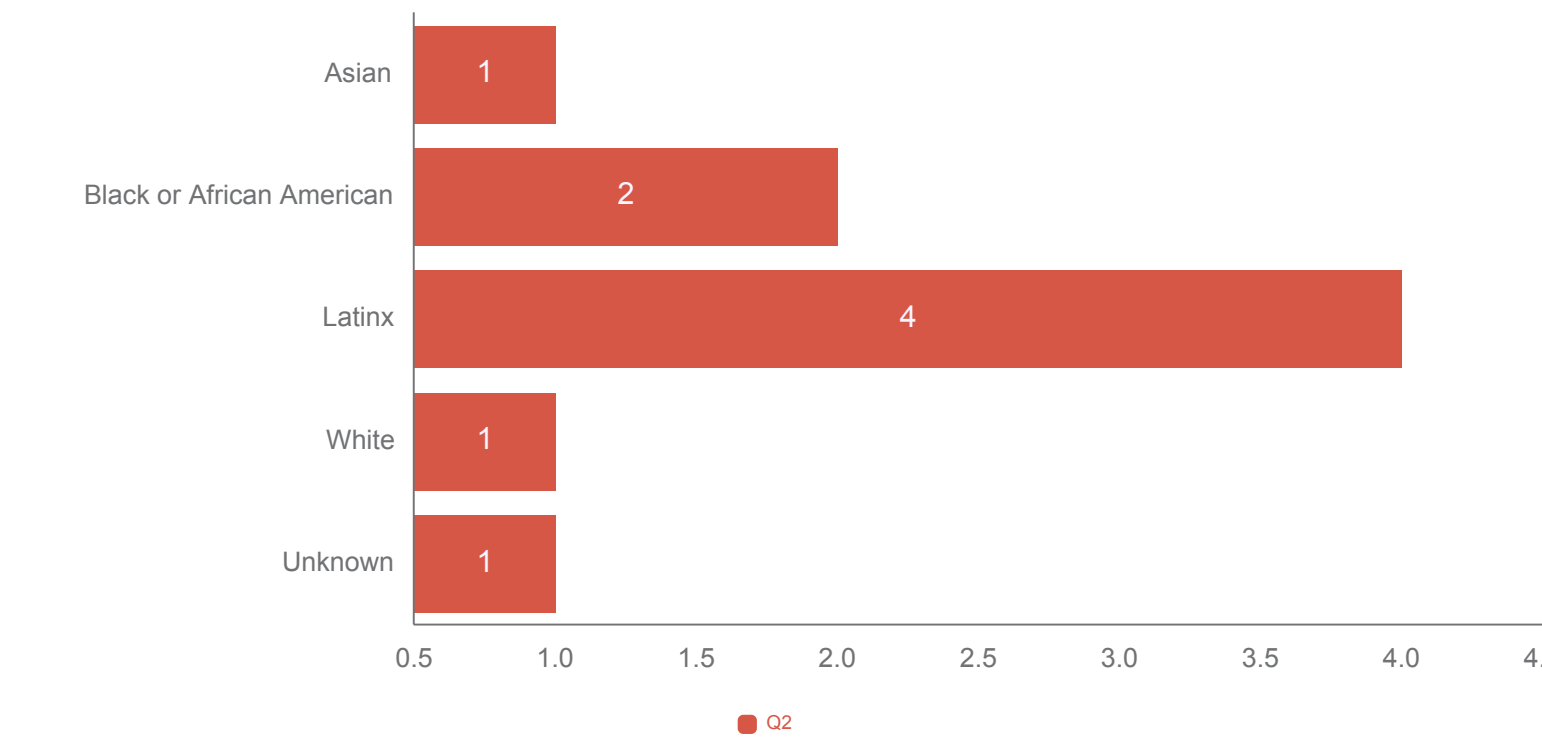
[NEW Mediation Brochure:](#)

<https://sfgov.org/dpa/mediation>

Mediation



Ethnicity of Complainants Who Participated in Mediation



Policy

During this quarter, DPA submitted suggested revisions to 15 SFPD Department General Orders and made more than 200 policy recommendations to the SFPD.

