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>
<thead>
<tr>
<th>Topic</th>
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<td>Investigations</td>
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DPA received 182 cases in the third quarter (Q3) of this year, as opposed to 207 during this same period in 2019. This is a 12% decrease. However, DPA closed 212 cases in Q3 2020, a 91% increase over the same period in 2019 when investigators closed only 111 cases. The DPA sustained misconduct allegations in 7 complaints against San Francisco police officers, which is an 11% Improper Conduct (Sustained) rate. The DPA mediated 12 cases during the third quarter.

Spotlight: Cases

The DPA investigated a complaint that officers detained an individual who was holding a press pass while filming a protest. An officer told the individual that he would be arrested, but he was released soon after.

Officers responding to a drug abuse incident detained a person for a mental health evaluation, despite his calm demeanor. The DPA found that 1) officers incorrectly concluded that the person met threshold qualifications for an involuntary mental health detention because they did not have assistance from an officer with Drug Recognition Expert (DRE) training and 2) that SFPD has no protocol or policy around deploying DRE-trained officers to evaluate mental health detention incidents.

The DPA continued to investigate several officer-involved shootings.
Findings

Allegations by Type

Complaints by District

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

Allegations by District

Findings by Allegation Type
Findings by Allegation Type

Conduct Reflecting Discredit

Conduct Unbecoming an Officer

Discourtesy

Neglect of Duty

Policy/Procedure

Unnecessary Force

Unwarranted Action

Use of Force

Findings by Allegation Type

- Improper Conduct (Sustained)
- Informational
- Insufficient Evidence
- Mediated
- No Finding
- Proper Conduct
- Referral to Other Agency
- Supervision Failure
- Training Failure
- Unfounded
- Withdrawal
Findings

Improper Conduct Findings by Allegation

- **CONDUCT UNBECOMING AN OFFICER** 28
- **NEGLECT OF DUTY** 28
- **UNWARRANTED ACTION** 2
- **UNNECESSARY FORCE** 7

Officers With Complaints by District

*District is Not Applicable for cases referred to another agency or jurisdiction*
**Cases Opened & Closed**

**Cases Opened by Quarter**

- Q1: 165 (2019), 204 (2020)

**Cases Closed by Quarter**

How Complaints Were Received

- ONLINE: 93
- PHONE: 50
- REFERRAL: 17
- MAIL: 12
- SFPD: 10
## Complainant Demographics

<table>
<thead>
<tr>
<th>Complainants</th>
<th>Number</th>
<th>Percent</th>
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<tr>
<td>Complainants</td>
<td>178</td>
<td>98%</td>
</tr>
<tr>
<td>Anonymous Complainants</td>
<td>4</td>
<td>2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>182</strong></td>
<td><strong>100%</strong></td>
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<table>
<thead>
<tr>
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<tr>
<td>Female</td>
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<tr>
<td>Male</td>
<td>63</td>
<td>35%</td>
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<tr>
<td>Transgender</td>
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<tr>
<td>Declined to State</td>
<td>67</td>
<td>37%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>182</strong></td>
<td><strong>100%</strong></td>
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### Race/Ethnicity

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<th>Number</th>
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<td>Asian</td>
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<tr>
<td>Hispanic or Latinx</td>
<td>16</td>
<td>9%</td>
</tr>
<tr>
<td>White</td>
<td>44</td>
<td>24%</td>
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<tr>
<td>Other</td>
<td>15</td>
<td>8%</td>
</tr>
<tr>
<td>Declined to State</td>
<td>76</td>
<td>42%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>182</strong></td>
<td><strong>100%</strong></td>
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### Age

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<thead>
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<td>14-16</td>
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<td>17-19</td>
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<td>20-30</td>
<td>12</td>
<td>7%</td>
</tr>
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<td>31-40</td>
<td>42</td>
<td>23%</td>
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<tr>
<td>41-50</td>
<td>29</td>
<td>16%</td>
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<td>51-60</td>
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<td>61-70</td>
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<td>71-80</td>
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<tr>
<td>Over 80</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Declined to State</td>
<td>63</td>
<td>35%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>182</strong></td>
<td><strong>100%</strong></td>
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</table>
The DPA’s Mediation Program began the year in a strong position. The increased demand for mediation continued into the third quarter and, despite disruptions caused by the COVID–19 pandemic, the number of completed mediations in the third quarter of 2020 was 12 cases. The year-to-date total is 32 completed mediations.

Spotlight: Mediation

Virtual Information Session

Sharon Owsley and Chanty Quesada hosted an online Q & A briefing session. Open to the public, the session consisted of an overview of DPA’s mission and the role of the Mediation Program in fulfilling that mission.

