

City & County of San Francisco Department of Police Accountability 2019 Third 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 third 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 implementing a new case management system, completing investigations for the San Francisco Sheriff's Department, SB1421 record review and production, and training mediators.

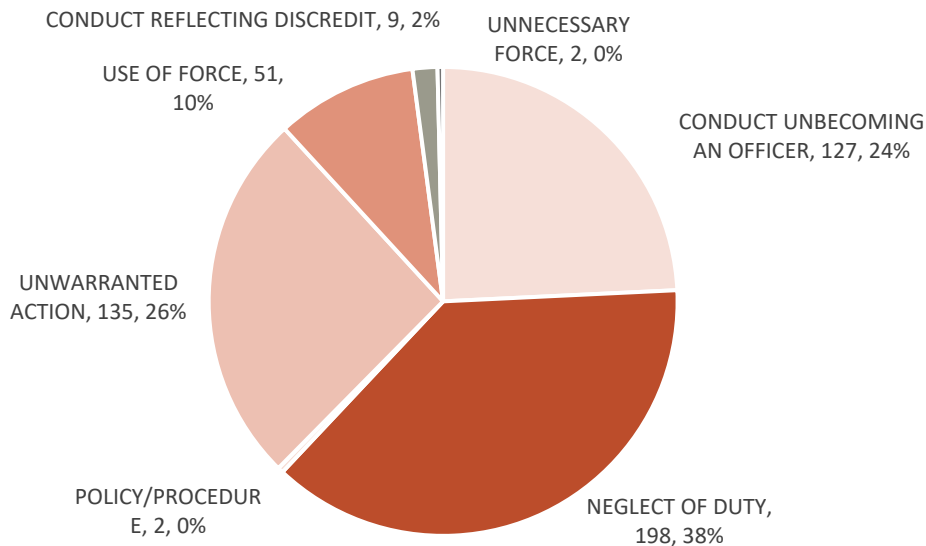
Department Mission

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 207 complaints of police misconduct, or failure to take action, and closed 111 complaints. In the 207 new complaints, 385 allegations were made against 216 officers. The DPA sustained allegations in 22 complaints against San Francisco police officers, which is a 23% sustained rate¹ for the third quarter and a cumulative 15% sustained rate for the first three quarters of 2019. The DPA mediated 8 cases during the third 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.

¹ 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.

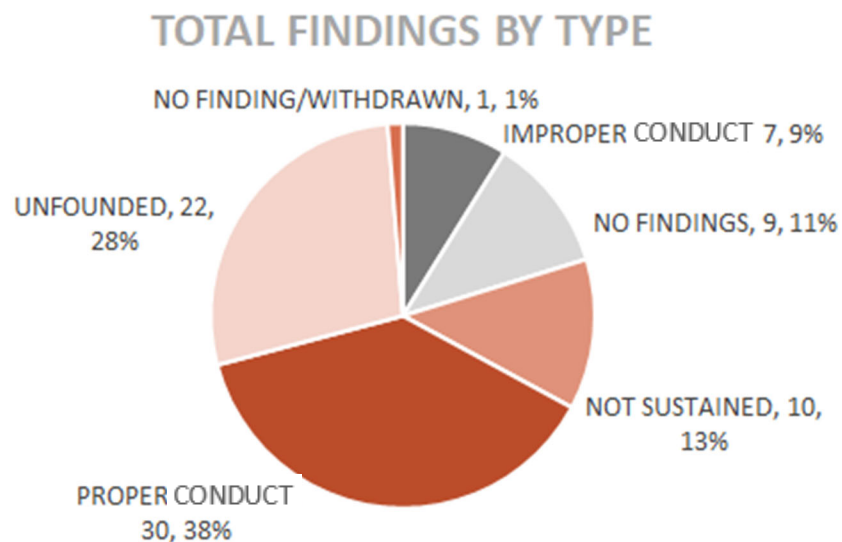
New Findings

At the end of an investigation, the DPA makes a finding for each allegation. The finding represents the DPA's final determination based on the evidence.

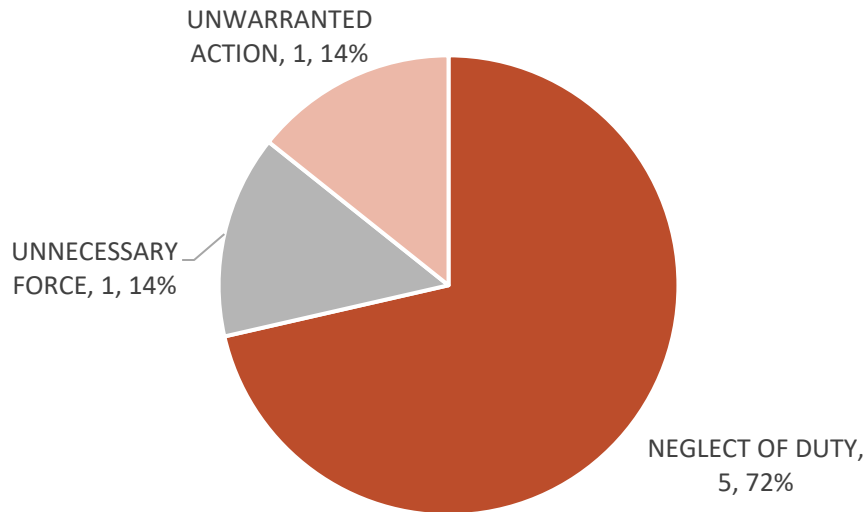
In May 2019, the SFPD and Commission adopted a revised Department General Order 2.04, "Complaints Against Officers," which outlined new language for the administrative findings reached at the conclusion of investigations. When there is not enough evidence to prove or disprove an allegation, the DPA will now use the term "insufficient evidence" instead of "not sustained." The DPA will now use the term "improper conduct" instead of "sustained." An "improper conduct" finding means the DPA proved an allegation by showing that, more likely than not, an officer broke a rule or law. Other findings are used when the evidence shows that no rule or law was broken.

