

**2015-2016 CIVIL GRAND JURY'S REPLY TO DEPARTMENTAL/AGENCY
RESPONSES TO FINDINGS AND RECOMMENDATIONS MADE IN THE REPORT:**

**INTO THE OPEN:
OPPORTUNITIES FOR MORE TIMELY AND TRANSPARENT INVESTIGATIONS
OF FATAL SAN FRANCISCO POLICE DEPARTMENT
OFFICER-INVOLVED SHOOTINGS**

FINDING AND RECOMMENDATION 1 WITH RESPONSES.

F.1.	None of the City agencies that are fundamental to OIS investigations has done an adequate job informing the citizens of San Francisco how the process works.
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SFPD	<p>Agree with finding.</p> <p>The SFPD agrees that in order to be more transparent, a document outlining the overall OIS process could be created to share with the public. The document would include the responsibilities of each agency involved in an OIS investigation. However, any detailed information regarding a specific investigation would not be made available due to laws governing the release of information relating to ongoing investigations.</p>
DA's Office	The District Attorney agrees with this finding.
OCC	<p>Disagree, partially.</p> <p>The OCC can only speak to the transparency efforts it has made, and not to the efforts made by the other agencies noted in this finding. As for the efforts of the OCC, state law prohibits the OCC from providing the public with factual information about specific cases, including most of the details of the processes used in any specific case. <u>Copley Press, Inc. v. Sup. Ct. (County of San Diego)</u> (2006) 39 Cal.4th 1272. It has been the experience of the OCC that most complainants concerns about transparency stem from the limitations imposed by state law, not any failure on the part of the OCC to divulge information that the OCC is permitted to share.</p> <p>That said, the OCC is able to inform the public about the process in general, and does so in the following ways, among others:</p> <ul style="list-style-type: none"> a) The OCC publishes annual and quarterly reports, which are also available at the OCC website, sfgov.org/occ. These reports note the specific OIS cases investigated, when the OIS incident occurred, and when the investigations were closed. b) The OCC publishes monthly Complaint Summary Reports, also known as Openness Reports, detailing cases resolved that month. These are redacted to omit any specific case identifier, such as the case names, or the complainants' or officers' names. The details provided include a summation of the allegations, the findings of OCC, and the action taken by the Chief of Police and/or the Police Commission on those case. These reports are also on the OCC website.

	<p>c) The OCC’s process for investigating cases is disseminated to the public through the OCC Community Outreach Strategic Plan. As part of that plan, OCC staff attend a wide variety of outreach events in the community, where staff introduce the OCC, its mission, provide information regarding procedures in general, and distribute OCC brochures.</p> <p>d) The OCC website describes the process for receiving and investigating complaints, which applies equally to OIS cases as it does to other kinds of complaints.</p> <p>The Police Commission and the OCC staff deserve credit for the hard work they have put into these transparency efforts. Taken together, these steps have made the San Francisco police discipline system among the most transparent such systems in the state.</p> <p>However, the OCC does agree with the Grand Jury that the addition of a webpage specific to the OIS process on the OCC website as described in Recommendation 1 would be a valuable resource for the community. The OCC is working on creating such a page, as described in the next response.</p>
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REPLY TO RESPONSES TO FINDING 1

The Civil Grand Jury appreciates that all three agencies recognize that they can do more to inform the citizens of San Francisco about how the OIS investigation process works. We also appreciate the work that each of the departments has done with regard to community outreach generally, and we encourage each department to continue those efforts. Specifically, with regard to the general process of OIS investigations, however, we believe that clear-cut information must be readily available to everyone *and* easily accessible. A sufficient level of transparency is not met by requiring an interested party to sift through monthly, quarterly or annual reports to find information on the OIS process or to have to make assumptions about how the process works.

