



LONDON BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
Department of Police Accountability

1 S. VAN NESS AVE., FLOOR 8
SAN FRANCISCO, CA 94102



PAUL DAVID HENDERSON
EXECUTIVE DIRECTOR

CONFIDENTIAL

July 14, 2020

San Francisco Police Commission
San Francisco Police Headquarters
1245 3rd Street
San Francisco, CA 94158

San Francisco Police Chief William Scott
San Francisco Police Headquarters
1245 3rd Street
San Francisco, CA 94158

Re: DPA Access to SFPD Records and Information

Dear San Francisco Police Commission,

A number of Commissioners have asked for information related to DPA access to SFPD records. Most recently, at the July 8, 2020 Commission meeting, Vice President Taylor and Commissioner Elias asked that we provide the authority that governs DPA access to SFPD documents and records as well as a regular reporting on examples of records we are not receiving.

The City Charter and Administrative Code currently guarantee the DPA access to records and information.

City Charter §4.136 (j) provides, “In carrying out its objectives including the preparation of recommendations concerning departmental policies and practices referenced above, the investigations referenced above, and the audits noted below, DPA shall receive prompt and full cooperation and assistance from all departments, officers, and employees of the City and County, which shall, unless prohibited by state or federal law, promptly produce all records and information requested by DPA, including but not limited to (1) records relevant to Police Department policies or practices, (2) personnel and disciplinary records of Police Department employees, (3) criminal investigative and prosecution files, and (4) all records to which the Police Commission has access, regardless of whether those records pertain to a particular complaint.”

Administrative Code §96.3 provides, “In accordance with the obligation of the Police Department and members of the uniformed ranks under Charter Section 4.127 to provide prompt and full cooperation and assistance in connection with complaints being investigated by the DPA, the Police Department shall promptly disclose all documents and records requested by the DPA except where disclosure to the DPA is prohibited by law. Unless (i) the Police Department and the DPA mutually agree in writing to an alternative deadline(s), or (ii) the Police Commission, by a two-thirds vote, establishes an alternative deadline(s) not to exceed ten business days, the Police Department shall disclose all such documents within five business days from the date of DPA’s request.”



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Developed in accordance with Administrative Code §96.3, the *Protocol Between the Office of Citizen Complaints and the San Francisco Police Department Re: Responding to Requests for Documents for OCC Investigations*¹ was adopted in 2003 and outlines logistics for requesting documents, including 73 types of routine documents.

Consistent with the charter mandate and administrative code, the DPA has been requesting direct and automatic access to information and records that we are entitled to receive. The DPA has specifically requested that, when feasible, the SFPD use modern technology to provide access in the easiest and most convenient ways possible.

Specifically, DPA requests access to the following:

1. The Police Department Intranet, and any successor Department intranet site providing electronic resources to Department employees, including but not limited to:
 - a. Current Department General Orders, FOB Orders, and Unit Orders;
 - b. Department, POST, Training, and Airport Bulletins;
 - c. Personnel Orders;
 - d. A list of all current Department Forms and blank exemplars of each;
 - e. Department Manuals, Rules, and Regulations.
2. The Human Resources Management System (HRMS) including
 - a. Records showing the past training of individual officers;
 - b. Officers' electronic sign-off affirming they have read specific Department Bulletin
 - c. Past and future shift and scheduling information;
 - d. Assignments and the identity of the corresponding supervisors.
3. Officer Employee ID Numbers (DSW).
4. Complete SFPD officer roster.
5. The Department's electronic databases for storing case-specific information, including:
 - a. The Department's Body Camera video footage database;
 - b. Crime Data Warehouse, and any successor database for incident report storage;
 - c. E-Stop, and any successor database for traffic stop and/or detention statistics.
6. Inclusion on distribution lists announcing new bulletins, intranet postings, etc.
7. Access shall be granted to Internal Affairs Division case management systems for operational information and incident tracking purposes to ensure efficiency and timely exchange of information.

¹ Police Commission Resolution No. 44-03, modified by Police Commission Resolution No. 23-10.



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- a. Syncing of IAD case numbers assigned to DPA investigations;
 - b. Chief's preliminary findings for DPA cases (notice of intent to discipline stage);
 - c. Chief's final findings for DPA cases;
 - d. Incident Report/CAD/Citation numbers to check for concurrent investigations;
 - e. Closed officer-involved shooting case findings.
8. Officer Internal Affairs Multiple-Cards (or underlying data).
 9. Academy Records of Completed Training

Methods

Three types electronic sharing are possible:

1. Direct access to information through information systems (API between DPA database and SFPD database) or website (login credentials for DPA).
2. Department of Technology managed file sharing servers.
3. Email delivery of PDF versions (v. mailed or faxed copies).

