



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

July 17, 2003

Chief Alex Fagan
Chief of Police

Director Kevin Allen
Office of Citizen Complaints

Dear Sirs:

At the meeting of the Police Commission on Wednesday, July 16, 2002, the following resolution was adopted:

RESOLUTION NO. 44-03

ADOPTION OF THE PROTOCOL BETWEEN THE OFFICE OF CITIZEN COMPLAINTS AND THE SAN FRANCISCO POLICE DEPARTMENT RE: RESPONDING TO REQUESTS FOR DOCUMENTS FOR OCC INVESTIGATIONS

RESOLVED, that the Police Commission hereby adopts the protocol between the Office of Citizen Complaints and the San Francisco Police Department regarding responding to requests for documents for OCC investigations.

AYES: Commissioners Perry, Makras, Chan, Friday, Quaranta

The Protocol states as follows:

PROTOCOL BETWEEN THE OFFICE OF CITIZEN COMPLAINTS AND THE SAN FRANCISCO POLICE DEPARTMENT RE: RESPONDING TO REQUESTS FOR DOCUMENTS FOR OCC INVESTIGATIONS

I. PURPOSE

This protocol between the Office of Citizen Complaints (OCC) and the San Francisco Police Department (SFPD) is adopted in order to ensure the timely response to OCC requests to the SFPD for documents and other materials necessary for the thorough investigation of complaints of officer misconduct pursuant to San Francisco Charter Section 4.127. This protocol is also intended to assist the SFPD in documenting each request from the OCC for documents and materials and ensuring that the requests are processed in a manner that will provide the most efficient and effective use of SFPD staff and resources.

CONNIE PERRY
PRESIDENT

VICTOR MAKRAS
Vice President

SIDNEY CHAN
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

Chief Alex Fagan
Director Kevin Allen
July 17, 2003
Page 2

II. ROUTINE REQUESTS

Routine requests shall be made to the appropriate division, station or unit of the SFPD. Documents and materials deemed to be "routine" are delineated in Appendix "A" attached to this protocol and incorporated by reference herein. Requests shall be made by telephone or in writing, hand-delivered or sent by e-mail, fax or U.S. mail, and shall contain an OCC case number. A copy of all written requests shall be provided to the SFPD Legal Division. Upon receipt of a written request, the SFPD Legal Division shall enter the date, time and nature of the request in a log specifically kept for tracking of OCC requests. The OCC may review the log kept in the SFPD Police Legal office during normal business hours and obtain photocopies of the log.

Subject to Part VI of this protocol, the SFPD shall provide documents or materials deemed to be "routine" under this protocol within three (3) business days from the date of receipt of the request. If the SFPD cannot produce the "routine" documents or materials within three (3) business days of receipt of a written request therefor, it shall notify the OCC and Chief of Police, with a copy to the Police Commission, pursuant to the procedures outlined in Section V below.

III. SPECIFIED REQUESTS FOR JUVENILE RECORDS

Request specified in Appendix "B" for records involving juveniles shall be in writing, hand-delivered or sent by fax or U.S. mail to the SFPD Legal Division, and shall contain an OCC case number and a copy of the consent of the minor or his or her parent or guardian for the OCC to inspect the minor's juvenile court file. Upon receipt of the request, the SFPD Legal Division shall enter the date, time and nature of the request in a log specifically kept for tracking of OCC requests. The OCC may review the log kept in the SFPD Police Legal office during normal business hours and obtain photocopies of the log.

Subject to Part VI of this protocol, requests specified in Appendix "B," attached to this protocol and incorporated by reference herein, should be processed and the documents or materials produced within three (3) business days from the date of receipt of the request. If the SFPD cannot produce the documents or materials within three (3) business days, it shall notify the OCC and the Chief of Police, with a copy to the Police Commission, pursuant to the procedures outlined in Section V below.