R.1.	<p>Each of the three City agencies fundamental to OIS investigations – SFPD, DA’s Office and OCC – should create a “OIS Investigations” web page specifically devoted to educating the public about that agency’s role in the investigation of OIS incidents. Each agency’s web page should be comprehensive and answer the following questions:</p> <ul style="list-style-type: none"> ● Who is involved in the investigation and what are their roles and responsibilities; ● Why is the agency involved in OIS investigations; ● What is the investigation’s purpose, what goals does the investigation attempt to achieve, what parts are disclosable and/or disclosed to the public, and what parts are not and/or cannot be disclosed and why; ● When does the investigation begin, what is the general time frame by which the public may expect the investigation to be completed, and what variables may affect this time frame; ● How does the OIS investigation process work; and ● Where may the public go for more information about OIS investigations generally, as well as about specific OIS investigations.
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	<p>Each agency should make its “OIS Investigations” web page available in English, Spanish, Chinese and Filipino (Tagalog).</p> <p>Each agency should provide a link from its home page to its “OIS Investigations” web page, so that it can be accessed easily.</p> <p>Each agency should add its “OIS Investigations” web page to its website as soon as possible, but no later than six months after the date this report is published.</p>
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SFPD	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>The SFPD agrees that information should be provided to the public consistent with the best practices in 21st century policing. The SFPD is evaluating and adjusting its website to provide improved information to the community. During this process, the SFPD will consider inclusion of the above recommendation, as well as review other agency websites for additional information that could be included. As required by the City and fully supported by the SFPD, information available on the website will meet the requirements of the Language Access Ordinance.</p>
DA’s Office	<p>This recommendation will be implemented no later than December 31, 2016. We are hopeful that by this date we will be able to post our new role and responsibilities based on the formation of the IIB [Independent Investigations Bureau].</p>
OCC	<p>This recommendation has not been, but will be, implemented in the future.</p> <p>As noted above with respect to Finding 1, the OCC agrees that the webpage described in this Recommendation would be valuable to the community. As part of a package of ongoing information technology improvements at the OCC, the Mayor and Board of Supervisors have allocated funding for a new Assistant Information Systems Analyst (Civil Service Classification 1051). I intend to task that individual with creating the webpage containing the information described in Recommendation I. Other staff are crafting the content, which will be translated as recommended.</p>

REPLY TO RESPONSES TO RECOMMENDATION 1

The Civil Grand Jury appreciates that each agency agrees to implement this recommendation.

We ask the SFPD not only to “consider inclusion of the above recommendation,” but to actually include the content recommended. We also ask the SFPD to set a “timeframe for implementation” as required by Penal Code § 933.05(b)(2).

We ask the DA’s Office to commit to implement this recommendation whether or not the formation of the IIB is successful within the timeframe indicated.

We ask the OCC to set a “timeframe for implementation” as required by Penal Code § 933.05(b)(2).

FINDING AND RECOMMENDATIONS 2.

F.2.	Because the SFPD consistently does not meet the time frame in its own General Orders by which investigations of OIS incidents are to be conducted and completed, the General Orders create false expectations for the citizens of San Francisco.
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SFPD	<p>Disagree with finding, partially.</p> <p>The 30, 45, and 60-day deadlines imposed in General Orders 3.10 and 8.11, when first issued, were considered industry standards. With advancements in technology and science, these investigative deadlines do not reflect inherent complexities such as forensic evidence processing. In addition, the current deadlines did not consider the dependencies of independent investigations now required that are outside the control of the SFPD, including the District Attorney’s investigation and, in death cases, the Medical Examiner’s investigation.</p> <p>The length of an OIS investigation is largely dependent on the outcome of these investigations, particularly the charging decision of the District Attorney’s Office with respect to the officer. All relevant reports, including the Medical Examiner’s report, are needed to complete the criminal investigation. Likewise, the trailing administrative investigation would not be complete without the District Attorney’s Office determination of the criminal portion. Per California Government Code 3304(d), the time limit investigation of a personnel investigation tolls until (1) a criminal investigation; (6) civil litigation; or (7) criminal litigation where the officer is the defendant in the matter is completed.</p> <p>While the administrative case could be theoretically closed before conclusion of these investigations, SFPD’s administrative investigation has a significant dependency on the finding of the District Attorney, because the officer must have acted lawfully to be within policy. It is conceivable that at the conclusion of an investigation, the District Attorney could charge the officer with a crime that the administrative investigation or the SFPD Homicide investigators had not foreseen.</p>
Police Commission	Response not yet provided.

REPLY TO RESPONSES TO FINDING 2

The SFPD must recognize its own extended response belies its disagreement with this finding and actually supports the finding itself. When the SFPD is not able to meet the timeframes set forth in its own General Orders for *whatever* reason, the General Orders create false expectations. General Orders must reflect the reality of the situation and set forth attainable deadlines.

We look forward to the Police Commission’s response.