Former Term	New Term	Description
Sustained	Improper Conduct	The evidence proved that an officer broke a rule or law by doing something improper or by failing to complete a task.
Proper Conduct	Proper Conduct	The officer's actions complied with police rules, training, and applicable laws.
Unfounded	Unfounded	Allegations are unfounded when a complaint is made about something that did not occur or when an officer specifically identified by the complainant was not actually involved.
Not Sustained	Insufficient Evidence	There was not enough evidence to prove or disprove the allegation.
Supervision or Training Failure	Supervision or Training Failure	The officer's improper actions or failure to complete a required task were the result of inadequate supervision or training.
Policy Failure	Policy Failure	Although the officer's actions complied with police rules, the DPA recommends that the rules be changed.

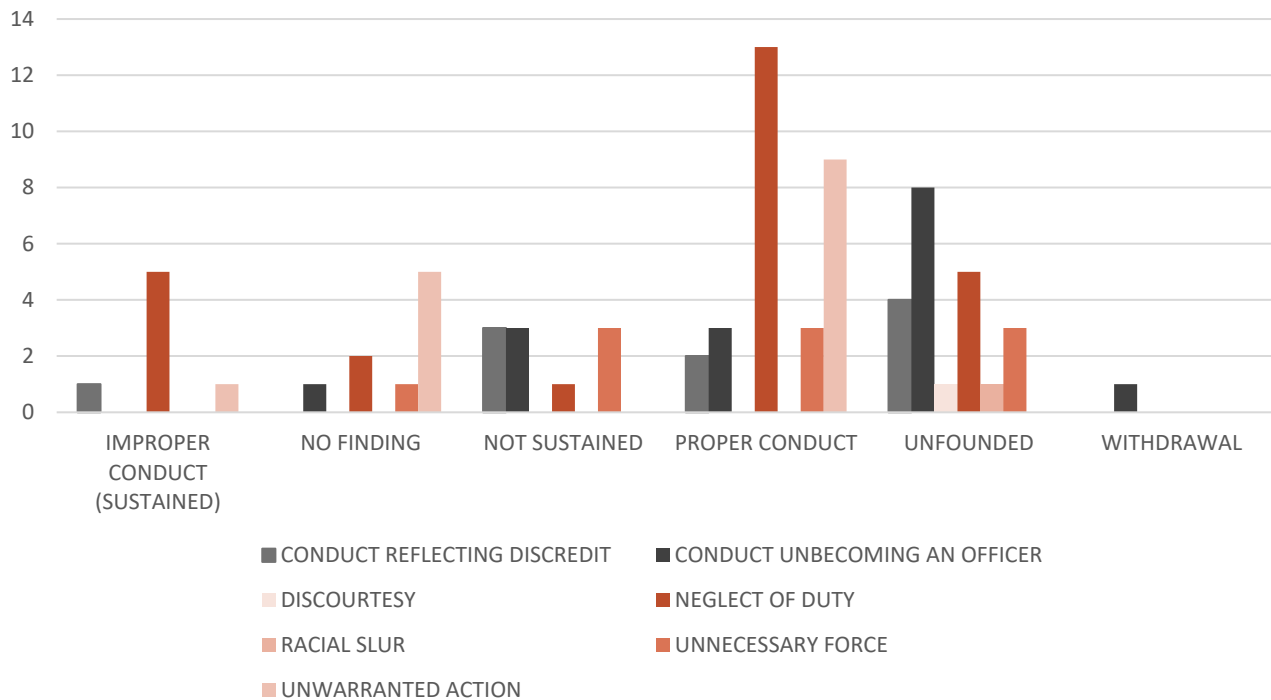
Findings Breakdown



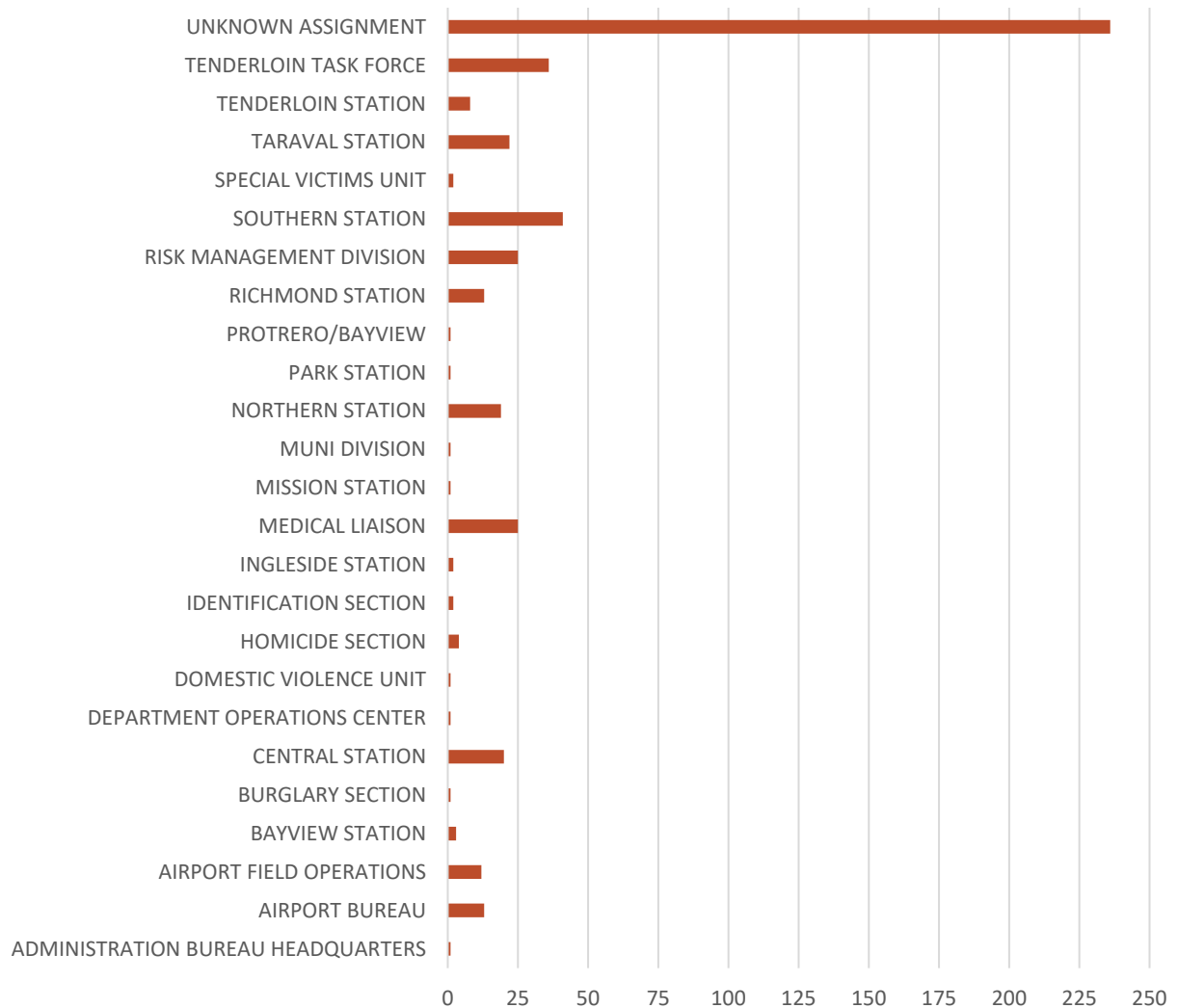
IMPROPER CONDUCT (SUSTAINED) FINDINGS BY ALLEGATION



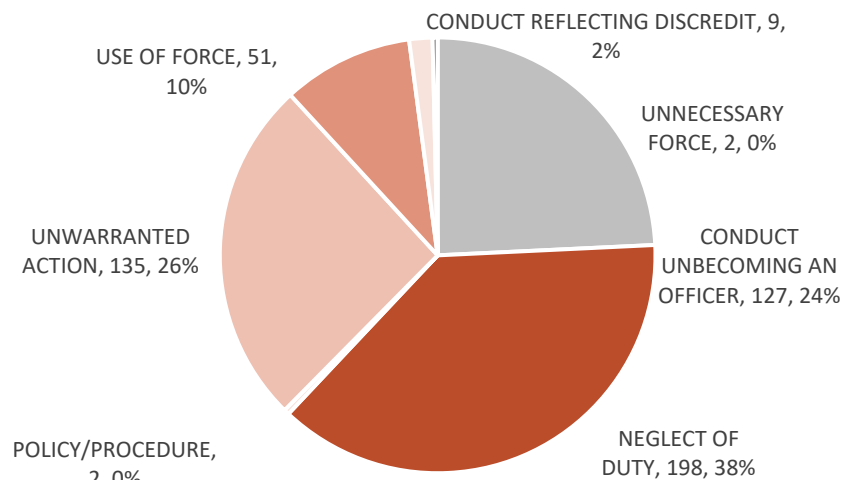
FINDINGS BY ALLEGATION



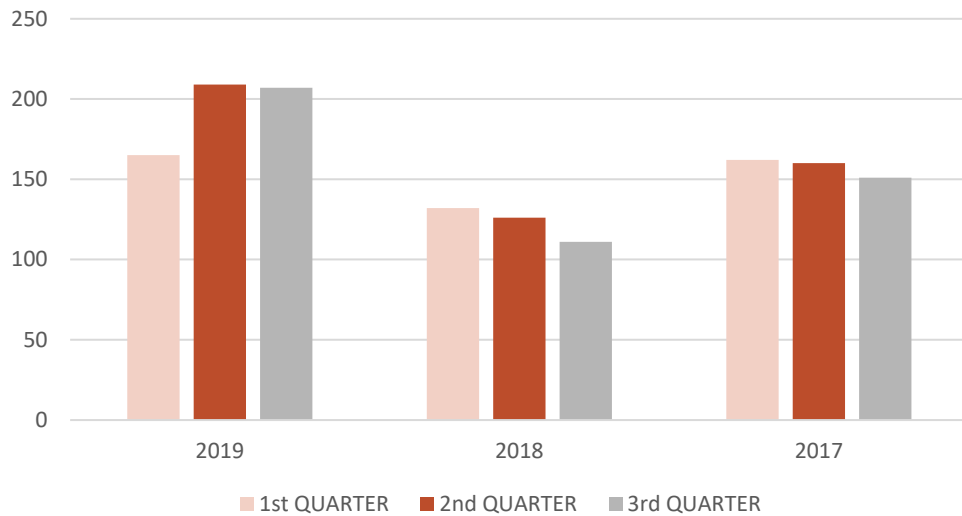
TOTAL ALLEGATIONS BY UNIT



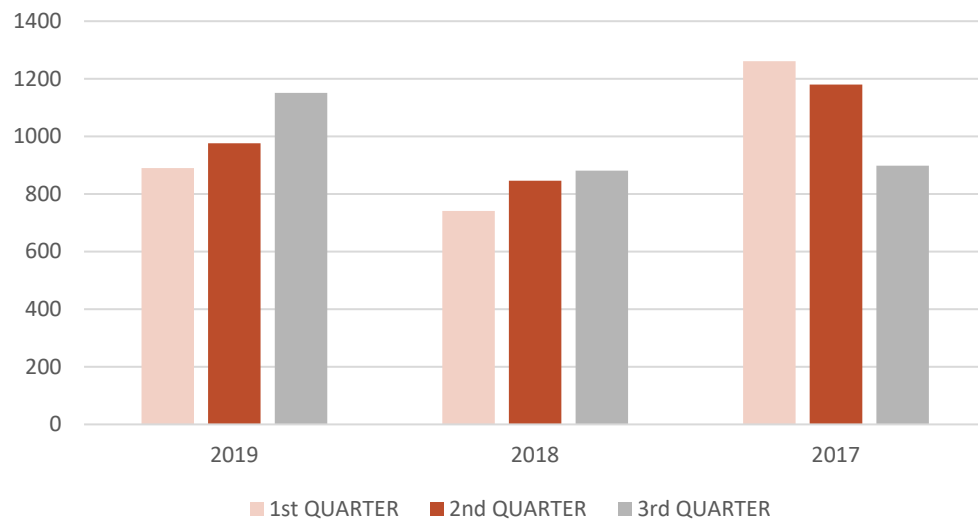
TOTAL ALLEGATIONS



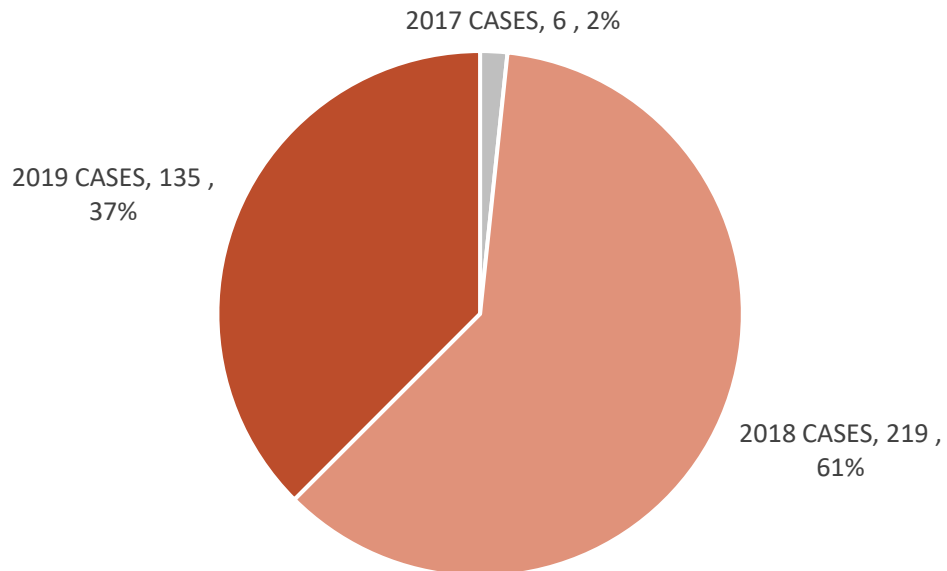
CASES OPENED BY QUARTER & YEAR



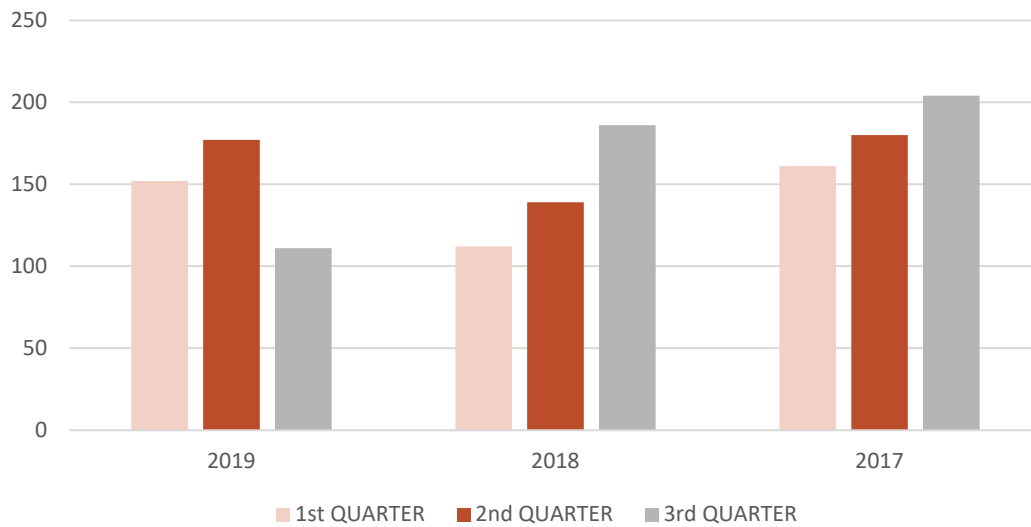
CASES PENDING BY QUARTER & YEAR



CASES CLOSED BY YEAR FILED



CASES CLOSED BY QUARTER & YEAR



Demographics of Complainants

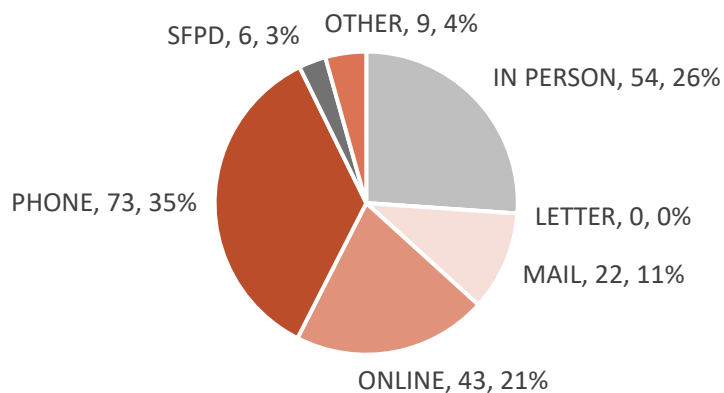
Complainants	Number	Percent
