



# The Police Commission

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## CITY AND COUNTY OF SAN FRANCISCO

Dear Chief Scott,

Thank you for speaking with me on Monday about the proposed mugshot policy. I greatly appreciate the work you and your staff have dedicated to it. I have two minor—though critical—modifications and two substantive changes that I believe are essential to its successful implementation.

1) **Department Bulletin:** The policy should be issued as a Department Bulletin because “Notices” are simply announcements and thus, the importance of this new policy will be diminished;

2) **Introduction:** Provide a more succinct introduction as suggested below so that officers and the public understand that this policy is part of SFPD’s commitment to address bias in policing.

### Department Bulletin

First, it is critical that SFPD’s new policy be issued as a Department Bulletin because Bulletins are historically viewed as the mechanism for SFPD’s changes to policy. Department Notices are simply “announcements”—such as a reminder about the commencement of Day Light Savings Time (see e.g. Department Notice 20-024.) (See 3.01.06). Department Notices are defined as “information on procedural changes, training, special events, deployments, general information, and messages from the Chief of Police.” (See 3.01.06).

The mugshot policy is a policy change which requires mandatory procedures and compliance. By issuing it as a “informational announcement” the importance and compliance measures are undercut. Moreover, officers are well aware of the distinction between a Notice and a Bulletin and thus, again, the messaging to the rank and file is that this important change in the Department’s policy on mugshot release is relegated to the status of an announcement about Day Light Savings Time.

Additionally, by announcing the Department’s new mugshot policy as a “Notice”—unlike Department General Orders and Department Bulletins that SFPD is required to post on its website—SFPD has no requirement to provide Notices to the public (see 3.01.11.). Again, the exclusion of Notices from public posting underscores how Notices are reserved for minor, administrative announcements of minor consequences that do not merit public concern.

I know you are concerned that by issuing this policy as a Department Bulletin, your internal concurrence process will be too lengthy. One possible solution, since the DB is quite short, is you could distribute it to the command staff and set a short window on comments. Because the Police Commission will not be back in session until July 1, 2020, I’m certain we can resolve this by then. At the end of the day, you are the final decision-maker on the Department Bulletin’s contents for the department and I expect that this should be relatively uncontroversial.

DAMALI TAYLOR  
Vice President

PETRA DeJESUS  
Commissioner

JOHN HAMASAKI  
Commissioner

CINDY ELIAS  
Commissioner

DION-JAY BROOKER  
Commissioner

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Sergeant Stacy Youngblood  
Secretary



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I have already reached out and spoken with Director Henderson about turning this around quickly and do not foresee any delays coming from them. Working together, we can all turn this around and it will have the stamp of approval from the Department, the Commission, and DPA. When we spoke on Monday, we discussed finding ways for all of us to work together better for the good of the public, this seems like a great example of how we could do just that.

### Introduction

Second, concerning a more succinct introduction that explains to the public and your officers why you are making this change, I recommend that the title announce it as a “New Policy” and include the following introduction:

Sergeant Stacy Youngblood  
Secretary

### **New Policy to Limit Release of Booking Photos and Arrestee Information**

**The release of booking photographs and arrestee information before a conviction undermines the presumption of innocence which is fundamental to our democracy and justice system. Consistent with its commitment to address negative stereotypes which contribute to implicit and explicit bias in policing, SFPD will limited the release of book photos and arrestee information to specific circumstances as detailed below.**

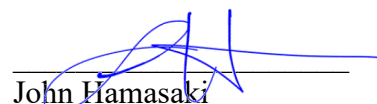
### Substantive Changes

1. **Release After Conviction:** In reasons booking photos may be released, **Exception 3** allows for release after conviction. This exception is too broad and may contribute to negative stereotypes due to over policing in certain communities and/or unequal wealth distribution. Additionally, convictions are often expunged or vacated.
2. **Written Approval:** Further clarification that the approval required for release of booking photos must be *written* approval. This is a change in language made throughout the policy.