R.2.A.	The Police Commission, in coordination with the relevant SFPD divisions, the DA and the OCC should immediately commission a comprehensive study of ways to streamline the OIS investigation process with the goal of reducing the overall time to conduct a full investigation.
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Police Commission	Response not yet provided.
SFPD	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>This recommendation is being reviewed by the U.S. Department of Justice Collaborative Reform Initiative (DOJ-CRI) review team and compared against national best practices. The SFPD will review and implement recommendations made by the DOJ-CRI and the Civil Grand Jury.</p>
DA's Office	<p>This recommendation will not be implemented as we do not have adequate funding to commission the recommended study. However we have already determined several ways to improve the speed and independence of OIS investigations. In the 2016-17 budget we requested funding to create an Independent Investigations Bureau (IIB). This request was funded and we are waiting for the Mayor and the Board of Supervisors to remove the positions from reserve so that we can hire attorneys and investigators dedicated solely to investigating and prosecuting officer involved shootings and excessive use of force cases. This team will be able to send trained personnel to the scene of OIS cases which will dramatically improve our ability to capture evidence in a timely manner. Additionally, having dedicated personnel on these cases, rather than tasking the work to already overburdened prosecutors will mean faster charging and trial preparation than we are currently capable of achieving. The new unit will bring much needed improvement to our process which has been substantially limited by poor resources.</p>
OCC	<p>This recommendation requires further study.</p> <p>It is important to note that the OCC reports to the Police Commission, and this recommendation calls for the Police Commission to arrange for a study. The OCC defers to the Commission as to whether and how to do so. Once the Commission provides direction as to how it wishes to proceed, the OCC will make every effort to assist.</p>

REPLY TO RESPONSES TO RECOMMENDATION 2.A.

While the Civil Grand Jury believes a comprehensive study is necessary, we are encouraged that each agency that has responded thus far appears committed to determine ways to streamline the OIS investigation process with the goal of reducing the overall time to conduct a full investigation.

We look forward to the Police Commission's response.

We ask the SFPD to determine and implement ways to streamline its OIS investigation process regardless of whether the DOJ-CRI makes recommendations on the issue. We also ask the SFPD to set a "timeframe for implementation" as required by Penal Code § 933.05(b)(2).

We ask for clarification from the Mayor, the Board of Supervisors and the DA’s Office as to the meaning and impact of placing positions in “reserve,” why these positions are in reserve, what it takes to remove these positions from reserve, and when these positions will be removed from reserve.

If there is a chance that these positions will not be removed from reserve within the next 30-60 days, we ask the DA’s Office to provide an alternate plan and timeframe by which it will streamline its OIS investigation process.

R.2.B.	After receiving the results of the study of ways to streamline the OIS investigation process, the Police Commission should revise the General Orders to more accurately reflect the timeframes by which investigations of OIS incidents are to be completed.
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Police Commission	Response not yet provided.
SFPD	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>This recommendation is being reviewed by the U.S. Department of Justice Collaborative Reform Initiative (DOJ-CRI) review team and compared against national best practices. The SFPD will review and implement recommendations made by the DOJ-CRI and the Civil Grand Jury.</p>

REPLY TO RESPONSES TO RECOMMENDATION 2.B.

The Civil Grand Jury is encouraged that the SFPD appears committed to determine ways to streamline the OIS investigation process with the goal of reducing the overall time to conduct a full investigation.

We look forward to the Police Commission’s response.

We ask the SFPD to determine and implement ways to streamline its OIS investigation process regardless of whether the DOJ-CRI makes recommendations on the issue. We also ask the SFPD to set a “timeframe for implementation” as required by Penal Code § 933.05(b)(2).

FINDING AND RECOMMENDATIONS 3.

F.3.	The SFPD Field Operations Bureau’s use of outdated methods, including a serial, hierarchical phone tree system, to alert some essential responders of an OIS incident is inherently time-consuming and results in slower response times, which can cause delays in OIS investigations both at the scene and afterwards.
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SFPD	<p>Agree with finding.</p> <p>Although the SFPD’s Department Operations Center (DOC), a unit under the command of the Special Operations Bureau, currently has a notification system in place for OIS call outs, the best available technology should be used for all critical incident call outs. The SFPD should perform a review of best practices of similar-sized agencies.</p>
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REPLY TO RESPONSE TO FINDING 3

The Civil Grand Jury is encouraged that the SFPD understands the importance of immediate notification to all essential responders that an OIS incident has occurred.

R.3.A. The SFPD Field Operations Bureau should implement standardized, modern methods to notify all essential responders of an OIS incident.

SFPD	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>The SFPD's Department Operations Center (DOC), a unit under the command of the Special Operations Bureau, has a system in place to notify all essential responders to OIS incidents. The SFPD has added an additional layer of notification specific to the on-call DA investigator, which requires a direct call from the Captain of the Major Crimes Division to the on-call DA investigator immediately after learning of an OIS incident. The SFPD will research available technology that can improve the notification process.</p>
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REPLY TO RESPONSE TO RECOMMENDATION 3.A.

The Civil Grand Jury appreciates that the SFPD has added an additional layer of notification specific to the on-call DA investigator. We ask the SFPD not only to *perform* "a review of best practices of similar-sized agencies" and to "research available technology," but to then *implement* those best practices and technology. We also ask the SFPD to set a "timeframe for implementation" as required by Penal Code § 933.05(b)(2).