Complainants	205	95.35%
Anonymous	10	4.65%
Total	215	100.00%

Gender	Number	Percent
Female	65	30.23%
Male	86	40.00%
Transgender	2	0.93%
Declined to State	62	28.84%

Race/Ethnicity	Number	Percent
Asian	17	9.30%
Black or African American	28	21.40%
Hispanic or Latinx	10	10.23%
White	26	19.53%
Native American/Pacific Islander	0	0.00%
Declined to State	123	33.02%
Other	11	6.51%

Age	Number	Percent
1-13	0	0.00%
14-16	46	21.00%
17-19	3	1.40%
20-30	24	11.16%
31-40	34	15.81%
41-50	32	14.88%
51-60	40	18.60%
61-70	25	11.63%
71-80	11	5.52%
Declined to State	0	0.00%

HOW COMPLAINTS WERE FILED



Demographics of Officers with Complaints

Gender	Number	Percent
Female	16	7.55%
Male	155	73.11%
Unknown	41	19.34%

Race/Ethnicity	Number	Percent
Asian	28	13.21%
Black or African American	13	6.13%
Hispanic or Latinx	31	14.62%
Native Hawaiian or Pacific Islander	1	0.47%
Prefer not to answer	1	0.47%
Unknown	52	24.53%
White	86	40.57%

Age	Number	Percent
20-30	81	38.21%
30-40	60	28.30%
40-50	14	6.60%
50-60	1	0.47%
Unknown	56	26.42%

Rank	Number	Percent
Officer	144	67.92%
Assistant Inspector	1	0.47%
Sergeant	22	10.38%
Captain	2	0.94%
Unknown	43	20.28%

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.

Sheriff's Cases

Sheriff Hennessey requested that the DPA conduct an administrative investigation of a deputy-involved shooting that occurred in September. The DPA accepted the case and a DPA attorney and a senior investigator attended the interviews of the involved deputies. The DPA established a protocol to work with the agencies present: the San Francisco Police Department, the Office of the District Attorney and the San Francisco Sheriff's Department. The DPA is currently investigating the incident and evaluating the shooting in light of SFPD policy and training.

