Special Meeting  
San Francisco Police Commission  
Thursday, January 28, 2019 0900-1000hrs  
1245-3rd St- Room 1025

Minutes

1.) Roll Call @ 9:00am
Commissioner Damali Taylor- Present  
Commissioner John Hamasaki-Present  
Asst. Chief Hector Sainez-Present  
Commander Pete Walsh-Present  
Commander Greg McEachern-Present  
Captain Laura Knight- Present  
Asja Steeves (SFPD)-Present  
Samara Marion (Dpt. Of Police Accountability)-Present  
Elise Hansell (Commission on the Status of Women)- Excused  
Beverly Upton (S.F. Domestic Violence Consortium)  
Fawn Koopman (Bay Area Legal Aid)-Present @ 9:07a.m.  
Jeanne Finberg (Bay Area Legal Aid)-Present @ 9:07a.m.  
Diana Tejada-Present @ 9:05a.m.

Quorum reached.

Also present at the meeting:

Sgt. Rachael Kilshaw  
Sgt. Walter Ware

2.) Adoption of Minutes from the January 10, 2019 meeting (Action)

Commissioner Taylor made a motion to adopt the minutes from the January 10, 2018 DGO 3.16 meeting. Commissioner Hamasaki 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  
Captain Knight-Yes  
Asja Steeves-Yes  
Beverly Upton-Yes  
Samara Marion-Yes  
Diana Tejada-Yes  
Jeanne Finberg- Not present during the vote
Diana Tejada —Not present during the vote
Fawn Koopman—Not present during the vote

Diana Tejada addressed the group and gave a brief offering of what her agency does to address any confusion from the previous meeting. Commissioner Taylor told her that she was glad she was part of the working group and the only issue from the 1/10/19 meeting was not knowing Tejada was going to be part of the working group.

3.) Review of quarterly reporting forms regarding Family Code 6228 to the Police Commission in DGO 3.16, Section G (Discussion)

Commissioner Taylor asked the group to provide updates regarding DGO 3.16 since we last met.

Asst. Chief Sainez said that Asja Steeves and he took the recommendations from the last meeting and added them to the form which was included in the packets to the working group. Commissioner Hamasaki added that the form seemed to incorporate the requested changes. Commissioner Taylor said that is seemed to include what had been previously discussed.

Beverly Upton asked if there was a way to track request for reports that went beyond 10 days. Asja Steeves said that it would not be impossible to add, but would like to avoid it from becoming too data heavy. Commissioner Hamasaki asked what would be the best way to capture data. Asja Steeves recommended that we flush out issues by at least getting the first report out. Asst. Chief Sainez said that we would be able to flush out the raw data when we have the quarterly report done. Commissioner Hamasaki thought at long as the information is included in the report it would be acceptable. Beverly Upton would like to have an area on the form to indicate if the report request took 30 days or longer to be provided. Commissioner Hamasaki would like a 30 day box added to the form if it was not a challenge. Asst. Chief Sainez said that he does not want the form to be too complex as the report will break down the information.

Samara Marion referred to page one, third bracket from the top regarding 6228 FC requestor data and asked that three boxes be added. These boxes would indicate the amount of time it took to process the report such as 11-30 days, and past 30 days.

Commander McEachern suggested that there be a box for 1-5 days, and 6-10 days. Commissioner Taylor would like to see 1-5 days, 6-10 days and add 11-30 days on side two.

Fawn Koopman asked if the report would specify why there were delays in the requestor receiving the report. Commissioner Hamasaki said the form looked good and we should move it forward.
Asja Steeves said that there was a requirement that we submit the first quarterly report after the implementation of the form.

4.) Review of SFPD’s procedural process and forms for requesting and obtaining police reports pursuant to Family Code Section 6228 (Discussion).

Commissioner Taylor said that there had been previous discussions on this matter and asked for a Department update. Asst. Chief Sainez said there had been a few changes to the CISU Unit Order such as troubleshooting requests, name, and case number errors.

Asja Steeves said that there were changes to the 6228 FC form on the requestor line and asked that members of the working group refer to the change which was in red ink.

Asst. Chief Sainez spoke about what constitutes proper identification. His concern was false identification or relying upon email or verbal declarations. Asst. Chief Sainez presented a few ideas such as considering the use of City identification cards or other I.D. forms.

