

List of questions to answer in researching review boards
San Francisco- Department of Police Accountability

A: Types of conduct/complaints the new agency will investigate and determine outcomes
(bureau complaints vs community complaints)

- * Unlawful search or arrest, biased policing, dishonesty, sexual assaults, use of force with great bodily injury or death, officer involved shootings.
- * * Misconduct or improper performance.
- * * Categorized as unwarranted action, neglect of duty, use of force, conduct unbecoming an officer (rudeness, for example).

A-a: Does the Board review every complaint that gets filed?

- * Not if officer is off duty (or not a member of SFPD)

B: Complaint process: community member vs. internal bureau complaints

- * File complaint about police policy or incident without being involved directly
- * * Phone, in person, mail (form available in six languages)
- * * Offer translation into various languages.
- * Investigations Division investigates all allegations of misconduct which are not mediated.

B-a: Time limits to file complaints

B-b: Materials given to complainant

- * Only complaint form, complainant recorded interview and findings letter.
- * In serious cases, the "right to know" law will allow for release once appeals are concluded.
- * * officer-involved shootings and cases with serious injuries, excessive force, sexual assault, biased policing, dishonesty, illegal searches, and illegal arrests

B-c: Who can make complaints

- * Any member of the public, including third parties, non-citizens, non-SFO residents.

C: Mediation options (community member and police officer)

- * Mediation Division – to improve relationship with community
- * * 130 unpaid volunteer mediators
- * Civilian or officer can decide not to go forward up until the mediation starts.
- * * mediation is alternative to investigation
- * One goal is to see if a change in policy is needed
- * Cases only eligible if for conduct unbecoming an Officer, unwarranted action, neglect of duty

D: Case handling and investigative processes, including work flow description

- * Gather information, request documents
- * See whether eligible for mediation
- * Interview complainant, officers, witnesses, gather documents, videos
- * Recommend findings
- * Investigation team reviews case and findings to confirm accurate, complete, ensure findings meet standards
- * Recommend discipline if sustained
- * Updates for complainant are only if the investigation is open or closed.
- * Once closed, letter goes to complainant with outcome.

D-a: Timeline for investigation to be completed

- * One year, can get an extension.

D-b: Hearing process
(this should really be its own category but I already got to “Z” on the list)

E: Subpoena power and access to police records

E-a: Does the board have access to all the records it needs?

E-b: Can the board compel officer testimony, if so how is it accomplished? (Need Clarification)

- * Officers receive Notice and Order to Appear
- * * They must appear at date, time and location given.
- * * Failure to appear or provide 24 hours notice can result in discipline (General Order 2.04).

F: Potential findings in misconduct cases

- * Insufficient Evidence, Unfounded, Improper Conduct (Sustained), Proper Conduct
- * Informational (not in jurisdiction), policy failure (rules should be changed), Supervision/training failure, withdrawal, no finding (can't identify or no longer employed)

F-a: Standard of review to determine findings

G: Discipline process – due process and just cause requirements

- * If recommendation is less than 10 days w/o pay goes to Police Chief
- * If more than 10 days w/o pay goes to Police Commission.

H: Appeal process – will police and community members be allowed to appeal their cases?

- * Request an Investigative hearing

H-a: Standard of review to examine/determine findings in appeal phase

I: Will city council continue to be part of the process? (Not applicable)

J: Will all or part of the oversight board be involved in appeals and other case-related decisions?
(DATA NOT FOUND)

K: Process for making policy and training recommendations from both community board and agency staff

- * Commission sets policy for the Police Department.

L: Chief and police commissioner's obligation to respond and follow oversight board's decisions and recommendations (DATA NOT FOUND)

M: Board membership:

M-0: In what way are community members involved in the oversight system?

- * A police commission oversees the Police Department and DPA

M-1: How many

- * Six people (listed on website, four are attorneys, one is community organizer)

M-2: Qualifications

M-3: Recruitment, replacement [removal-- see M-10]

M-4: Appointment process

- * Appointed by Mayor and Board of Supervisors

M-5: Representation/Diversity

M-6: Length of terms – renewable or not

M-7: Training requirements

M-8: Quorum requirements

M-9: Paid or unpaid

M-9a: If paid, how?

M-10: Removal

M-11: How does the board break down its time?

- * Board can appoint Patrol Special Officers and discipline/dismiss.
- * * These are half-private, half-public officers.

M-12: Rules for vacancies [relates to M-3, M-8 and M-10]

M-13: What officers are there for the board?

M-14 (NEW!): Voting process

N: Transparency and public access: guidelines around open meetings and public participation within limits of personnel regulations

- * Meeting minutes are published

N-a: What happens at meetings (other than hearing cases)?

O: Agency director – qualifications, hiring process, authority, performance reviews

O-a: What other staff does the board have? [also see Q: Independent Legal Counsel]

- * Police Commission has staff person, is "Secretary" and is sworn police Sgt.
- * DPS has an these Divisions: Audit, Mediation, Policy, Investigation, Records and Outreach

P: Office location – How/where does it exist to be? free-standing? Where is the bureaucratic structure?

- * 1 S Venice Ave separate from police and city hall
- * Open 8 AM- 5 PM can file complaints there

Q: Independent legal counsel (DATA NOT FOUND)

R: Reporting requirements – quarterly and annual reports, required contents, consultation with oversight board, presentation to city council and the public

R-a: What is included in the public reports other than required contents?

- * Dashboard shows case statistics, opened/closed/sustained/allegations and findings
- * Reports on policing complaints annual
- * Unlawful search or arrest, biased policing, dishonesty, sexual assaults, use of force with great bodily injury or death.
- * * Data on officer involved shootings including officer names and date of incident.
- * Annual report includes cases, allegations, demographics, info broken down by District, policy recommendations, outreach,

S: Public and police bureau member education on the new system

- * Have know your rights, including for youth

T: Independent expert review of shootings and deaths in custody (Need clarification- see U)

U: Inspector General or Police Auditor with full access to Bureau records, trainings, and staff

- * There is an Audit division which conducts audits including of complaints

V: What is the board's budget?

- * Annual report says money comes from general fund;
- * Salary and benefits \$7,680,716; Non personnel services \$444,336, Materials and supplies

\$34,918; Programmatic Projects \$160,000, Services of other departments \$1,024,291
** This totals \$9,344,261

W: How are internal rules made for the Board? (DATA NOT FOUND)

X: What are barriers that you are facing?

Y: If you could add other powers and authorities to your board, what would you like to add?

Z: Is there anybody else we should talk to?