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

In 2016, the U.S. Department of Justice found that SFPD's Department General Orders need to be updated (many are more than 20 years old), and must be aligned with current laws and statutes, community expectations, and national best practices every three years.

Most of SFPD's 119 DGOs still need revision and SFPD has not issued a 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 a schedule for updating outstanding DGOs, including dates it will commence 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 and the status of proposed DGOs.

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

1. **Incorporate a Provision That Enables, in Appropriate Cases, A Mental Health Response Instead of Police Response.** DPA suggests that SFPD develop a protocol concerning police disengagement to be incorporated in DGO 6.14 to address calls-for-service where SFPD responds, determines no threat to others or the public exists (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 and determination of services.
2. **Incorporate a 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 SFPD officers to respond with DPH clinicians, who can assess, determine appropriate services, and arrange the most clinically appropriate transportation. SFPD-DPH's current MOU allows DPH clinician assistance, but does not explicitly provide for their concurrent response. Other counties have a co-responder model.

Bystander DGO (5.07)

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



<https://sfgov.org/dpa/policy-recommendations>

Policy

Awards DGO (DGO 3.09)

To ensure that awards arising from officer-involved shootings are based on exemplary conduct, avoid conflict of interest for the Police Commission, and maintain the integrity of the discipline and award processes, the DPA urges the following requirements, regardless of the age of the shooting:

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

DPA Recommendation that SFPD Immediately Develop a Policy of Disengagement

DPA recommends that SFPD write a policy to address circumstances in which police engagement is no longer needed, or where resuming engagement differently would be more consistent with police or public safety goals.

Former Washington, D.C. Metropolitan Police Chief Cathy Lanier, using the Sandra Bland case as an example, suggested how a disengagement policy can provide officers options:

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. Police Executive Research Forum

Early Intervention System

SFPD should replace the current, ineffective "threshold" system with an evidence-based, data-driven early intervention system (EIS system).

Field Training Officer Program

Review of Incidents Involving Field Officer Trainees and Field Officer Supervisors

In light of two officer-involved shootings by trainee officers, who were under the supervision of Field Training Officers, DPA recommends a robust review process involving SFPD's Field Tactics and Force Options Unit. It is also recommended that DPA analyze trainees' and FTOs' decision-making and tactics in light of training, policies, and procedures, and make written recommendations as to individual officer conduct as well as training and policy suggestions.

DPA Recommendations to Fix SFPD's Complaint Log System at District Stations

- U.S. DOJ Recommendation 58.1 required SFPD to track civilian complaints received at district stations to ensure they are forwarded properly and in a timely manner to DPA.
- DPA recommended that SFPD correct its current logging system to provide the name and contact information of the complainant, document receipt of the complaint or memorialization of the complaint, and e-mail the DPA complaint before the officer's end of watch as required by DGO 2.04, none of which exists in the SFPD protocols.

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 contributed to an increase in the number of complaints the agency received for law enforcement oversight. The DPA outreach team continued making the effort by reaching out and participating in virtual community and workshop meetings, despite the effects of COVID-19. These efforts included staffing and hosting virtual presentations about how to file complaints, brochure and complaint form deliveries to organizations, and posting DPA brochures on organizations' websites.



Spotlight: Outreach

The DPA sponsored a monthly summer virtual speaker series, which hosted speakers from the public and private sectors.

The DPA staff were deployed to the Emergency Operation Center as Disaster Service Workers to support the City's ongoing effort to combat COVID-19.

The outreach team, throughout the pandemic, ensured that DPA forms and brochures were available at all SFPD Stations.

DPA Law and Justice Reform Internship Program

The DPA Law and Justice Reform Internship Program is intended to give college students interested in public service exposure to police policy and practice issues, including civil liberties, criminal law, criminal procedure, constitutional law, public safety, employment, and administrative law. Students also had the opportunity to attend administrative and appellate arguments, administrative hearings, and proceedings, and case conferences.



Spotlight: Intern Program

The DPA sponsored a weekly summer virtual internship speaker series, which included speakers from a combination of public and private sectors.