I truly appreciate the way you have worked to get this moved through the department expeditiously. I think the final product should be something that we can all be proud of and a model for other departments. Finally, without it being a Department Bulletin, the Commission’s role in the policy is diminished, which would undercut the collaborative spirit that I believe this policy should demonstrate.

I have attached the Department Bulletin with the changes I propose.

Sincerely,

  
John Hamasaki



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## CITY AND COUNTY OF SAN FRANCISCO

Department Bulletin 20-XXX  
06/xx/20

### New Policy to Limit Release of Booking Photos and Arrestee Information

**The release of booking photographs and arrestee information before a conviction undermines the presumption of innocence which is fundamental to our democracy and justice system. Consistent with its commitment to address negative stereotypes which contribute to implicit and explicit bias in policing, SFPD will limited the release of book photos and arrestee information to specific circumstances as detailed below.**

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SFPD Media Relations will manage the release of all booking photos and arrestee information on Department and Station websites, social media accounts, **press releases** and in response to public records requests and media inquiries. This specifically excludes any release of booking photos and arrestee information in connection with a court process, administrative process, or law enforcement request.

In compliance with this Notice, **no members of the Department may post, disseminate, distribute, or otherwise post booking photos or arrestee information on Department or Station social media accounts or websites or otherwise without SFPD Media Relations Unit's written approval.** SFPD members shall coordinate with SFPD Media Relations Unit prior to engaging with the media about booking photos and arrestee information.

Prior to releasing booking photos covered by this notice, SFPD Media Relations will follow these guidelines.

Booking photos may be released and posted to Department social media accounts when they:

1. warn the public of imminent danger or;
2. seek the public's assistance in locating an individual or an at-risk individual;

Booking photos and arrestee information shall only be released upon meeting the above criteria. Such release will be approved in writing by SFPD Media Relations.

SFPD Media Relations shall ensure the above criteria is met before issuing a press release or responding to a media request.

Procedure:

o Station/Unit Requestor shall complete SFPD Request Form XX and send to [sfmediarelations@sfgov.org](mailto:sfmediarelations@sfgov.org)



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o SFPD Media Relations OIC shall review SFPD Request Form XX and reply to the Station/Unit Requestor in writing.

o If written approval by Media Relations is received, the Station/Unit Requestor shall post booking photos and/or arrestee information on their Station/Unit social media page

o If not approved by Media Relations, the Station/Unit Requestor shall post alternative information on their social media page (evidence photos, general information about the arrestee like age, gender, charges, stay away violation, whether they are known to SFPD or a specific task force)

o Station/Unit Requestor will file completed form in the corresponding arrestee case file.

\*Exigent circumstances, (i.e. connection with Amber Alerts or immediate public safety need) may mitigate need for form approval

WILLIAM SCOTT

Chief of Police

Per DB 19-156, sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS. Any questions or clarification regarding this policy should be made to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional guidance about the directive.

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## Booking Photo – Request to Post Publicly

Send request to: [sfmediarelations@sfgov.org](mailto:sfmediarelations@sfgov.org)

SFPD FORM # XX

First/Last Name

Rank & Star No.

Station/Unit

Contact Number

Commanding Officer

Date of Request

I am requesting to release booking photo(s) and arrestee information. The booking photo(s) meet the following criteria (check all that apply):

- Is not a juvenile
- Will warn public of imminent danger, specifically:

\_\_\_\_\_

- Requires public's assistance in locating an individual (at-risk or otherwise)

This section to be completed by SFPD Media Relations Unit

Approved?

Yes

No

OIC Name & Star No: \_\_\_\_\_

Date of Approval/Refusal: \_\_\_\_\_

If "No", Reason for Refusal: \_\_\_\_\_

Notified Requestor?  Yes  No

Sergeant Stacy Youngblood  
Secretary