R.3.B. The SFPD Field Operations Bureau should require that all essential responders called to the scene of an OIS incident confirm with the Field Operations Bureau that they received the initial notification. If the Bureau does not receive confirmation from an essential responder within a designated period of time, it should contact an alternate responder for that agency.

SFPD	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>The SFPD's Department Operation Center (DOC), a unit under the command of the Special Operations Bureau, will review the current process for notification to an OIS incident to ensure there is a process in place for first responders to confirm receipt of the notification and to log that confirmation. The process also should include a mechanism to ensure follow-up notification is done within a designated time span when a response from a first responder has not been received.</p>
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REPLY TO RESPONSE TO RECOMMENDATION 3.B.

The Civil Grand Jury ask the SFPD to set a "timeframe for implementation" as required by Penal Code § 933.05(b)(2).

FINDING AND RECOMMENDATION 4.

F.4.	While there are many factors to consider when determining a timetable to complete an OIS investigation, the lack of a meaningful and enforceable process for establishing a timetable in the current MOU between the SFPD and the DA’s Office allows OIS investigations to drag on too long.
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SFPD	Disagree with finding, partially. The SFPD’s Homicide Unit currently completes an OIS investigation and forwards it to the DA’s office. However, the case and the Internal Affairs process cannot be closed until receipt of the results of the forensic analysis, the Medical Examiner’s report, and the DA’s final charging decision. These processes are not under the control of the SFPD.
DA’s Office	The District Attorney agrees with this finding.

REPLY TO RESPONSES TO FINDING 4

The Civil Grand Jury appreciates that the DA’s Office agrees with this finding. We understand that the SFPD’s OIS investigation and the DA’s OIS investigation, as it is currently configured, are interdependent on each other. This is all the more reason why an MOU must have a meaningful and comprehensive process for establishing a reasonable investigation timeline.

R.4.	The SFPD and the DA’s Office should jointly draft a new MOU in which each commits to an agreed-upon process to: <ul style="list-style-type: none"> • Prioritize and expedite their investigations of OIS incidents within an established timeframe; Make a public announcement when each completes its OIS investigation, so that the public may be better informed of the investigative results and the time taken by each agency to complete its OIS investigation.
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SFPD	Recommendation requires further analysis. The SFPD is reviewing the current MOU and is in discussion with the DA’s Office, as well as exploring additional resources to investigate OIS incidents.
DA’s Office	This recommendation has not yet been implemented. We have drafted a proposed MOU and shared it with the SFPD. We are awaiting their feedback and acceptance of the new terms. We hope to reach agreement by September 30, 2016.

REPLY TO RESPONSES TO RECOMMENDATION 4.

The Civil Grand Jury is encouraged that a new MOU has been proposed by the DA’s Office and is under review by the SFPD.

We ask the SFPD to confirm that it also expects to reach agreement by September 30, 2016, or to set a “timeframe for response” to this recommendation with its further analysis within six

months of the release of this report as required by Penal Code § 933.05(b)(3). We also ask the SFPD to provide clarification regarding the “additional resources to investigate OIS incidents” it is exploring.

FINDING AND RECOMMENDATIONS 5.

F.5.	The DA’s Office takes too long to complete its criminal investigations and issue its charging decision letters in OIS cases. In the last five years, it has taken an average of 611 days to issue charging decision letters in fatal OIS cases and 654 days in all OIS cases, both fatal and non-fatal.
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DA’s Office	The District Attorney agrees with this finding.
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REPLY TO RESPONSE TO FINDING 5

The Civil Grand Jury appreciates that the DA’s Office agrees with this finding.

R.5.A.	The DA should immediately give the investigation of OIS cases priority and dedicate the departmental resources required to reduce the time the DA’s Office takes to complete its criminal investigation and issue its charging decision letters in OIS cases.
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DA’s Office	This recommendation has been implemented in part, and will be fully implemented once the funding for the IIB is released and the positions are filled. The District Attorney has always given the investigation of OIS incidents top priority and has used the limited resources available to his office to ensure that each OIS investigation is conducted in a thorough and professional manner. However the historic lack of funding specifically dedicated to the investigation of OIS incidents has resulted in a much longer than optimal length of time required to complete each investigation and issue the charging decision letters. We have already determined several ways to improve the speed and independence of OIS investigations. As noted in response to Recommendation 2.A. we requested funding to create the IIB and this request was funded in the current fiscal year’s budget.
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REPLY TO RESPONSE TO RECOMMENDATION 5.A.

The Civil Grand Jury asks for clarification from the Mayor, the Board of Supervisors and the DA’s Office as to the meaning and impact of placing positions in “reserve,” why these positions are in reserve, what it takes to remove these positions from reserve, and when these positions will be removed from reserve.