Mediate.com International Conference

The Mediation Team participated in a virtual international conference of mediators. The conference included highly experienced mediators from South Africa, Africa, New Zealand, England, France, Canada, and the United States. Participants discussed differing approaches to mediation, the impact of COVID on in-person mediation, mediation’s future role in conflict resolution, the effectiveness of online mediation and the steps needed to diversify the mediation profession.

DPA Mediation Overview Power Point
NEW Mediation Brochure:
https://sfgov.org/dpa/mediation
Mediation

Mediations
1st Q - 3rd Q

New Eligible Cases
- Q1: 32
- Q2: 12
- Q3: 33

Cases Mediated
- Q1: 20
- Q2: 9
- Q3: 48

Officer Ineligible
- Q1: 3
- Q2: 48
- Q3: 3

Officers Offered
- Q1: 19
- Q2: 20
- Q3: 27

Officers Declined
- Q1: 1
- Q2: 20
- Q3: 4

Complaints Offered
- Q1: 27
- Q2: 3
- Q3: 1

Complainants Declined
- Q1: 7
- Q2: 20
- Q3: 4

Cases Returned
- Q1: 1
- Q2: 20
- Q3: 5

Mediation Pending
- Q1: 28
- Q2: 21
- Q3: 16

Ethnicity of Complainants Who Participated in Mediation

- Black or African American: 5
- Latinx: 2
- White: 4
- Multiracial: 1
During this quarter, the DPA submitted suggested revisions for 16 SFPD Department General Orders and made more than 61 policy recommendations to the SFPD.

**Seventeen Recommendations to Enhance Officer Involved Shooting Protocols (Mario Woods Officer Involved Shooting Policy Report)**

The DPA concluded that, due to SFPD’s use of force policy in effect at the time, the shooting of Mario Woods was the result of a policy failure. The entire Woods investigative file and policy recommendations were publicly released pursuant to state law (SB 1421) on September 10, 2020. DPA’s recommendations in the Woods officer-involved shooting include:

- SFPD should revise its investigative protocols for deadly force incidents to ensure – through a canvass or other measures – that all witness officers are identified for prompt interviews.
- SFPD should revise its investigative protocols so that all witness officers to a deadly force incident and all officers involved in the incident prior to or immediately after the shooting are interviewed before being excused from their shift.
- SFPD should devise General Orders that instruct witness officers to cooperate with any deadly force investigation conducted by a government agency, and provide administrative sanctions for non-compliance.

**DPA Presented a Protocol for Police Interactions with Deaf and Hard of Hearing Individuals for Police Commission Adoption**

The protocol in part reads:

- Requires SFPD officers to communicate effectively with people who are Deaf or hard of hearing and not subject them to unlawful discrimination, or exclude, segregate, or deny them SFPD services.
- Emphasizes that Deaf and hard of hearing individuals are entitled to the same level of services that are provided to hearing individuals.
- Outlines procedures for officers encountering a Deaf or hard of hearing individual, including identifying the individual’s preferred communication method using a Communication Card and appropriate communication tools.
- Absent emergency situations, restricts the use of family members, friends, and other unqualified third party interpreters.
- Establishes procedures for interviewing Deaf and hard of hearing reportees, witnesses, victims, and suspects.
- Addresses procedures for detentions, pat down searches, arrests, interrogations, search warrants, and consensual searches of suspects who are Deaf or hard of hearing.
DPA 2019 Annual Language Access Report

On August 12, 2020, the DPA presented its 2019 Annual Language Access Report to the Police Commission. This report addresses DPA language access complaints and key DPA language access projects and goals.

Key DPA Language Access Projects

- The DPA obtained SFPD’s compliance to release incident reports to domestic violence and sexual assault survivors within five days of requests as required by state law. SFPD request forms are now available in multiple languages on SFPD’s website and at Police Headquarters.

- The DPA drafted a Domestic Violence and Stalking Manual for SFPD patrol officers. This proposed manual addresses the critical role that patrol officers play as first responders to domestic violence and stalking calls-for-service. The manual addresses key topics such as on-scene preservation of evidence, dominant aggressor determinations, lethality assessments, and language access tools for Limited English Proficient and Deaf and hard of hearing individuals.

- Initiated by the DPA, the Deaf and Hard of Hearing Working Group drafted a comprehensive SFPD Department General Order for police interactions with individuals who are Deaf or hard of hearing.

Key DPA Goals for the Upcoming Year

- Increasing the pool of bilingual officers and expanding the number of languages for officer bilingual certification.

- Recertification for all bilingual officers.

- Fulfill DGO 5.20’s outstanding 2007 mandate that all bilingual officers receive training.