IV. NON-ROUTINE REQUESTS

All other documents and materials not delineated in Appendix "A" or Appendix "B" shall be deemed non-routine requests. Non-routine requests for documents or materials necessary for an OCC investigation shall be in writing, hand-delivered or sent by e-mail, fax or U.S. mail, to the SFPD Legal Division. Upon receipt of the request, the SFPD Legal Division shall enter the date, time and nature of the request in a log specifically kept for tracking of OCC requests.

Chief Alex Fagan
Director Kevin Allen
July 17, 2003
Page 3

The OCC may review the log kept in the SFPD Police Legal office during normal business hours and obtain photocopies of the log.

Subject to Part VI of this protocol, requests deemed to be "non-routine" under this protocol should be processed and the documents or materials produced as quickly as possible, but in no event later than fifteen (15) business days following receipt of the request. If the SFPD cannot produce the documents or materials within fifteen (15) business days, it shall notify the OCC and the Chief of Police, with a copy to the Police Commission, pursuant to the procedures outlined in Section V below.

V. LATE PRODUCTION

If the SFPD determines that the production of the documents or materials will take longer than the timelines set forth above, the SFPD Legal Division will notify the OCC and the Police Commission in writing of the delay, the factual basis for the delay, and the estimated time for production. In the case of routine requests specified in Appendix "A" and requests for juvenile records specified in Appendix "B," SFPD shall notify the OCC and the Police Commission of any late production no later than three (3) business days following receipt of a written request. In the case of non-routine requests, the SFPD Legal Division shall notify the OCC and the Chief of Police, with a copy to the Police Commission, of any late production no later than fifteen (15) business days following receipt of the request.

If the OCC does not receive requested documents or materials within the timelines set forth above, the OCC may make a written inquiry to the commanding officer of the SFPD Legal Division and the Chief of Police requesting the materials and documents. If the Chief does not respond to the inquiry within five (5) business days by providing the requested materials and documents or a justification for the delay, then the OCC shall refer the issue to the Police Commission for resolution.

VI. DENIAL OF DISCLOSURE

If the Chief of Police determines that there is a legal basis to deny disclosure of the requested materials or documents to the OCC, the Chief will inform the OCC and the Police Commission in writing within the timelines for disclosure set forth above or earlier if possible. The written denial shall set forth the specific legal and factual basis for the denial of each requested item. If the OCC disagrees with the justification for the denial it shall inform the Chief of Police in writing, with a copy to the Police Commission. If the matter cannot be resolved between the parties they shall refer the issue to the Police Commission for resolution.

VII. REPORTING TO POLICE COMMISSION

The Chief of Police shall provide quarterly written reports to the Police Commission regarding SFPD responses to OCC requests for documents under this protocol. For the quarterly period covered by the report, the report shall set forth: (i) the number of OCC written requests for documents within each document category (routine, juvenile and non-routine), (ii) the number of requests within each category for which there was timely production, (iii) the number of requests within each category for which there was timely notification of an extension of time for production, (iv) the number of requests within each category for which there was untimely notification of an extension of time for production or late production, (v) the number of requests within each category for which there was a denial or partial denial of disclosure, and the legal and factual basis therefor, (vi) the status of any non-routine requests that remain pending at the close of the reporting period or for which there is a dispute between the SFPD and the OCC, and (vii) recommendations, if any, for improvements to this protocol and the procedures used to ensure timely responses by the SFPD to OCC requests for documents and other materials, and for the efficient and effective use of SFPD staff and resources in responding thereto.

At least ten (10) days before the Police Commission meeting at which the Chief of Police or his or her designee will present the report, the OCC Director and the Chief of Police, or their designees, shall meet and confer to reconcile any discrepancies in the statistical information to be presented to the Police Commission, to discuss the recommendations, if any, to be presented to the Police Commission, and to address any other matters contained in the report.