Direct access is preferable.

Information Systems Data

For information that is electronically stored and managed using a database, case management system, or similar system, data shall be exchanged using a system with Application Programming Interface (API) capabilities. An API allows two computer systems to exchange information in a paperless and timely manner. While mail, fax, and email are appropriate methods, they are not recommended means to transfer such data.

When API integration is not feasible, but direct access to information is within SFPD's discretion, SFPD shall grant DPA investigators direct access to information management systems from DPA investigators' individual workstations.

To ensure multiple card data is properly exchanged between departments, all investigation-related materials and data requests must be tracked with employee ID numbers unique to each involved officer. This will ensure the systems link investigation related materials while also reducing the chance of duplicative work.

The DPA and SFPD shall adopt paperless document delivery and sharing systems whenever feasible. Information that is routinely updated, particularly standard operational information such as the SFPD roster, shall be directly available to DPA investigators.

Any changes in a department's case management system must provide an option for compatibility with the other department.



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Duplicate Storage Costs

Because the DPA lacks direct access to the SFPD’s body-worn camera portal, the DPA must download and store all video related to complaints. If the DPA had direct access to the portal, DPA investigators and attorneys would be able to review the video footage in the cloud, downloading only necessary clips. This would also reduce investigative delays. As of a November 2019 server audit, the DPA was already storing a total of four terabytes of body-worn camera videos. Storing four terabytes of data costs the DPA roughly \$13,536 per year. By storing the videos on both Axon and DPA servers, the City is paying in duplicate for data storage.

Rough estimate: \$13,536//year

	Cost/Gb	Size (GB)	Monthly Total	Annual Total
Storage	\$0.28	4000	\$1,108.00	\$13,296.00
Data Backup	\$0.005	4000	\$20.000	\$240.000
			\$13,536.00	

Video storage costs will only increase over time as the DPA is continually downloading new body-worn camera videos.

Previously Accessible Information

The information accessible to the DPA through CABLE has been inconsistent. The DPA previously had access to multiple CABLE queries. All access was taken away about three years ago (for about a year). When access was reinstated, several frequently used queries were withheld for approximately a year. Additionally, the DPA no longer has the following:

1. New hire demographic information and photos (previously sent automatically)
2. DMV information

The DPA does not know the reasons why access to this information was restricted or removed.

Document Protocol and Routine Document Requests

As outlined in the protocol, the DPA makes routine requests for Routine Requests for 73 types of documents.² Routine requests are made directly to the division, station, or unit that generates or stores the requested record. The DPA uses a “Routine Request Form” for most routine requests.

² Per Department General Order 10.11, Body Worn Cameras,²body-worn camera video requests are routine. The routine request form has not yet been modified to include a checkbox for body-worn camera video.



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Body-worn camera routine requests are sometimes made using a letter due to space limitations on the form.

The most common routine requests are for incident reports and body-worn camera video. Incident report requests are sent by fax to the Records Management Division with a cc to the SFPD Legal Division. Body-worn camera requests are sent to the SFPD Legal Division. There is a three-day deadline for the SFPD to respond to routine requests. There is often a response delay when routine document requests are sent to district stations.

Non-routine request letters are used for all other document requests. The SFPD has fifteen business days to respond to non-routine requests.

Although the protocol allows for email requests, all requests are made by fax for tracking purposes.

We make approximately 300 document requests of SFPD per quarter. See Document Protocol Reports for further information.

1. Routine Request Form

The following record types are available using the DPA Routine Request Form:

- 12500 CVC Report (SFPD Form 164(a))
- 14601 CVC Report (SFPD Form 164)
- Academy training records
- Affidavit of Termination of Investigation (SFPD Form 470)
- Airport activity logs
- Anticipated Watch Report (SFPD Form 22)
- Arrest Record/Booking Slip (Form 3800-09)
- Candlestick Park activity logs
- Cell Check Log (SFPD Form 51)
- Certificate of Release (SFPD Form 184)
- Citation log book records
- Citizen Arrest Form (SFPD Form 80)
- Citizen Complaint Investigation Memorandum
- Cold Show Admonishment (SFPD Form 466)
- Corrected Watch Report (SFPD Form 117)
- Court Protective Orders or Emergency Protective Orders
- DABOR reports (post-hearing)
- Daily Arrest logs (SFPD Form 307)
- Demonstration Memorandum (SFPD Form 77)
- Demonstration squad charts
- DMV Officer's Statement
- DMV Order of Suspension (Form 360 & 360(A))
- DMV Supplemental to Officer's Statement (Blood/Urine Test Results)