If there is a chance that funding for the IIB will not be released within the next 30-60 days, we ask the DA’s Office to provide an alternate plan and timeframe by which it will streamline its OIS investigation process.

R.5.B.	The DA should determine the resources necessary to reduce the length of time the DA’s Office spends to complete its criminal investigations in OIS incidents and then make sufficient requests for those resources in the proposed budget for fiscal year 2017-2018, and thereafter.
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DA’s Office	This recommendation has been implemented. Our primary request in the 2016-17 budget was for staffing to improve the way we investigate and prosecute OIS cases. We recognized the long timeframe for completing our work as well as other problems with the process. This compelled us to request funding and push hard for the creation of a new unit in our office dedicated solely to this work because of its paramount importance. Unfortunately, the positions were placed on reserve so we have not been able to hire staff yet.
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REPLY TO RESPONSE TO RECOMMENDATION 5.B.

The Civil Grand Jury asks for clarification from the Mayor, the Board of Supervisors and the DA’s Office as to the meaning and impact of placing positions in “reserve,” why these positions are in reserve, what it takes to remove these positions from reserve, and when these positions will be removed from reserve.

If there is a chance that funding for the IIB will not be released within the next 30-60 days, we ask the DA’s Office to provide an alternate plan and timeframe by which it will streamline its OIS investigation process.

R.5.C.	The Mayor and the Mayor’s Office of Public Policy and Finance should include in the proposed budget for fiscal year 2017-2018, and thereafter, resource requests from the DA’s Office to expedite OIS investigations. Allocation and/or release of these funds should be contingent upon marked, measurable improvement by the DA’s Office in the time it takes to complete its criminal investigations and issue its charging decision letters in OIS cases.
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Mayor’s Office	Recommendation has been implemented. The DA’s Office budget for FY 2016-17 and FY 2017-18 includes \$1.8 million in each year and additional staffing of 14 positions to expedite OIS investigations.
Mayor’s Office of Public Policy and Finance	Recommendation has been implemented. The DA’s Office budget for FY 2016-17 and FY 2017-18 includes \$1.8 million in each year and additional staffing of 14 positions to expedite OIS investigations.

REPLY TO RESPONSES TO RECOMMENDATION 5.C.

The Civil Grand Jury asks for clarification from the Mayor, the Board of Supervisors and the DA’s Office as to the meaning and impact of placing positions in “reserve,” why these positions are in reserve, what it takes to remove these positions from reserve, and when these positions will be removed from reserve.

If there is a chance that funding for the IIB will not be released within the next 30-60 days, we ask the Mayor and the Mayor’s Office of Public Policy and Finance to provide an alternate plan and timeframe by which it will help the DA’s Office streamline its OIS investigation process.

R.5.D.	The Board of Supervisors should approve these additional resources requested by the DA’s Office and included by the Mayor and the Mayor’s Office of Public Policy and Finance in the proposed budget for fiscal year 2017-2018, and thereafter, to expedite OIS Investigations. Approval of these additional resources again should be contingent upon marked, measurable improvement by the DA’s Office in the time it takes to complete its criminal investigations and issue its charging decision letters in OIS cases.
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Board of Supervisors	No response yet provided.
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REPLY TO RESPONSE TO RECOMMENDATION 5.D.

The Civil Grand Jury looks forward to the Board of Supervisors response. With regard to that response, we ask for clarification from the Mayor, the Board of Supervisors and the DA’s Office as to the meaning and impact of placing positions in “reserve,” why these positions are in reserve, what it takes to remove these positions from reserve, and when these positions will be removed from reserve.

If there is a chance that funding for the IIB will not be released within 30-60 days, we ask the Board of Supervisors to provide an alternate plan and timeframe by which it will help the DA’s Office streamline its OIS investigation process.

FINDING AND RECOMMENDATIONS 6.

F.6.	Under the leadership of and commitment displayed by the CME since coming aboard in March 2015, the OCME’s turnaround time has improved and its final reports have included more photographs and documentation and greater detail.
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OCME	<p>Agree with finding.</p> <p>The Office of the Chief Medical Examiner (OCME) prioritized decreasing turnaround time for the release of work product. This has positively impacted the production final reports associated with OIS incidents. The office understands the need for the timeliness of report generation and will remain vigilant in this regard. The OCME continues to stand behind its work product which continues to meet national standards.</p>
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REPLY TO RESPONSE TO FINDING 6

The Civil Grand Jury is pleased that the OCME agrees with this finding and again commends the CME and OCME for its improved turnaround times and more-detailed final reports.

