Minutes

1) Roll Call @ 1300hrs

Commissioner Damali Taylor- Present
Commissioner John Hamasaki- Present
Asst. Chief Hector Sainez- Present
Commander Pete Walsh- Present
Commander Greg McEachern- Present
Lt. Dave Falzon (in place of Captain Laura Knight)- Present
Asja Steeves (SFPD)- Present
Samara Marion (Dept. of Police Accountability)- Present
Beverly Upton (S.F. Domestic Violence Consortium)- Present
Elizabeth Newman (Commission on the Status of Women)- Present
Fawn Koopman (Bay Area Legal Aid)- Excused
Jeanne Finberg (Bay Area Legal Aid)- Present
Diana Tejada (SFWAR)- Present

Quorum reached

Also Present:

Sgt. Walt Ware,
Sgt. Jayme Campbell
Rachael Kilshaw
Alicia Cabrera (SF City Attorney)

2) Adoption of Minutes from the January 28, 2019 meeting (Action)

Commissioner Taylor made the motion to adopt the minutes from the January 28, 2019 DGO 3.16 meeting.
Asst. Chief Sainez seconded the motion.
The motion passed unanimously as follows:

Commissioner Taylor- Yes
Commissioner Hamasaki- Yes
Asst. Chief Sainez- Yes
Commander Walsh- Yes
Commander McEachern- Yes
Lt. Falzon- Yes
Asja Steeves- Yes
3) Review of SFPD’s procedural process and forms for requesting and obtaining police reports pursuant to Family Code Section § 6228 (Discussion)

Commissioner Hamasaki asked for update on modifications by SFPD on form. Asja Steeves said that the Department has finalized the request for the incident report form, namely in the “Internal Use” box where it says, “ID type verified.” She went on to acknowledge that language regarding the incident report number had inadvertently been left out of the current version, but has been re-inserted.

Commissioner Hamasaki addressed the letter from DPA regarding “DPA Suggested Language for Family Code section 6228 Procedures and Special Circumstances” which was included in the meeting package dated March 1, 2019. Commissioner Taylor explained that she had wanted everyone to come to this meeting in the spirit of compromise. She mentioned the flexibility of the letter and said that it opens the floor to compromising.

Commissioner Hamasaki asked if the Department (SFPD) has issues regarding identification. Asst. Chief Sainez stated that the Department has done some research and the SFPD believes it would be exposing the Dept. to liability if the identification process is not solidified. The topic of fingerprinting had been brought up at the previous meeting and the research proved that to be too problematic. Another option that A/Chief Sainez suggested was helping facilitate survivors in getting a city ID.

Asja Steeves presented a letter on behalf of Chief Scott. Commissioner Hamasaki asked the Department why the letter was presented today. A/Chief Sainez indicated the letter was in response to DPA’s letter that came in three days prior. The SFPD’s letter expressed concerns with DPA’s suggestion of accepting attestation of individuals in lieu of identification.

Commissioner Hamasaki asked what the Department’s solution was. A/Chief Sainez stated that the solution is to help survivors obtain city ID’s. Jeanne Finberg believed that everyone had accepted the idea of people coming in and signing a declaration under penalty of perjury.

Commissioner Taylor reiterated that she had urged everyone to come into this meeting with creative ideas. She expressed that the goal is to have victims be able to obtain reports, but if they already have a reluctance to get reports, how is the SFPD going to facilitate people getting ID’s. Commissioner Taylor does not feel city ID’s are the solution.
Diana Tejada said that even though the Family Code is requesting ID’s, nobody had current ID’s. She went on that most survivors do not have updated ID’s. Aṣja Steeves addressed Diana Tejada’s comment about expired ID’s and confirmed that it was ok if the ID was expired. Jeanne Finberg stated that she suggests to her clients that they do not use fraudulent documents. Commissioner Taylor clarified that expired does not mean its fraudulent regarding an ID.