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. During the third quarter, the DPA made recommendations concerning consent searches, bias-free policing, crisis intervention team incident review protocol, and the SFPD's language liaison officer position. The DPA also 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 Task Force.

Recorded or Written Consent for Searches of Individuals and Their Belongings

Based upon the President's Task Force on 21st Century Policing principles, in September 2015 the DPA recommended that SFPD modify its consent procedures to require written consent before the search of individuals and their belongings when there is no warrant or probable cause. Studies indicate that African Americans and Hispanics are disproportionately searched more often and less likely to be found with contraband than Caucasians.² Consistent with crime prevention strategies that are effective and foster bias-free policing, the DPA drafted a proposal for written or recorded consent of individuals and their belongings that includes informing individuals that they have the right to decline consent. The DPA's proposal is under Police Department review.

Bias-Free Policing Recommendations

Throughout the third quarter, the DPA actively contributed to the Bias Working Group that was formed to address the Department of Justice's numerous recommendations concerning biased policing. The DPA commended Chief Scott for including a definition of bias by proxy in Department General Order 5.17 (Bias-Free Policing). The DPA recommended that the Working Group discuss the steps SFPD can take to address bias by proxy that can be incorporated into DGO 5.17. In her book "A Comprehensive Program to Produce Fair and Impartial Policing," Dr. Lorie Fridell recommends that police department

² For example, the Department of Justice Collaborative Reform Assessment of SFPD found that "[n]ot only are African-Americans and Hispanic drivers disproportionately searched following traffic stops but they are also less likely to be found with contraband than White drivers. DOJ Finding 32, page 25 http://sfpd.prod.acquia-sites.com/sites/default/files/2018-11/DOJ_COPS%20CRI_SFPD%20OCT%202016%20Assessment.pdf.

leaders provide guidance to officers regarding how they should handle bias by proxy. The DPA provided an excerpt from Dr. Fridell's book entitled "Avoiding Profiling by Proxy." The DPA also provided UC Irvine Police Department's brochure to educate community members about bias by proxy and a link to an article that discusses recent cases of bias by proxy on college campuses.³

The DPA also continued to advocate that during all investigative detentions officers provide their name, star number, and written information as to how to file a commendation or a complaint that includes the SFPD's and the DPA's postal and website addresses. This recommendation is based upon President Obama's Task Force on 21st Century Policing.