APPENDIX "A"

1. Incident reports (including all supplemental reports)
2. Traffic Collision Reports (CHP555, 555-03 & 556)
3. Mug shots (criminal history information tracking number to be redacted)
4. Daily Arrest logs (SFPD Form 307)
5. Use of force logs (SFPD Form 128)
6. Certificate of Release (SFPD Form 184)
7. PLES (10-B assignment) rosters
8. Strip search authorization form (SFPD Form 305)
9. Property logs (from both stations and property control) (SFPD Form 230)
10. Public Intoxication Report (SFPD Form 69)
11. Medical Screening Form (SFPD Form 54)
12. Drug Influence Evaluation Report (SFPD Form 26A&B)
13. Prisoner Transfer Record (SFPD Form 78)
14. Demonstration Memorandum (SFPD Form 77)
15. Cold Show Admonishment (SFPD Form 466)
16. Photographic Line-up Instructions (SFPD Form 467)
17. Line-up Record (SFPD Form 56)
18. Permission to Search Form (SFPD Form 468)
19. Citizen Arrest Form (SFPD Form 80)
20. Field Interview Card (SFPD Form 114)

Chief Alex Fagan
Director Kevin Allen
July 17, 2003
Page 5

21. Field Arrest Card
22. Arrest Record/Booking Slip (Form 3800-09)
23. Property Release Form (SFPD Form 158)
24. Property Receipt Form (SFPD Form 315)
25. SFPD officer photographs
26. SFPD officer weight and height descriptions
27. Media footage
28. Officer notes
29. Fleet management records
30. Citation log book records
31. DABOR reports (post-hearing)
32. Payroll records
33. Unit orders
34. Roll call training logs
35. Academy training records
36. POST training materials
37. Firearms Training Roster (SFPD Form 53)
38. Demonstration squad charts
39. Event operation orders
40. Verification of latent fingerprint request (SFPD Form 235)(not incl. results)
41. Overtime and Holiday Watch Report (SFPD Form 238)
42. SFPD Dismissal Request (SFPD Form 256)
43. Intoxilizer Model 5000 Checklist (or other models) (SFPD Form 15)
44. Anticipated Watch Report (SFPD Form 22)
45. Drug Influence Evaluation Report (SFPD Form 26)
46. Citizen Complaint Investigation Memorandum
47. Ride-along Request and Review (SFPD Form 84)
48. Officer's Daily Report (Traffic Division) (SFPD Form 106)
49. Corrected Watch Report (SFPD Form 117)
50. Hit and Run Record (SFPD Form 133)
51. Driving Under the Influence Report (SFPD Form 284A-D)
52. Driving Under the Influence Card (SFPD Form 462)
53. Traffic Court Report (SFPD Form 295)
54. DMV Traffic Accident Report Form
55. DMV Order of Suspension (Form 360 & 360(A))
56. DMV Officer's Statement
57. DMV Supplement to Officer's Statement (Blood/Urine Test Results)
58. DMV Verbal Notice by Police Officer
59. Affidavit of Termination of Investigation (SFPD Form 470)
60. 14601 CVC Report (SFPD Form 164)
61. 12500 CVC Report (SFPD Form 164(a))
62. PacBell Park activity logs

Chief Alex Fagan
Director Kevin Allen
July 17, 2003
Page 6

63. Candlestick Park activity logs
64. Airport activity logs
65. Cell Check Log (SFPD Form 51)
66. Notice of Motor Vehicle Accident (SFPD Form 325)
67. Secondary Employment Application (SFPD Form 156)
68. Domestic Violence Response Unit Tapes
69. Court Protective Orders or Emergency Protective Orders
70. Domestic Violence Supplemental Report forms (SFPD 480a & 480b)
71. Station Arrest Logs

APPENDIX "B"

1. Juvenile secure detention logs (SFPD Form 71)
2. YGC Admission Form (No.71)

Very truly yours,



Lieutenant Edward Geeter
Secretary

San Francisco Police Commission

cc: Legal
Management Control Division