

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO



Paul Henderson
Interim Executive Director

September 6, 2017

Hon. Julius Turman, President
Members, San Francisco Police Commission

Re: Department of Police Accountability and San Francisco Police Department 2nd Quarter 2017
Sparks' Report

Dear President Turman and Commissioners:

This letter supplements the 2nd Quarter 2017 Report by the Department of Police Accountability (DPA) and the San Francisco Police Department regarding Policy Proposals. During the 2nd quarter, the DPA's policy work focused on advancing the Department of Justice's Collaborative Reform Initiative recommendations and language access projects.

Throughout the 2nd quarter, the DPA participated in SFPD's Executive Sponsor Working Groups that addressed DOJ's Collaborative Reform recommendations concerning use of force, bias policing, complaint and disciplinary processes, and community policing.

In response to DOJ's recommendations to improve the timeliness of Department General Order revisions and to discontinue using Department Bulletin as a workaround for the Department General Order approval process,¹ the DPA worked with SFPD on revising

¹ See e.g. DOJ Finding 72 which states, "Department Bulletins are used as a workaround for the Department General Order approval process."

DOJ Recommendation 72.1 states, "The SFPD should present all Department Bulletins that substantively change or countermand a Department General Order to the Police Commission before implementation and publish them on their website after approval is received."

Also see, DOJ Finding 75, "The SFPD does not devote sufficient administrative or command-level resources to the process of creating, implementing, maintaining, and updating Department General Orders and Bulletins. The team found that Department Bulletins updating provisions within Department General Orders were repeatedly renewed to meet the two year sunset, often without receiving any substantive updates and in place of addressing the issue within the appropriate Department General Order."

DOJ Recommendation 75.2 states, "The Written Directives Unit should be tasked to work with

Department General Order 3.01 (Written Communication System). DPA's recommendations limit the use of Department Bulletins and require the Police Department to bring before the Police Commission revisions to the relevant Department General Order within six months of the Police Commission's approval of a Department Bulletin.

On June 2, 2017, the DPA made three written recommendations to enhance the DOJ's Collaborative Reform Initiative process. To address DOJ's recommendation for enhanced collaboration between SFPD and DPA regarding the complaint and disciplinary process², the DPA suggested that SFPD and DPA revise immediately Department General Order 2.04 (Citizen Complaints Against Officers) and SFPD-DPA's document production protocol. DGO 2.04 sets forth the duties of officers for receiving, investigating and processing citizen complaints against officers and describes the Department of Police Accountability's investigative procedures and findings. Established by Police Commission Resolution 44-03, the SFPD-DPA Document Protocol similarly needs to be updated to comply with San Francisco Administrative Code section 96.3, to implement a more efficient document production and to reflect DPA's city charter mandate to investigate all officer-involved shootings and to conduct performance audits of SFPD. Revisions to DGO 2.04 and SFPD-DPA's document production protocol would address several DOJ recommendations and advance the overall objective of enhancing the complaint and disciplinary processes of SFPD and DPA.

The DPA also provided a strategy for implementing DOJ's recommendation for quarterly meetings to discuss discipline, policy and training issues.³ The DPA recommended that SFPD

subject matter experts from OCC and the Police Commission to ensure policies are adopted in a timely manner and appropriately updated."

DOJ Finding 64 states, "***The SFPD does not routinely collaborate with the Office of Citizen Complaints.*** The transparency of the complaint and disciplinary process is negatively affected by the working relationship between SFPD IAD and OCC. The lack of engagement undermines the effectiveness of both in fulfilling their respective roles and responsibilities. Issues with respect to information sharing between the two entities, timeliness of complaint investigations, and basis for recommending progressive discipline potentially impede the investigative and adjudication processes, potentially eroding the overall integrity of the public complaint resource.

³ DOJ Recommendation 64.2 states, "The SFPD should immediately accept OCC's recommendation, as reported in the First Quarter 2016 Sparks' Report, to convene quarterly meetings between OCC staff and SFPD staff. As explained in First Quarter 2016 Sparks' Report, the Department of Police Accountability issued a written report "Recommendations to Enhance Police-Community Relations in Response to the President's Task Force on 21st Century Policing" that the following recommendation: "To address training, policy, and procedure issues discovered during the investigation and disciplinary process of police misconduct cases, the OCC recommends a quarterly meeting with the Chief, the Deputy Chief of Staff, Officer-in-Charge of Risk Management, the Police Academy Captain, the OCC Director and the OCC policy attorney to discuss the OCC's police misconduct cases of the previous quarter that resulted in a sustained, policy or training failure finding. The goal of this meeting is to

and DPA convene a quarterly discipline, policy and training panel that includes the Chief, Assistant Chief of Staff, Officer-in-Charge of Risk Management, the Police Academy Captain and DPA Director and DPA Policy Attorney.

Lastly, the DPA recommended that the Police Department and the DPA reinstitute biweekly meetings between the Police Department's Chief of Staff and the DPA policy attorney to address the DPA's policy and training recommendations, Department General Order revisions, the Sparks' Report and other policy-related projects, a practice previously done throughout 2016. This practice enabled both agencies to work closely to complete priority projects such as the drafting of the Crisis Intervention Team Department General Order, the Use of Force General Order, the Resolution For Semiannual and Annual Reporting to the Police Commission on the Department's Collection and Analysis of Sexual Assault Kit Evidence and Reporting of Results to Sexual Assault Victims. This recommendation would address DOJ's recommendations to enhance collaboration between the DPA and the Police Department on policy recommendations and Department General Order revisions.⁴

During the second quarter, the Department of Police Accountability also provided recommendations to enhance language access services to Chief Scott after he attended the Language Access Working Group's meeting on April 18, 2017. (See attached report). The Language Access Working Group is comprised of domestic violence and sexual assault service providers, language access advocates, city agencies, Police Commissioner Sonia Melara, and the Police Department, and meets monthly, a practice the DPA initiated in 2012 to enhance SFPD's language access services. Language access recommendations include:

- Provide interpreter training to certified bilingual officers;
- re-certify bilingual officers on a regular basis consistent with best practices;
- incorporate DGO 5.20 issues in advance officer and field officer training
- enhance language services at the district station

⁴ DOJ Finding 66 states, "***The SFPD is not required to take action on the recommendations put forth in the Office of Citizen Complaints Sparks Report.*** OCC provides the Sparks Report quarterly to the Police Commission. The Sparks Report provides recommendations on policy and revisions.

DOJ Recommendation 66.1 states, "SFPD should meet with OCC on a quarterly basis following the release of the Sparks' Report to discuss the recommendations."

DOJ Recommendation 66.2 states, "SFPD should require Principled Policing Bureau to review Sparks' Report and direct action where appropriate."

DOJ Recommendation 66.3 states, "SFPD should provide twice-yearly reports to Police Commission on Sparks' Report including whether OCC recommendation is supported and timeline for implementation or correction to existing practice and policy."

- implement the dispatch procedure in which dispatchers identify and dispatch immediately an available bilingual officer to respond to a LEP call for service
- analyze and report upon the LEP data collected through the Crime Data Warehouse and SFPD's officer on-line survey.

The DPA and the Department continue to work upon these language access recommendations.

In my new role as the DPA's interim executive director, I am concerned about the numerous DPA recommendations detailed in this report that are outstanding and require resolution. I look forward to working with the Department to institute a more timely response to DPA recommendations. Thank you for your continued support in advancing the policy work of the Department of Police Accountability.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Henderson", written over the printed name.

Paul Henderson
Executive Interim Director

cc: SFPD Police Chief William Scott
Attachment