

Special Meeting
San Francisco Police Commission
Thursday, January 10, 2019-10:30am-12:00pm
1245-3rd St- Room 1025

Minutes

1.) Roll Call @ 10:37am
Commissioner Damali Taylor- Present
Commissioner John Hasmasaki-Present
Asst. Chief Hector Sainez-Present
Commander Pete Walsh-Present
Captain Timothy Falvey-Present for Commander McEachern
Captain Laura Knight- Present
Asja Steeves (SFPD)-Present
Samaras Marion (Dpt. Of Police Accountability)-Present
Minouche Kandel (Commission on the Status of Women)-Present
Beverly Upton (S.F. Domestic Violence Consortium)-Excused
Fawn Koopman (Bay Area Legal Aid)-Present
Jeanne Finberg (Bay Area Legal Aid)-Present
Diane Tejada-Present

Also present at the meeting:

Sgt. Rachael Kilshaw
Sgt. Walter Ware
Alicia Cabrera A.C.A.
Captain Sergio Chin (SVU)
Lt. Peter Shields (SVU)
Lt. Wilfred Williams (SVU)

Julian Mark (Mission Local)

2.) Introductions

Commissioner Taylor commented on how hard the staff had worked to establish the working group and did not like the way members were added the day of the meeting. Commissioner Taylor expressed being excited to be a part of the working group regarding D.G.O. 3.16.

A.C.A. Cabrera introduced herself and spoke about Line 3 of the Agenda as she reminded the working group members about the Sunshine Ordinance.

During Public Comment, Minouche Kandel spoke of her disagreement that others were not allowed to participate in the working group.

Fawn Koopman informed the group that Jeannie Finberg was not an employee of Bay Area Legal Aide and should be allowed to join the working group.

Commissioner Hamasaki requested to add Jeanne Finberg to the working group.

Alicia Cabrera stated that the group needed to be an odd number and that invitations to working group members were up to the Police Commission and also had the ability to add or remove members. She also stated that after today's meeting, no one could be added to the group.

Commissioner Taylor commented on the lack of notice provided regarding the addition of new members to the working group and does not want to create exceptions. Commissioner Taylor was reluctant to add two working group members the morning of the meeting.

Commissioner Hamasaki stated that he had received an email a week earlier and wished to include Jeanne Finberg as a working group member, setting the group at 13 members and agreeing that there would be no additional changes.

Cabrera informed the group that the Sunshine Ordinance rules apply to the working group and told the group to understand that everything discussed or emailed would be subject to public disclosure. She also informed the group not to have illegal meetings, which in this case would be seven or more members of the working group, Cabrera informed the working group that a reply all to an email would create an illegal meeting.

Cabrera gave an example of a straw person, who shares an idea with a member of the working group who is passing the information to another and so on. Once this information gets spread to the majority of the group, it becomes an illegal meeting.

4.) Identifying components of quarterly reports to the Police Commission in D.G.O. 3.16, Section G (Discussion)

Asst Chief Sainez informed the working group that the Department had posted a draft of the summary report, but that we did not have data points at this time.

Commissioner Hamasaki asked if everyone had received a copy of the report that Chief Sainez referenced. Asst Chief Sainez stated that the idea is to identify data points to provide to the Commission.

Commissioner Taylor said that all of the mentioned data points should be provided.

Steeves said that a general incident report form was currently being used and informed Commissioner Taylor that a revised version could be produced once the group agreed on a format. Commissioner Hamasaki asked if there were any items that shouldn't be released.

Jeane Finberg asked that the data be sorted by station, email, etc

Fawn Koopman added that it would be important to know the data by station, etc.

Asst. Chief Sainez added that Line 5 of the agenda would allow for additional discussion.

Commissioner Taylor inquired if it would be a problem breaking down the data points
Minouche Kandel asked if the Dept could accept Esc requests.

Samara Marion said that the form has a box that English is not the primary language. Minouche Kandel would like a box added to the form regarding language. Commissioner Hamasaki asked if there was a downside. Asst. Chief Sainez expressed concern regarding tracking the language if the requester communicated in English, but spoke another language unknown to the officer or if a family member assisted filling out the form in English. Asst Chief Sainez thought the data was not always going to be accurate as the SFPD would not know who was filling out the form for language tracking purposes. Samara Marion asked if we collect information of data collection and issues regarding compliance. Chief Sainez answered yes.