Commissioner Taylor was concerned about the batterer obtaining a copy of the report and harming the victim. Commissioner Taylor asked that the Department drill down on the surveys that Fawn Koopman and Asja Steeves did on various Police Department’s in California.

Asja Steeves reported that in July 2018, there were discussions about requiring the form be notarized, which was opposed by DPA. The notary idea was abandoned in August 2018. Samara Marion added that the requirement to have the form notarized would have created more expense and increased burden placed on the victim.

Fawn Koopman said that various law enforcement jurisdictions are inconsistent with their policies. Fawn Koopman said that attorneys are sometimes asked for identification. Fawn Koopman does not want a notary to be required and thinks a declaration is sufficient.

Commissioner Hamasaki said that there was always going to be a concern from our Department regarding privacy, but there has to be proper verification of the identity of the requestor. Fawn Koopman said that requiring the requestor to be in person was a hurdle and that the purpose should be to make the process easier for the requestor. Diana Tejada said that most of their clients did not want to come in person to headquarters and that she has been able to obtain reports by using the SFWAR letterhead. Commissioner Taylor added that advocates should be able to obtain reports. Jeanne Finberg said that it seemed like a declaration would protect the Department from liability.

Asst. Chief Sainez said that protections are built into the law and asked Diana Tejada how often requestors don’t have identification. Diana Tejada said that many requestors do not have identification. Asst. Chief Sainez offered that the requestors must have some sort of identification. Commissioner Hamasaki asked Diana Tejada if she was having an
issue with the Department denying her requests and she said that sometimes that is the case. When this occurs, Diana Tejada said that she will call a Sergeant and work out the issue.

Fawn Koopman said that requests for reports are frequently denied under 6254 Govt. Code. Commissioner Hamasaki asked Fawn Koopman how many 6228 FC requests she submits monthly and she said, 4-5. Commissioner Taylor asked the group to brainstorm solutions to build in safeguards. Commissioner Taylor also asked if we had spoken with the City Attorney’s Office.

Asst. Chief Sainez briefly met with Commander Walsh, Commander McEachern, Captain Knight and Asja Steeves. After their meeting Asst. Sainez said the identification of the requestor is important and a solution could be to refer requestors to groups such as SFWAR.

Commissioner Taylor asked how many requests come to the Department via advocate groups. Captain Knight said it is hard to determine, but said that more requests come from advocates. Captain Knight was unable to speak on the behalf of the Special Victims Unit (SVU). Commander McEachern said that he would have SVU information available at the next meeting.

Commissioner Hamasaki added that the statute calls for the requestor to have identification. Fawn Koopman said that a declaration would be fine. Commissioner Taylor said that a false declaration would be hard to go after. Fawn Koopman added that all of the information would be provided if the matter ended up in the courts. Commissioner Taylor said that most cases never end up in court and was still concerned about releasing reports based on a declaration. Fawn Koopman said that harm can happen regardless of the measures taken. Commissioner Hamasaki said the Department doesn’t want to assume the liability of providing a report to an inappropriate person. Commissioner Taylor reiterated that the group should look for creative solutions.

Beverly Upton said there is a greater liability in not issuing the report to the requestor who needs it when seeking a stay away order.

Commander McEachern suggested that we have a form that has a signature provided at the time of the report to later use for comparison purposes. Captain Knight said that there is a form in development at Bayview Station that will be used in Domestic Violence incidents. Jeanne Finberg added that there is flexibility under State laws regarding Victims and asked if there was any information under Federal law. Jeanne Finberg brought up the idea of obtaining a statement from a shelter.

Commissioner Hamasaki spoke about a conversation he had with Samara Marion this past Friday.
5.) Outstanding Issues

Asst. Chief Sainez said that when the requestor does not have identification, CISU attempts to properly identify the party, adding that a thumbprint might work.

Commissioner Taylor asked that the following information be present at the next meeting:

Number of cases
How many requestors responded in person
Signature idea from Commander McEachern
Statement from shelter idea

Finberg said that immigrants are reluctant to provide identification

Commissioner Hamasaki asked to adjourn the meeting. Fawn Koopman asked how the meetings were scheduled and was told that they were set on the Commissioners availability.

6.) Adjournment (Action)

Commissioner Taylor (Motion). Commissioner Hamasaki (2nd). Unanimous vote to adjourn.