- The President's Task Force on 21st Century Policing recommends that law enforcement agencies adopt policies that require officers to provide written information to the individuals they've stopped that identifies the officer and how to file a commendation or complaint. The President's Task Force suggests this could be accomplished by law enforcement officers providing a business card to detainees that includes the officer's name, rank, contact information, and information to file a commendation or complaint.
- The President's Task Force Recommendation 2.11 states, "[l]aw enforcement agencies should adopt policies requiring officers to identify themselves by their full name, rank, and command (as applicable) and provide that information in writing to individuals they have stopped. In addition, policies should require officers to state the reason for the stop and the reason for the search if one is conducted."
- The President's Task Force 2.11.1 Action Item states: "One example of how to do this is for law enforcement officers to carry business cards containing their name, rank, command, and contact information that would enable individuals to offer suggestions or commendations or to file complaints with the appropriate individual, office or board. These cards would be easily distributed in all encounters." (See Final Report of the President's Task Force on 21st Century Policing, Washington, D.C.: Office of Community Oriented Policing Services (2015), page 27. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)
- Providing the DPA's postal and website address on SFPD business cards is also consistent with the DOJ's Collaborative Reform Initiative recommendations that SFPD engage in community outreach and information regarding the complaint system and rights of the community. (See for e.g. Finding 56 that states, "[t]he SFPD does not engage in community outreach and information regarding the discipline process and rights of the community. The absence of information and education about the complaint system and its outcome contributes to the negative perceptions of the SFPD by residents.") <https://ric-zai-inc.com/Publications/cops-w0817-pub.pdf>

Crisis Intervention Team Incident Review Protocol

The DPA drafted a Crisis Intervention Team (CIT) Incident Review protocol in collaboration with the Crisis Intervention Team working group. The CIT Incident Review is designed to focus on lessons learned from incidents involving police response to individuals in crisis. The CIT Incident Review protocol will provide an opportunity to highlight excellent police practices and also to make recommendations about SFPD's policies, training, interagency coordination, data collection, best practices, and assistance to persons in crisis. Department General Order 5.21 requires the Crisis Intervention Team Coordinator, in consultation

³ <https://woldcnews.com/1627234/as-racial-profiling-soars-being-a-college-student-while-black-gets-that-much-tougher/>
https://cdn.theconversation.com/static_files/files/227/threat-assessment-flowchart-rev-3b.pdf?1533746388

with the CIT working group, to provide reports and recommendations to the Chief of Police, the Command Staff and the Police Commission on the Police Department's response to person in crisis incidents on a quarterly basis. The CIT Incident Review protocol will fulfill this function by designating a CIT Incident Review committee that on a quarterly basis will review CIT incidents and report recommendations to the Chief and Police Commission. This protocol is currently under review by the Police Chief.

Maintaining SFPD's Language Liaison Officer Position

During the third quarter, the DPA recommended that the Police Department reconsider its decision to civilianize the Language Liaison Officer position. The Language Liaison Officer provides training to recruits and bilingual officers, meets regularly with Limited English Proficient (LEP) and monolingual community service providers, and problem-solves language access issues for SFPD officers—essential functions that require both subject matter expertise in language access and law enforcement. Four compelling reasons support keeping the Language Liaison Officer position as a sworn position.

- **Department General Order 5.20 Requires a Sworn Officer:** DGO 5.20 specifically requires the appointment of an officer to the position. DGO 5.20 states that “the Department shall designate a Language Liaison Officer.” DGO 3.02 defines “officer” as “persons appointed to the Department as full-time, regularly salaried police officers under Section 830.1 of the California Penal Code. Any change to these provisions requires an amendment to DGO 5.20 that includes notice to the public, a public hearing on this amendment, and Police Commission approval.
- **Officer Training is Most Effective when Provided by a Sworn Officer with Subject Matter Expertise:** A significant portion of the Language Liaison Officer's duties include officer training which is most effective when conducted by a sworn officer with subject matter expertise, using scenarios officers will encounter while performing their enforcement or investigative duties. SFPD recently sent the current Language Liaison officer—Officer Paramjit Kaur—to Bilingual Officer training at the Portland Police Department. This training enabled Officer Kaur to acquire further subject matter expertise on language access and training for bilingual officers.

The Language Liaison officer currently provides the following training:

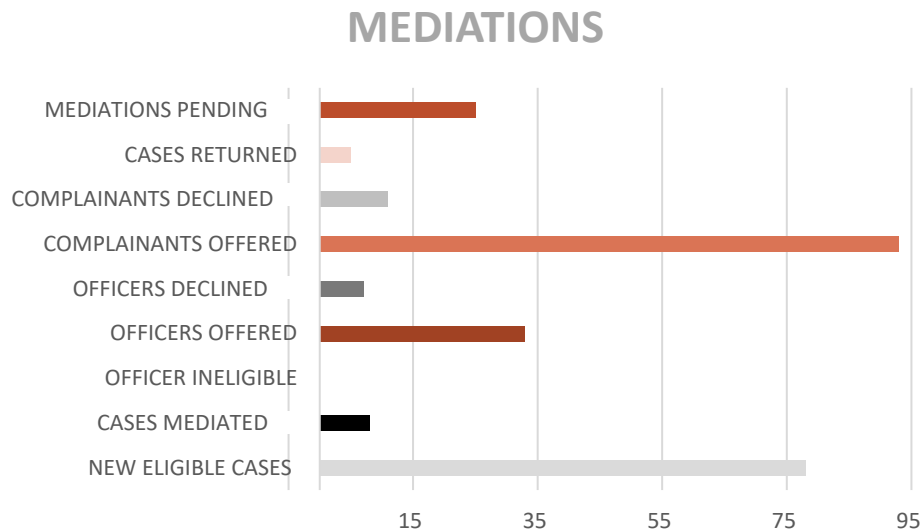
- Academy training for all recruits on DGO 5.20 (Language Access DGO).
- Academy training for all bilingual officers—a mandate that has been required since 2007 under DGO 5.20. The current Language Liaison Officer recently developed curriculum and will commence training for all bilingual officers as required by DGO 5.20.
- Training for all patrol officers on accessing interpreters (including sign language interpreters) through the Language Line mobile application video conferencing tool.
- **As a Sworn Officer, the Language Liaison Officer Plays a Crucial Community Policing Role with Marginalized Communities:** Since 2012, the Language Liaison Officer has been attending monthly meetings at Mission Station chaired by DPA with domestic violence and sexual assault service providers, a Police Commission representative, the Department of Emergency Management, and other SFPD Command Staff to address language access issues. The Language Liaison Officer meets with LEP community stakeholders, addresses language access concerns, and has been an excellent ambassador for SFPD to problem-solve language access issues, especially for LEP domestic violence and sexual assault victims. The current Language Liaison Officer is bilingual in five languages and bicultural. She is adept at addressing community