This year's internship program was partially sponsored with donations of the book, *Biased*, by Jennifer Eberhardt. The interns conducted weekly table talks and discussed chapters.

Interns presented their summer internship accomplishments to the Police Commission, including a discussion about our guest speaker series, some favorite experiences, and projects they worked on for DPA, as well as findings from Dr. Eberhardt's book.



For more information:
[DPA Law and Justice Reform Internship Program](https://sfgov.org/dpa/employment-internships-volunteering)
<https://sfgov.org/dpa/employment-internships-volunteering>

What is SB 1421?

The California Public Records Act is a state law requiring agencies to make public records available for inspection, subject to certain exceptions. The exceptions previously covered all types of police personnel records, including DPA's administrative misconduct investigations. In 2019, Senate Bill 1421 (SB 1421) changed California public records law by making thousands of DPA's previously confidential police misconduct investigation records subject to disclosure. The newly disclosable records fall under four categories of cases and allegations:

1. Officer-involved shooting incidents
2. Officer use-of-force incidents resulting in death or great-bodily injury
3. Proven allegations of sexual assault of member of the public
4. Proven allegations of dishonesty in reporting, investigating, or prosecuting crimes and officer misconduct investigations

What is the practical impact?

Because SB 1421 is retroactive, the DPA's public records team is currently reviewing decades of officer misconduct investigation files to identify disclosable records. Once a disclosable case file is identified, the team redacts exempt information and discloses files on a rolling basis.

Staffing

In the second quarter, the public records team focused on filling staff vacancies and increasing public access to disclosed records. After significant quarantine-related administrative delays, two legal assistants joined the public records team in June. The legal assistants screen cases for disclosability factors, organize and digitize paper files, perform first-level redactions, and track open requests.

Public Portal Project

Since SB 1421 went into effect, the DPA has disclosed files directly to individual requestors. To make files more broadly accessible, the public records team devoted significant effort to creating a portal that would allow the public to browse previously released records by category and without having to make a request. Implementation of the new portal is expected to occur in the third quarter.

Audit

The draft report for DPA's audit of the San Francisco Police Department's Use of Force Data has progressed to the quality control phase. A Controller's Office quality control team is reviewing the audit's supporting evidence before the draft report is sent to the Police Department. This process provides reasonable assurance that audit is performed according to government auditing standards.

The Audit division assisted in the analysis of complainant and police officer satisfaction survey responses and complainant demographic information. DPA uses satisfaction survey response data to identify potential improvements in its programs and levels of service. Complainant demographic information can help inform DPA's racial equity work and outreach efforts.

The Audit division also supported the City's COVID-19 emergency management efforts by helping the City obtain a special use permit to use two warehouses in the Presidio as a temporary alternate care site during the coronavirus pandemic. Alternate care sites receive patients who were discharged from hospitals, but still need some care and medical monitoring, and allow hospitals to focus their resources on those with the greatest needs.

The Police Department Can Improve Its Use-of-Force Reports by Aligning Them With Best Practices

Best Practices for Reporting Data		EIS Report	96A Report
Context	Reports should provide context to assist users in interpreting data and facilitate informed decision making.	✗	⚡
User needs	Reports should include data that is summarized, stratified, and provided in appropriate detail to meet the needs of stakeholders relying on the data.	✗	✓
Key points	Reports should include a concise and organized executive summary to improve the structure of the report and ensure users can easily follow relevant points.	✗	⚡
Visualization	Reports should represent data, especially more complex data, through graphics that accurately show trends, relationships, and the most significant information.	✗	⚡
Open Data	Data that supports reports should be available to increase public trust.	✗	✗
Accuracy and completeness	Stakeholders should be able to rely on the accuracy and completeness of the data <i>underlying</i> reports to make informed decisions.	CSA will assess this in its full audit*	
✓ Complies with best practice ⚡ Partly complies with best practice ✗ Does not comply with best practice			



https://sfgov.org/dpa/sites/default/files/SFPD_Key_Issue_Report_Use_of_Force_Data_Reporting_12_18_19_FINAL.pdf