Jeanne Finberg asked to talk about immigration status and expressed that immigration status is sensitive so she was hoping to redact some of the information presented on an ID. Commissioner Hamasaki clarified that there will be no copy of the ID kept so there should not be a worry of others looking at the ID.

Jeanne Finberg said that there are many people who do not have ID’s. There are those who get to advocates, but there are many who don’t. Diana Tejada stated that she has been able to get reports for clients who do not have an ID. A/Chief Sainez said that there was a large population of people who request police reports but a small portion do not have ID’s. He went on to explain that 6228 requires ID and said that the Department cannot break the law or it will be opening itself up to liability. He said that it brings concern to the Department and that there are advocacy groups to help survivors get ID’s. As a law enforcement agency, the Department cannot break the law.

Commissioner Taylor said that she was not understanding where the liability was. Commissioner Taylor revisited the signature with a declaration under penalty of perjury and asked, what if there was something that could ID the person such as a birthdate; she asked what the implication of the signature would be.

Commissioner Hamasaki said that he thought they had already talked about this and felt like they were going backwards. He had one issue with the signature and it was the potential for liability. He said that what we do know is the harm that has come to victims of violent crimes. There are people who are legitimately facing harm but we have to come up with something to protect the victims of Domestic Violence, the survivors. He added that the inability to get a police report causes problems for the survivors in obtaining Restraining Orders.

Beverly Upton expanded on Commissioner Hamasaki’s point by adding that people are running for their lives, there are people who have run for their lives or their children’s lives and that we have to do something to make reports available to them.

Samara Marion wanted to bring up two points; one of them being the incident that happened in January. She went on to say that it is not practical to get an ID; that it is an obstacle. She explained that the language in the DPA letter is Federal language and asked why the Department does not use the Federal language.
A/Chief Sainez said that the CIS Unit Order that the Department is working on allows for trouble shooting which looks into addressing times when the survivor cannot be ID’d. Commander McEachern brought up an issue of when the victim cannot be located or did not want to provide their information. Commissioner Hamasaki pointed out the other obstacle of utilizing the initial reporting officer.

Asja Steeves said that the Department does not have any procedural documents in place yet. She said they had examples but wanted to standardize the procedure in order to be able to train advocates. She added that no government agency uses signatures instead of identification. Jeanne Finberg stated that there are statutes that do not require photo ID’s. She said that they believe all of these things they’ve talked about surrounding signatures cover the bases for legality. She acknowledged the Department being systematic but at the same time does not want the Department to be too strict.

Commissioner Taylor asked what the impact would be if the Department moved forward with the forms as the Department presents today without the attestation section. Asja said once the Department rolls out the form, it can start collecting the data.

Commissioner Hamasaki stated that there is a point this process needs to get started to see how this is going to go, but not at the expense of the survivors. A/C Sainez said that the Department wants to get the forms. He stated that the Department does not know how to address issues until it knows what the issues are and at this point, it is unknown what the issues are, nor can data be collected to determine what they are. His position is that the Department move forward and start collecting data and report quarterly.

Commissioner Taylor explained she is concerned with what the monitoring period would be, and how many unrepresented victims aren’t getting reports due to lack of ID. Lieutenant Falzon responded to that by saying that he was unaware of anyone being turned away. He stated that reports are only released from records. Jeanne Finberg stated that she has many records of people being denied. Lieutenant Flazon said that if someone is turned away, then there is usually a bigger reason. Jeanne Finberg asked Lt. Falzon what it was his office was doing that satisfies the survivors. Lt. Falzon replied by saying that there has not been anyone who has come to the window that has been denied.

A/Chief Sainez reiterated again that it would be his recommendation that the Department adopt the policy and forms as presented today and move forward so data can be collected to see what the numbers are and what the issues are.

Commissioner Taylor wanted to know what part of “showing a valid identification” requires a person to show a photo identification. Asja Steeves said that she had done a search on what is considered ID, and what she found was that it relates to State issued, passports, state of origin. She said there is no nationally recognized ID aside from a passport, and school ID’s were also on the list based on research she had done. Asja Steeves said that the one thing that all of the examples of an identification had in common was a photo, and that when law enforcement officers ask for an ID, it’s not a written declaration.
Commissioner Taylor asked the example of what a woman is to do when she has to flee from her home. A/Chief Sainez brought up Lt. Falzon’s explanation and how the records department tries to get survivors the report they need.