R.6.A.	After the OCME releases each autopsy report in OIS cases, the CME should proactively call a meeting of the SFPD’s Homicide Detail, DA’s Office and OCC to help those agencies interpret the highly technical findings of the autopsy report. This meeting should be coordinated, if possible, to include reports from the Crime Lab on the results of its firearms comparisons, ballistics examinations and DNA analysis.
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OCME	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>The OCME will fully participate in after action conferences with regard to OIS incidents; however, the conference should be initiated by the agency leading the investigation as the agency will have a better understanding of the case status of each participating party.</p>
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REPLY TO RESPONSE TO RECOMMENDATION 6.A.

The Civil Grand Jury appreciates that the OCME has agreed to participate fully in “after action conferences.” We ask the OCME to set a “timeframe for implementation” as required by Penal Code § 933.05(b)(2). We also ask the OCME to reconsider its position that the conference should be initiated by the agency leading the investigation. Instead, we ask the CME to take the lead in calling a meeting to interpret the findings of the OCME investigation immediately after the agency has issued its report to streamline the overall OIS investigation and mitigate any delay.

R.6.B.	When the new OCME building with autopsy observation facilities is completed, the CME should invite SFPD inspectors and DA and OCC investigators to observe autopsies in all fatal OIS incidents, so that questions can be answered quickly, observations shared early, and the spirit of teamwork and cooperation on the investigation can begin as early as possible.
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OCME	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>With a projected opening in Fall 2017, the design of the new OCME facility includes an autopsy observation room. The observation room will allow investigators to participate more fully in autopsies related to OIS incidents. Additionally, the observation room will reduce informational asymmetries, improve the flow of information and enhance information sharing allowing the investigation to begin as early as possible. Investigators will be encouraged to attend examinations in all homicide and suspicious cases.</p>
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REPLY TO RESPONSE TO RECOMMENDATION 6.B.

The Civil Grand Jury appreciates that the CME will invite and encourage inspectors and investigators to observe autopsies as soon as the OCME moves into its new facilities.

FINDING AND RECOMMENDATIONS 7.

F.7.	OCC investigations are hampered and delayed by the fact that its investigators and attorneys must transcribe their own extensive notes of each witness interview.
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OCC	Agree.
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REPLY TO RESPONSE TO FINDING 7

The Civil Grand Jury appreciates that the OCC agrees with this finding.

R.7.A.	The OCC should allocate current year funds and include funding requests in the proposed budget for fiscal year 2017-2018, and thereafter, for transcription services, so that OCC staff can spend more of its time on investigations and legal analysis and less time on the transcription of interview notes.
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OCC	This recommendation has been implemented.
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REPLY TO RESPONSE TO RECOMMENDATION 7.A.

The Civil Grand Jury appreciates that this recommendation has been implemented and thanks all personnel and entities involved making it happen.

R.7.B.	The Police Commission should support the OCC’s funding requests in the proposed budget for fiscal year 2017-2018, and thereafter, for transcription services.
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Police Commission	Response not yet provided.
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REPLY TO RESPONSE TO RECOMMENDATION 7.B.

The Civil Grand Jury appreciates that this recommendation has been implemented and thanks all persons and entities involved in making it happen.

R.7.C.	The Mayor and the Mayor’s Office of Public Policy and Finance should include in the proposed budget for fiscal year 2017-2018, and thereafter, resource requests from the OCC for transcription services.
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Mayor	Recommendation has been implemented. The FY 2016-17 and FY 2017-18 budget includes ongoing \$231,000 for the OCC for transcription services.
Mayor’s Office of Public Policy and Finance	Recommendation has been implemented. The FY 2016-17 and FY 2017-18 budget includes ongoing \$231,000 for the OCC for transcription services.

REPLY TO RESPONSES TO RECOMMENDATION 7.C.

The Civil Grand Jury appreciates that this recommendation has been implemented and thanks all persons and entities involved in making it happen.

R.7.D.	The Board of Supervisors should approve the resources requested by the OCC and included by the Mayor and the Mayor’s Office of Public Policy and Finance in the proposed budget for fiscal year 2017-2018, and thereafter, for transcription services.
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Board of Supervisors	No response yet provided.
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REPLY TO RESPONSE TO RECOMMENDATION 7.D.

The Civil Grand Jury appreciates that this recommendation has been implemented and thanks all persons and entities involved in making it happen.

FINDING AND RECOMMENDATIONS 8.

