



LONDON BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
Department of Police Accountability
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PAUL DAVID HENDERSON
EXECUTIVE DIRECTOR

To: President Bob Hirsch
Commissioner Thomas Mazzucco
Commissioner Cindy Elias
Members of SB 1421 Working Group

At the August 5, 2019, SB 1421 meeting, the working group discussed a second version of the SB 1421 policy that had been drafted by the City Attorney's Office in response to feedback received from the working group during the July 10, 2019 meeting and subsequent briefs filed by stakeholders. During the August 5, 2019 meeting, participants discussed the second version and were given the opportunity to provide additional written feedback.

The DPA had the opportunity to share its feedback at the meeting, but files this letter to memorialize its position on two key issues.

First, the DPA agrees with the position of the ACLU, Commissioner Elias, and other participants of the working group that the examples included in section I(C)(3)(a-d) should be omitted. There are too many scenarios that could come up within the given examples or any number of additional situations that should be analyzed on a case by case basis by the responsive agency with guidance from the City Attorney's Office as needed.

Second, the DPA agrees with the recommendation that the language in section I(C)(4)(a) mirror that of the statute. As currently written, the policy states "Records are disclosable if the evidence shows that the use of force **caused** the death or great bodily injury of a person." Emphasis added. The language of the statute, however, provides that records are disclosable if use of force by a peace officer against a person "**resulted in** great bodily injury." Penal Code Section 832.7 (b)(1)(A)(ii). Emphasis added.

Finally, with regard to section VI, the DPA suggests changing the word "notice" to "notification." The information being sent to the six agencies listed in this section is a courtesy copy of the records given at the same time they are provided to the requestor, not an advanced preview of records to be released.

We look forward to continuing work on implementing this important law.

Sincerely,

Paul David Henderson
Executive Director