concerns about SFPD language access services and, because she is a sworn officer, knows how to address these problems within the Police Department.

- **As a Sworn Officer, the Language Liaison Officer is a Significant Resource for Other Officers and the Department:** The Language Liaison Officer is a significant resource for bilingual officers and officers who need to access language access services to interview a LEP victim, witness or suspect. As a bilingual officer, the Language Liaison Officer knows the resources and training that bilingual officers need to competently provide language access services. As a sworn officer, the Language Liaison Officer is frequently contacted by other officers to arrange for in-person interpreters and to problem-solve other language access problems officers face. The Language Liaison Officer's subject matter expertise, position, and experience as a sworn officer make her an invaluable resource to other officers within the Department.

Mediation

In the third quarter of 2019, a total of 15 cases were evaluated for mediation prospects. Of the 10 cases considered, 8 cases were mediated. This is one more case mediated than in the third quarter of 2018.



Mediation Feedback

"I appreciate the efforts of the DPA and the mediators. The mediators were wonderful and asked insightful and relevant questions."

– Complainant

"We reached a good level of understanding...You get to connect with the public's expectations and perceptions of the police...I better understand the other party's perspective."

– Officer

Audit

The Audit Team met with use-of-force experts to review the exceptions identified in use-of-force testing. The Audit Team examined these exceptions under the lens of Department policy and closely examined the underlying circumstances in each exception, including reviewing body-worn camera footage and supplemental incident reports. The Audit Team conducted additional interviews with SFPD personnel to understand any updates to internal policies relevant to the audit.

Budget

On July 30, 2019, the Board of Supervisors passed the two-year budget for Fiscal Years (FY) 2019-20 and 2020-21, which Mayor London N. Breed signed on August 1, 2019. The DPA's adopted budget for FY 2019-20 is \$11,557,966, representing a \$3,194,390 (or 38%) increase from the \$8,363,576 adopted budget for FY 2018-19. The enhancement includes \$450,000 of one-time funding to support the Department's relocation to 1 South Van Ness Avenue and \$550,000 to support the creation of a citywide web portal to satisfy SB1421 record requests. Additional funding was provided for six new full-time employees to meet staffing levels necessitated by an increased workload due to SB1421 and the addition of Sheriff's Department cases. Funding for the new employees became available in October.

Operations

SB1421 Public Records Request Portal

The DPA began scoping and planning creation of a citywide web portal to manage record requests under SB1421. The operations team visited other City agencies for demonstrations of existing record production systems and participated in citywide working group meetings.

Case Management System

In July, the DPA transferred case management to a new Salesforce-based system. Benefits of the new system include:

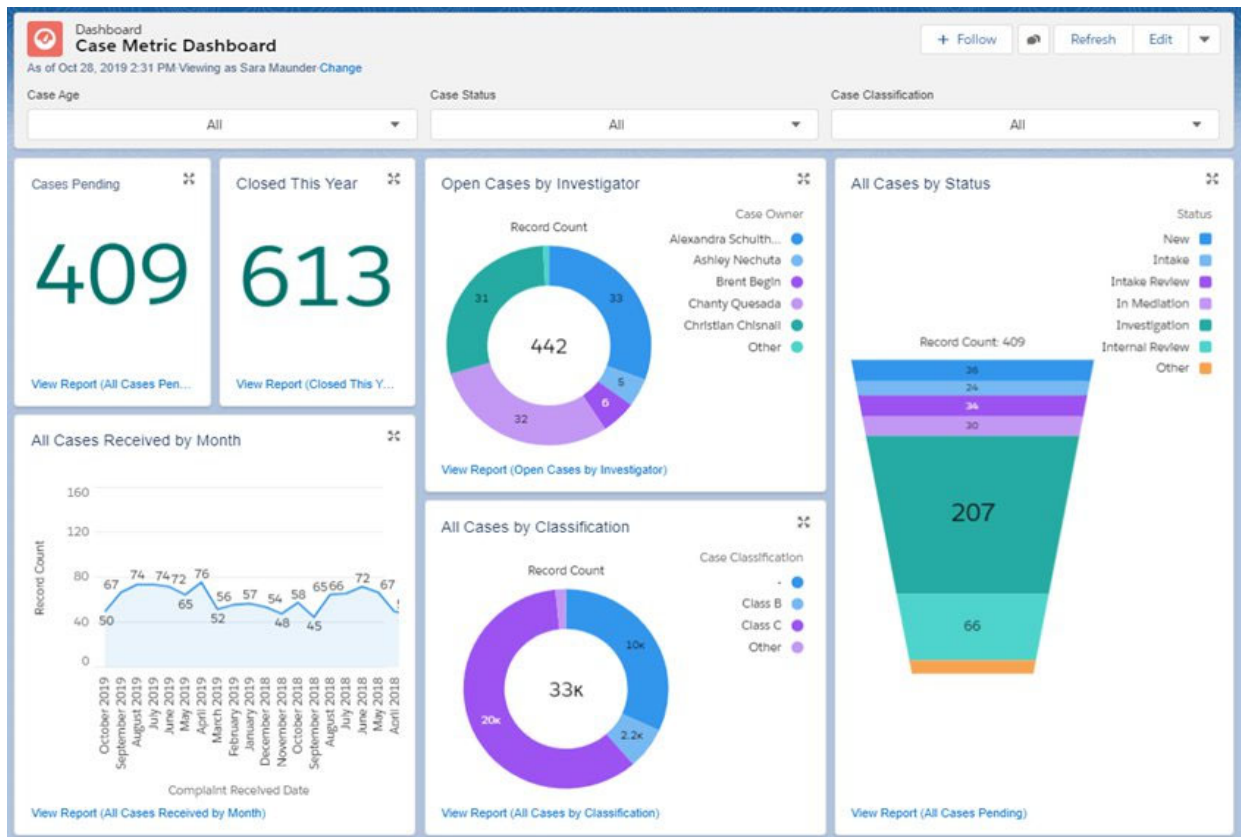
- Elimination of duplicate data entry
- Data validation
- Two-factor authentication for secure access
- Web-based access
- Automatic generation of form letters
- Automatic generation of the digital Henderson Report⁴
- The ability to visually track the status of an investigation