F.8.	The current structure for investigating OIS cases lacks an oversight body to review the events surrounding the OIS incident and the actions of the SFPD officers, monitor the timeliness and fairness of the investigation, communicate regularly about the status of the investigation, and interpret and share the results of the investigation with the public.
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Mayor	Disagree with finding, partially. SFPD convenes its Firearm Discharge Review Board in connection with each OIS incident and summaries of incidents are provided to the Police Commission for review. The Firearm Discharge Review Board convenes quarterly and reports on the status of open SFPD OIS investigations.
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REPLY TO RESPONSE TO FINDING 8

While the Civil Grand Jury appreciates the work of the Firearm Discharge Review Board, the FDRB is not in a position to, and currently does not, perform the “oversight” function implicated in and anticipated by this finding.

R.8.A.	The Mayor’s Office should form a new standing task force to oversee the investigation of OIS cases. The task force should include high ranking persons from the Sheriff’s Office, the DA’s Office, the OCME, the SFPD (including the Chief Homicide Inspector), and the OCC. The task force may also include a state or federal department of justice consultant or observer, and a knowledgeable, respected citizen.
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Mayor	Response not yet provided.
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REPLY TO RESPONSE TO RECOMMENDATION 8.A.

It appears that the Mayor has inadvertently neglected to include a response to this recommendation. The Civil Grand Jury looks forward to the Mayor’s response.

R.8.B.	<p>The Mayor should charge the new task force to:</p> <ul style="list-style-type: none"> ● Monitor the progress of each OIS investigation and hold each involved agency accountable for timely completion of its portion of the OIS investigation; ● Provide periodic press releases and/or press conferences to update the public on the status of each OIS case; ● Compile a summary of the findings from each involved agency and then evaluate those findings in group meetings to address any inconsistencies or unanswered questions; ● Facilitate a joint discussion among its members to formulate conclusions and “lessons learned”; ● Identify necessary policy or procedural changes; and ● Share its summary of the overall OIS investigation in public sessions so that the public has a voice in the process and may respond and ask questions.
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Mayor	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>The Mayor’s Office works with the DA’s Office and the SFPD to monitor progress of each OIS investigation, provide periodic and timely updates to the public on the status of OIS cases, summarizes and evaluates findings, and jointly discuss OIS investigations. The dedication to timely resolutions coupled with additional resources have positively impacted the conduct of OIS investigations, and includes \$800,000 for the California Department of Justice’s ongoing research of best practices related to OIS incidents. In implementing policy and procedural changes, SFPD has modified department general orders to assure time and distance and preserve the sanctity of life.</p>
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REPLY TO RESPONSE TO RECOMMENDATION 8.B.

Because the Mayor did not respond to Recommendation 8.A., it is not clear how the Mayor intends to implement this recommendation. While the Civil Grand Jury appreciates the work the Mayor’s Office does with regard to OIS investigations, that work comes nowhere near the efforts called for by this recommendation. We ask the Mayor to clarify how the “additional resources,” including “\$800,000 for the California Department of Justice’s ongoing research” will impact the *timeliness and transparency* of OIS investigations. Also, while we are encouraged by and recognize the work being done by the Mayor’s Office and many other departments, agencies, activists and “every day” citizens to modify the SFPD’s use of force to preserve the sanctity of life, we encourage the Mayor not to miss the point of our entire report and of this recommendation, which is to make *investigations* of OIS incidents, when they do occur, more timely and transparent. Thus, we ask the Mayor to clarify his response and to set a “timeframe for implementation” as required by Penal Code § 933.05(b)(2).

FINDING AND RECOMMENDATION 9.

F.9.	While the SFPD has taken important first steps in providing information and statistics regarding OIS incidents and resulting investigations, it must provide much more robust information to reach its stated goal of building public trust, engaging with the community and driving positive outcomes in public safety.
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SFPD	<p>Disagree with finding, partially.</p> <p>The SFPD agrees that any information that is releasable should be shared with the public. However, as an OIS investigation is considered open and ongoing, the SFPD needs to remain cautious not to release information prematurely that may be inaccurate or any details that would compromise the outcome of the investigation. The SFPD will review other agencies’ best practices to determine if similar processes can be implemented that would allow for more transparency without compromising the investigation.</p>
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REPLY TO RESPONSE TO FINDING 9

As evidenced by our report, findings and recommendations, the Civil Grand Jury recognizes that each agency involved in OIS investigations must weigh many factors in determining what information to release and at what point. We appreciate that the SFPD is open to the idea that it may be able to do a better job in providing more robust information.