Samara Marion asked about data on good cause provided weekly vs monthly and whether we can capture the compliance rate. Commissioner Hamasaki asked how the data would be captured and if there would be a delay in doing so. Steeves informed the group that a good cause delay form would be provided within 5 days letting the requestor know that the 10 day timeline would not be met. The form would allow the reasons for the delay to be tracked (number of days, averages, etc). Fawn Koopman said that there have been delays due to inaccurate incident numbers or incomplete forms provide to the SFPD and this should not be a reason for delay. Asja Steeves responded that the reports still would have to be picked up even after the forms are completed Asst. Chief Sainez added that substantial issues are usually the cause for delays.

Commissioner Hamasaki asked how to best capture the data.

Koopman said the form had some boxes and a possible way to capture the data could be to put numbers next to each item a let the requester know what is missing for tracking purposes.

Commissioner Taylor though the idea was great but questioned if it would track properly. Commissioner Hamasaki wanted to know the best way to capture major categories by number. Asst. Chief Sainez stated there were two issue, one that we make a good faith effort and when we can't capture the data in five days, we improve the data capturing process.

Koopman wanted to know if the reports could be requested over the phone with basic information. Commissioner Taylor added that if the form had incorrect information, it would influence the stats and though a broad approach might be best. Koopman would like to list the major categories and mentioned that the SFPD never requested addresses before and was still able to provide the information to the requestor Mionouche added that an incorrect incident number on the form should not be a reason for delay.

Steeves stated that we should consider adding a cover sheet to capture raw data. Wrong information is cause for delays. It would help us understand what the delays are. It won't be as before where requests are handled over the phone.

Asst. Chief Sainez stated that the incident number is important as multiple reports could exist involving the same person.

Commissioner Taylor spoke about victims being in a cycle of victimization

Samara Marion expressed concern about a Q2 taking more than the five days because the request had errors.

Commissioner Hamasaki asked that we not get bogged down and leave things as is for now with the understanding that changes can be made at a later date.

Steeves said that the Dept was adding tracking of LEP of victims. Areas such as how requested, LEP, crime classification, how long, how many?

Asst Chief Sainez asked if there was LEP on the request form. Commissioner Taylor wanted to know what the SFPD was doing on this front.

Asst Chief Sainez said there was a draft of 3.16 for Commission Review/Adoption, SVU has a draft of a Unit Order regarding the processing of requests.

Steeves spoke about feedback from meetings with Samara Marion regarding Good Cause delays and the need for the form of good cause delay with reasons the incident report was not provided in five days. All forms are currently in draft mode

Commissioner Taylor expressed concern that victims our witnesses could be harmed. Minouche Kandel said the form didn't make a distinction between attorney, advocate or individual and that there would be an increased burden to come in person to request the report.

Fawn Koopman said she surveyed many jurisdictions and did not think they required an in person request.

Jeanne Finberg added that in civil cases the information was available and that the danger was theoretical. She also stated that the requestor would be swearing under the penalty of perjury.

Asst Chief Sainez stated to the group that the SFPD would follow the law and we were going to guard against the wrong people getting reports.

Commissioner Taylor was concerned about the declaration.

Steeves mentioned we were talking about providing reports that were not redacted and that we should be in compliance with FC 6228. Steeves also mentioned the survey she did of other jurisdictions and they varied, but most seemed to have a policy regarding attorney access.

Commissioner Hamasaki wants to make sure victims and witnesses are protected.

Jeanne Finberg said that most policies are not in writing and the potential for harm is real. Commissioner Taylor does not want the reports to be a free for all, and to come to an agreement where advocates would not be required to come in person. Chief Sainez wants to develop a process.

Commissioner Taylor wants more information on what other counties are doing, best practices and to discuss the identification issue.

Commissioner Hamasaki asked the group to provide documents that they might have in advance of the next meeting.

Adjournment