⁴ The Henderson Report lists all new cases and newly identified officers and allegations for existing cases on a weekly basis. Copies of the original complaint forms and allegations are attached. The report was digitized in the first quarter, but still required significant manual effort to compile digital attachments. Under the new system, a case summary appears within the report itself, eliminating the need to manually attach a summary of each new case and allegation.

- A streamlined online complaint process
- Milestone date warnings
- Visual case dashboards

As in the past, the new system feed automatically sends the DPA's complaint information to the SFPD's Internal Affairs Division every night. The data is used for the Early Intervention System and for officer disciplinary histories. Under the new system, the DPA is now positioned to receive reciprocal case information from the SFPD.

Throughout the quarter, significant effort went toward migrating historical data, rebuilding reports, and training staff to use Salesforce.



Sample dashboard view from a test environment.

Staff Development and Training

Several members of the DPA staff attended the Twenty-Fifth Annual Conference for the National Association for Civilian Oversight of Law Enforcement in Detroit, Michigan. The conference featured lectures on core competencies for Civilian Oversight Practitioners: training, community trust, institutional culture and correctional oversight, and collaboration. Training sessions covered topics such as the principles of civilian oversight and effective practices; community-police mediation; building juvenile correctional oversight; and how to build relationships with law enforcement while maintaining independence.

Internship Program

The DPA's internship program continued into the Fall semester. Interns attended various networking and career development events.



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 Survivors Circle: Using Community and Connection to Heal from Trauma at The Women's Building. The event was held to empower people who have survived sexual abuse, domestic violence, or any kind of trauma.
- DPA Youth Know Your Rights Workshop Presentation.
- Fifth Annual Power Youth Movement Conference at Leadership High School sponsored by Communities in Harmony Advocating for Learning and Kids. The Power Youth Movement Conference offered a place for young people to learn, teach, build community, and amplify their voices. The theme this year was Ten Toes Down, which focused on giving young people tools to feel rooted, grounded, and empowered as they transition into adulthood.
- Sunday Streets—Tenderloin.
- Aging Your Way Resource Fair at the Sutter Health CPMC Mission Bernal Campus.
- SFPD's Youth Town Hall and Summit: Exploring Solutions to Youth Violence at the Cornerstone Missionary Baptist Church. The event was held to inspire open and meaningful dialogue to develop and explore long-term and viable solutions to address the recent rise in youth violence.
- Domestic Awareness Month launch at the steps of City Hall organized by the San Francisco Domestic Violence Consortium, the San Francisco Department on the Status of Women, and other city leaders.
- San Francisco Recreation & Parks Health and Wellness event.



- We are the City: District 3 Family Summit hosted by the San Francisco Department of Children Youth, and their Families at Betty An Ong Recreation Center. The We Are the City Family Summits are places for San Francisco youth and families to make their voices heard. Information shared by the community plays a critical role in the five-year planning process and guides how the City invests in programs and services for young people (ages 0-24). District 3 includes the North Beach, Chinatown, Telegraph Hill, North Waterfront, Financial District, Nob Hill, & part of Russian Hill neighborhoods.
- We are the City: District 1 Family Summit hosted by the San Francisco Department of Children and Youth, and their Families at the Richmond Recreation Center. District 1 includes the Richmond, Vista del Mar, Lone Mountain, & Lincoln Park neighborhoods.
- San Francisco PRIDE Community Meeting at the LGBT Community Center Rainbow Room,
- On November 5, 2019, Our DPA staff attended and represent DPA at the African American Leadership Forum at PRC Integrated Services Center
- District Station Community Meetings
- 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.



Santa Clara University Law School internship recruitment.

Battle for the Bay Costal Cleanup

San Francisco Mayor London Breed and Oakland Mayor Libby Schaaf led volunteers from their two cities to face off in a cleaning and greening competition on Saturday, September 21, 2019, as part of the annual California Coastal Cleanup Day. The challenge was to protect our treasured Bay by cleaning and greening our neighborhoods and combating illegal dumping. Volunteers of all ages and abilities removed litter from neighborhoods, parks, and beaches. The DPA helped with coastal cleanup and on a parks project in the Bayview neighborhood.



SF Public Works and the DPA working on a garden at on Terry A. Francois Boulevard

