

Recommendation 57.4

Gabriel Martinez [REDACTED]

Thu 10/10/2019 1:06 PM

[REDACTED]

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Dear Lieutenant Dorantes,

Our office has completed its review of the materials related to Recommendation 57.4 that have been submitted to us as part of the collaborative reform process. This package focused on SFPD developing materials for complainants who file complaints at department facilities. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 57.4: The SFPD should develop "next steps" and "know your rights" handouts for complainants who file complaints at department facilities.

Response to 57.4: SFPD worked with DPA to create DPA's Complaint Process brochure. That brochure explains who can file a complaint, what to include, how to file a complaint, and the process after filing a complaint. SFPD also developed a "Know Your Rights for Youth In San Francisco" brochure. That brochure explains a person's rights when stopped, searched, and arrested, and contains DPA's website address for filing a complaint.

On May 15, 2019, SFPD published an updated Department General Order (DGO) 2.04, "Citizen Complaints Against Officers." The DGO requires copies of DPA's complaint form as well as DPA's Complaint Process brochure to be available in several languages at all District Stations. SFPD has submitted photographs from district stations demonstrating that the brochures are generally available. Additionally, SFPD's website directs the public to DPA's website where members of the public can file a complaint electronically. The DPA website also has additional information regarding the complaint process.

Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation; however, Cal DOJ recommends that SFPD post DPA's brochure about the complaint process -- or similar information explaining the complaint process -- on its website.

Please let us know if you have any questions or would like to discuss these further. Thank you.

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Hillard Heintze File Review Recommendation # 57.4

Finding # 57	The SFPD does not provide leadership in its role with respect to complaints against SFPD personnel.
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Recommendation # 57.4 The SFPD should develop "next steps" and "know your rights" handouts for complaints who file complaints at department facilities.

Recommendation Status	Complete	Partially Complete	In Progress
	Not Started	No Assessment	

Summary

Based upon the limited compliance measures – the SFPD is found to be substantially compliant with this recommendation. However, the Hillard Heintze team has been in several stations throughout this assessment period and these documents have not been visible nor readily available. The manner in which the SFPD documented compliance is concerning.

During the site visit October 7-11 and again in Nov 13-15, we will conduct review of the stations. If these pamphlets are not present – this determination will be revoked ahead of the report completion. For while no continuous review is attached as a measure – it is implicit.

Compliance Measures		Status/Measure Met
1	Concurrent with Rec. 56.1, 56.4, 56.5, & 57.2, develop standard information forms that address the realm of the complaint process, from initiation to closure.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2	Ensure forms remain available to the public, both paper and electronically in multiple languages per SF policy.	√ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Administrative Issues

The sergeant's approach to this recommendation is challenging in given the email context and should be reviewed by SFPD. The Hillard Heintze team is concerned that the sergeant's email to the stations does not comport with the goal of this recommendation. This is not "take a picture so I can be 'done'" but rather an ongoing compliance issue – people should have access to the documents and information regarding their rights and the complaint process. PSPP should be advocating this – not sympathizing with the problems of compliance in posting the documents in areas that are visible and readily available to the public.



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Finding # 57.4: The SFPD does not provide leadership in its role with respect to complaints against SFPD personnel. Promising practices emphasize the role of effective investigation of complaints in building community trust. Procedural justice informs us that members of the public are more likely to trust law enforcement agencies when they believe their issues are handled with dignity and respect.

Recommendation # 57.4 The SFPD should develop “next steps” and “know your rights” handouts for complainants who file complaints at department facilities.

Response Date: 8/21/2019

Executive Summary: The Department of Police Accountability complaints forms and the DPA brochures are displayed in public view in all SFPD Police Station lobbies. The brochures are in multiple languages with detailed information on how the complaint process works, the different ways to file a complaint, and what happens after a citizen files a complaint.

There is information on the mediation process which is an alternative way of resolving complaints about police misconduct. Some complaints might benefit from a face-to-face discussion of their perspectives on the encounter that resulted in a complaint. It is explained in the brochure if both parties agree, the case would be taken out of the investigation process and scheduled for mediation with a trained volunteer mediator. (See attached brochure)

The “Know your rights” brochure is also displayed in all SFPD Police Station lobbies. The brochures are in multiple languages with detailed information on how to prevent and solve problems affecting children and youth. It explains key terms like CARC, JJC, Consensual Contacts, Detention, Bookings, and Miranda Warnings. The brochure provides commonly asked questions like “what happens if I am stopped on the street?” “What happens during a search?” “What happens if I am arrested?” “What if police want to question me?” All of the questions listed have a detailed explanation on what to expect and the process. (See attached brochure)

Compliance Measures:

- 1) Concurrent with Rec. 56.1, 56.4, 56.5, & 57.2, develop standard information forms that address the realm of the complaint process, from initiation to closure.**

The Department of Police Accountability and San Francisco Police Department created a DPA Complaint Process Brochure. The Brochure explains the complaint process to the general public from start to finish. The brochures include simple instructions on how to make a complaint. (See the above executive summary) It also answers common



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questions, such as: "Who can file a complaint?" to "What to include?" The Brochure is printed in the following languages: English, Spanish, Chinese, Russian, Tagalog, and Vietnamese.

2) Ensure forms remain available to the public, both paper and electronically in multiple languages per SF policy.

Department General Order 2.04 was updated on May 15, 2019

DGO 2.04.02 Subsection D states: Copies of the DPA Complaint Form (SFPD/DPA 293) and DPA's informational brochure shall be available on display for the public at all District Stations and any division, section or unit open to the public in languages consistent with San Francisco's Language Access Ordinance, SF Admin Code 91.1-91.9, DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons, and federal, state and local laws.

Sergeant Pomatto informed all District Station Facilities Coordinators via department email to remain in compliance with 57.4 by ensuring that all required DPA forms are displayed and easily available to the public. The contact information for Sarah Hawkins and Danielle Motley-Lewis from DPA was also provided. They will be able to provide additional forms when needed.

The goal is to ensure community safety and enhance community police relations while providing an independent review process. DPA complaint forms, brochures, and Know Your Rights brochures are available in all SFPD District Station lobbies. (See attached photos from Central, Southern, Bayview, Mission, Northern, Park, Richmond, Ingleside, Taraval, and Tenderloin Stations. All District Stations are in compliance.

The DPA Complaint Form 293 is also available electronically on DPA's website at: <https://sfgov.org/dpa/complaints> The form is available for download in the following languages: English, Spanish, Chinese, Russian, Tagalog, and Vietnamese.