Commissioner Hamasaki asked if there was language that says no person shall be denied without a supervisor’s review first.

Jeanne Finberg brought up ID vs ID card. She said there are California statutes that talk about identification not identification cards.

Commissioner Taylor asked what the percentage of population is turned away by email or phone.

Lt. Falzon stated his office has a large volume of requests for reports and very few get denied. He continued that he agreed with A/Chief Sainez in saying that a policy needs to be adopted so the Department can start gathering data. Samara Marion stated that if the Department was on that track to move forward then she felt the form should be allowed with the language they recommended. She added most people without ID do not ask for an exception. She indicted that there should be Special circumstance language to allow people to understand they can get a report without ID.

Commissioner Taylor asked to add language to section 2 to indicate exceptional circumstance and direction to an advocacy group. A/Chief Sainez said there could be clarifying language on SFPD form 591 and the Unit Order regarding supervisor approval.

Commissioner Taylor and A/Chief Sainez suggested some potential language and Commissioner Hamasaki asked if this would go in front of the Commission which Asja Steeves confirmed. A/Chief Sainez said this is a quarterly report but that the first report could be within 30 days.

Beverly Upton said she agreed with some of the special circumstances and said, the SFPD by the time a survivor is seeking a report, has already ID’d the victim typically and said that there just needs to be confirmation that they are in fact the victim when they request a report. A/Chief Sainez commented that this was where the Department had talked about signature cards and finger printing.

Samara Marion brought up the idea that an officer could have the form to give to the victim to sign then and there, at the scene. She added that the victim is already given forms that explain what is next so why not give the form 6228 for them to hand over to receive the report. A/Chief Sainez pointed out that doing this still does not confirm that the person handing over the form to receive the report is the same person who filled out the form.

Lt. Falzon went back to the language on the Unit Order regarding a supervisor’s approval. He recommended that for any person being denied, it shall be seen by the OIC prior to turning the survivor away. Asja Steeves clarified if it only applies to the victim requesting and all confirmed.
Samara Marion wanted clarification on where Lt. Falzon’s suggested language would appear; the Unit Order or the form 6228. Commissioner Taylor confirmed it would be on the form in section 2. A/Chief Sainez brainstormed some ideas of the language.

The discussion then outlined what the form would contain:
- Includes all parties of the incident;
- Addition of the line that had been inadvertently left off the form which explains who people can reach out to for help in getting the report;
- Added language that says it is the discretion of SFPD;
- One part of the form needs to include language specific to the victim;
- SFPD has the discretion to provide police reports to those who can provide something sufficiently enough for identification;
- language be similar to the final bullet point in section 2 and that it should be placed up near the first bullet point

Commissioner Hamasaki said that he believed that language could be added on the form now with the idea that it can be changed later.

Beverly Upton asked to hear the proposed language and A/Chief Sainez said, “The Department, in its discretion, will provide incident reports when a victim cannot provide other satisfactory evidence of identification at the time of the request.” He added that the supervisory review would be included in the Unit Order.

Lt. Falzon expressed that the forms in their initial state not be disseminated as they are not yet approved and also to avoid confusion.

Commissioner Taylor asked if the first reporting will be monthly. Asja Steeves explained that the Unit Order must go through the concurrence process. A/Chief Sainez added that the concurrence process will be quick and that the Department just needs to enumerate it. He said it could be done in one week. There was discussion regarding the length of time for the translation process.

**The discussion was open to public comment- there was no public comment.**

4) Outstanding issues (Discussion):
   - There were none

**The floor was open to public comment- there was no public comment**

5) Adjournment (Action)
   - Commissioner Taylor (Motion), A/Chief Sainez (2nd). Unanimous vote to adjourn.