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DMV Traffic Accident Report Form
DMV Verbal Notice by Police Officer
Domestic Violence Response Unit Tapes
Domestic Violence Supplemental Report forms (SFPD 480a & 480b)
Driving Under the Influence Card (SFPD Form 462)
Driving Under the Influence Report (SFPD Form 284A-D)
Drug Influence Evaluation Report (SFPD Form 26)
Drug Influence Evaluation Report (SFPD Form 26A & B)
Event operation orders
Field Arrest Card
Field Interview Card (SFPD Form 114)
Firearms Training Roster (SFPD Form 53)
Fleet management records
Hit and Run Record (SFPD Form 133)
Incident Reports (including all supplemental reports)
Intoxilizer Model 5000 Checklist (or other models) (SFPD Form 15)
Line-up Record (SFPD Form 56)
Media footage
Medical Screening Form (SFPD Form 54)
Mug Shots (criminal history information tracking number to be redacted)
Notice of Motor Vehicle Accident (SFPD Form 325)
Officer notes (Photocopies only)
Officer's Daily Report (Traffic Division) (SFPD Form 106)
Overtime and Holiday Watch Report (SFPD Form 238)
AT&T Park activity logs
Payroll records
Permission to Search Form (SFPD Form 468)
Photographic Line-up Instructions (SFPD Form 467)
PLES (10-B assignment) rosters
POST training materials
Prisoner Transfer Record (SFPD Form 78)
Property logs (from both stations and property control) (SFPD Form 230)
Property Receipt Form (SFPD Form 315)
Property Release Form (SFPD Form 158)
Public Intoxication Report (SFPD Form 69)
Ride-along Request and Review (SFPD Form 84)
Roll call training logs
Secondary Employment Application (SFPD Form 156)
SFPD Dismissal Request (SFPD Form 256)
SFPD officer photographs
SFPD officer weight and height descriptions
Station Arrest Logs
Strip search authorization form (SFPD Form 305)
Traffic Collision Reports (CHP555, 555-03 & 556)
Traffic Court Report (SFPD Form 295)



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Use of force logs (SFPD Form 128)
Verification of latent fingerprint request (SFPD Form 235) (not including results)
Unit Orders
Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474))

Examples of Data Request Challenges from DPA Investigators and Attorneys

- A. It took several months and multiple requests for SFPD to produce a full copy of the initial incident report for an officer-involved shooting. Multiple excuses for the delay included the case file being stored in a restricted area and an officer's lack of access to a fax machine. When a paper copy eventually arrived at the DPA offices, the report was out of order, pages were missing, and several pages were cutoff at the top or bottom. When DPA called to request the missing and cutoff pages, a legal assistant offered to read me the missing content aloud instead of sending copies. Executive management intervention was required to obtain the full copy of the report.
- B. Station keepers are often confused when they receive document requests to district stations. Because multiple officers rotate between that position, DPA often has to call the station to follow-up on document requests. DPA assumes this is because station keepers do not have a way of tracking if an officer on the previous shift already responded to the request.
- C. Non-routine requests are sometimes denied without SFPD Legal providing a reason. This can make it difficult to communicate about issues and alternatives. One example is being denied a report because an incident involves a juvenile. If DPA investigators are informed of confidentiality issues, they will know to request redacted copies of a document or work to obtain written parental consent.
- D. It's important to use the most updated rules when deciding the merits of a case—but sometimes we don't have the most recent rules. We often get Department Bulletins months after they have gone into effect. I once cited an arrest manual, only to find out that a newer one had been published years earlier. Getting copies of newer versions is a non-routine request that takes weeks.
- E. Document requests to the SFPD Airport can take two months to get documents and SFPD Airport uses a different system. Documents usually requested are CADS, CAD Audio, and unit histories.
- F. Stop Data Collection System (SDCS) Implementation (formerly known as eStop and before that it was e585) is covered under DB 18-105. We send a request to Legal for confirmation that the officer made the required data entry. As of 7/1/18 the entries are now sent to DOJ, so DPA investigators send the request to Legal and then Legal has to forward DPA's request to the DOJ. Once the information is ready, DOJ sends it to Legal and then Legal sends it to the DPA.
- G. In one case, we received a complaint in July 2019 and immediately requested the body worn camera footage. As of February 2020, there were still 18 outstanding BWCs. We



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didn't receive the last footage until April 2, 2020. The delay impeded our ability to close that case.

- H. After the DPA sends Improper Conduct (Sustained) Reports to the Chief, tracking outcomes for individual officers is extremely difficult and time consuming. Requests for Chief's discipline notices, final orders, and declination letters are often ignored. A full year after repeated requests for information on discipline decisions for 130 officers, the DPA still had no information for 32 officers (25% of officers).

Paul Henderson
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