Collaboration with SFPD on Expanded Use of Force Reporting and Appropriate Control Techniques in Light of George Floyd’s Death

- Reportable Use of Force Department Bulletin (20-010)—the DPA was a significant contributor to SFPD’s Reportable Use of Force Department Bulletin which expands reporting requirements and increases internal review of force incidents. Adopted by the Police Commission on July 15, 2020, Department Bulletin 20-010 amends SFPD’s Use of Force DGO 5.01.

- Control Techniques Use of Force Department Bulletin (20-010)—the DPA was a significant contributor to SFPD’s Use of Force Department Bulletin which addresses appropriate police control techniques in light of George Floyd’s death. Adopted by the Police Commission on July 1, 2020, Department Bulletin 20-010 amends SFPD’s Use of Force DGO 5.01. This Department Bulletin incorporates DPA-suggested requirements when officers have contact with a person’s head, neck, or throat including to immediately assess that the person is breathing normally and is appropriately responsive, to evaluate whether the person is injured, and to immediately notify a supervisor.

https://sfgov.org/dpa/policy-recommendations
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, highlighting the importance of 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, delivering brochures and complaint forms to organizations, and posting DPA brochures on organizations' websites.

Spotlight: Outreach

The DPA is partnering with other organizations in the Bay Area to host a Stakeholders Engagement Series (Youth Commission, Bayview Magic, OCEIA, Women's Building and San Francisco Family Network).

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

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

https://sfgov.org/dpa/public-notices-meetings
The DPA operations team worked on developing a new internal intranet using Microsoft SharePoint. The new intranet will allow staff to access DPA materials while working remotely.

The DPA staff continues to primarily telecommute; however, during the 3rd quarter intake investigators transitioned back into the office to accept call-in complaints.

Officer Interviews are now conducted virtually, telephonically, and socially distanced in person.

Mediations continue to be held virtually to ensure participant safety.

**Spotlight: Operations**

The operations team began a project to upgrade and increase storage capacity on the file server.

The case management system was updated to incorporate and track potential complaints and cases from the San Francisco Sheriff’s Office.

Efforts to create a new website began.
When Senate Bill 1421 (SB 1421) went into effect in 2019, four categories of the DPA’s previously confidential investigation records became subject to public disclosure. The DPA immediately received requests for all disclosable records and began reviewing decades of officer misconduct investigation files to identify qualifying records. Once cases are identified for disclosure, the public records team redacts exempt information and releases records on a rolling basis. In the third quarter, the DPA reviewed 105 cases in the great-bodily injury category and found four disclosable cases.

Public Portal Project
In the third quarter, the DPA focused on increasing public access to disclosed records by creating a new online portal. Anyone can now browse previously released records by category and without having to make a request. New record requests are also accepted through the portal. When it debuted in August, the portal was populated with over 19,000 pages of previously produced records. The DPA published an additional 4,170 pages of officer-involved shooting records to the portal in the third quarter.

**SB 1421 Public Records**

**TOTAL CASES DISCLOSED as of Q3 2020**

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<th>Category</th>
<th>Cases Disclosed</th>
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<tr>
<td>Officer-Involved Shooting</td>
<td>17,511</td>
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<tr>
<td>Great-Bodily Injury</td>
<td>4,770</td>
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**TOTAL PAGES DISCLOSED as of Q3 2020**

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**SB 1421 CATEGORIES**

- Officer-Involved Shooting Incidents
- Great-Bodily Injury Incidents
- Proven Sexual Assault Allegations
- Proven Dishonesty Allegations
Under California public records law, DPA investigation records can be disclosed if they relate to an officer-involved shooting or an officer's use of force that resulted in a great-bodily injury. Records can also be disclosed if an investigation results in proven allegations of sexual assault or dishonesty. These records are called "SB 1421 records" because of the Senate Bill that removed their confidential status under Penal Code 832.7 and Government Code 6250, et seq. DPA publicly posts all case disclosures to this online portal. Confidential information, such as the identity of witnesses, is redacted from files before public release.
In August, Audits gave an Introduction to DPA and Audit Unit Overview presentation as part of the DPA’s outreach efforts. The online presentation provided the public with an overview of the DPA audit function and its planned work for fiscal year 20-21.

On September 1st, the DPA and the Office of the Controller (Controller) held an exit conference with the San Francisco Police Department for the use of force data audit.

An exit conference marks the conclusion of an audit. Exit conferences allow the auditors to explain all the issues identified during the audit and the recommendations to address the issues, and answer auditee questions. DPA and the Controller provided Police Department management with a formal draft report for review and written response.

On September 25th, the Police Department provided the DPA with the written response to the audit report and the report’s 37 recommendations. The DPA and the Controller will publicly issue the final audit report in the fourth quarter and will include the Police Department’s written response with the report.

Performance Audit Process

Planning  Fieldwork  Preliminary Findings

Department Response  Exit Conference  Draft Report

Final Report  Recommendation Follow-up