R.9.	SFPD should make publicly available and prominently display on its website a more robust set of statistics, data and information on OIS incidents where its officers are involved, using the data release practices of law enforcement agencies like the Dallas Police Department and the Los Angeles County Sheriff’s Department.
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SFPD	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>As part of the SFPD’s participation the the White House Initiative, staff began the process of implementing the items in this recommendation. The City’s Department of Technology will be developing and enhancing the City’s IT infrastructure which will include developing new websites for both the SFPD and Police Commission. At this time, the current website needs to be redesigned to make it more user-friendly and information readily accessible on a dedicated reports page. It is anticipated that the SFPD’s IT Department will have the infrastructure developed within the second quarter of 2017.</p>
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REPLY TO RESPONSE TO RECOMMENDATION 9

The Civil Grand Jury appreciates that the SFPD has already begun providing statistics, data and information as part of the White House Police Data Initiative and, in fact, commended the SFPD for its efforts. (See C.9.B. on p. 50 of our report.) We ask the SFPD not only to “review other agencies’ best practices,” but to work to implement those best practices here. Moreover, there is

no reason why the SFPD must merely implement other agencies' best practices. Instead, we encourage the SFPD to strive to be a leader in making OIS investigations as transparent and timely as possible and release as much related information and data as possible.

While we understand the need to make the SFPD and Police Commission websites more user-friendly, and in fact, have made recommendations in that regard, we do not believe that the SFPD needs to wait until the infrastructure is in place before releasing more robust data and information on its website and by other means. Therefore, we encourage the SFPD to make a more robust set of statistics, data and information on OIS incidents available as soon as possible.

FINDING AND RECOMMENDATIONS 10.

F.10.	SFPD's press conferences at the scene of the incident, or soon thereafter, are an important first step in creating a transparent investigation, provide crucial information about the events leading up to the incident, and serve to mitigate false reporting, speculation and the dissemination of misinformation.
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SFPD	<p>Agree with finding.</p> <p>For the past five years, command staff has responded to the scene of critical incidents along with members of the Media Relations Unit. This allows for initial information to be provided as soon as possible. In addition, a meeting is completed within 10 days of an incident to provide additional information. A "press-exclusive" press conference could be added or substituted.</p>
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REPLY TO RESPONSE TO FINDING 10

The Civil Grand Jury appreciates that the SFPD agrees with this finding.

R.10.A.	SFPD and the Police Commission should make it official policy for the SFPD to hold press conferences as soon as possible after each OIS incident.
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SFPD	<p>Recommendation has been implemented.</p> <p>The SFPD's current practice is to have a press briefing/conference as immediately as possible after each OIS incident, including a briefing at the scene of, or in close proximity to, the incident. At these briefings, preliminary information is provided by the Media Relations Unit, the Police Chief, or designee.</p> <p>Updated information is provided to the public through press releases, and any media inquiries are addressed through the Media Relations Unit. Updated information also is provided at community stakeholder or public meetings, held within 10 days of an OIS incident, as well as at the weekly Police Commission and at meetings with community leaders, stakeholders, and advocates.</p>
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Police Commission	Response not yet provided.
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REPLY TO RESPONSES TO RECOMMENDATION 10.A.

The Civil Grand Jury recognizes that the SFPD’s “current practice” is to hold a press briefing/conference as soon as possible after each OIS incident and, in fact, we commended the SFPD for its efforts. (See C.10. on p. 50 of our report.) The point of this recommendation is to transform the SFPD’s “current practice” into “official policy,” either through a General Order (Police Commission) or by Department Bulletin (Police Chief) or by some other written method. We believe that while “current practice” serves only as a guide for future actions, “official policy” serves as a “directive” that recognizes the importance of these press conferences and mandates that they occur.

Therefore, we encourage the SFPD to revise its response from “recommendation has been implemented,” to “recommendation has not yet been implemented, but will be implemented in the future,” along with a “timeframe for implementation” of that official policy as required by Penal Code § 933.05(b)(2).

We look forward to the Police Commission’s response.

R.10.B.	SFPD should limit comments made during these press conferences to the facts as they are known at that time and refrain from making statements and using language to prematurely attempt to justify the actions taken by SFPD officers involved in the OIS incident.
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SFPD	<p>Recommendation has been implemented.</p> <p>The SFPD strives to meet the highest operational and ethical standards and to continually improve how we meet the City’s public safety objectives. The SFPD’s goal is to incorporate the recommendations of the President’s Task Force on 21st Century Policing, especially relating to transparency. These policies and practices are intended to provide accurate, timely, and reliable information to the public.</p> <p>The SFPD realizes that emerging technology, including the use of social media to post real-time video, provides additional information and evidence that may be different than the preliminary information gathered from witnesses and involved officers. As such, the SFPD will continue to explore best practices in transparency and media relations in an effort to disseminate accurate and reliable information that has been vetted.</p>
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REPLY TO RESPONSE TO RECOMMENDATION 10.B.

The Civil Grand Jury appreciates the SFPD’s recognition that preliminary information gathered from witnesses and involved officers may be different than later-obtained evidence, including real-time video. This is all the more reason that the SFPD should limit its initial comments to facts and to resist the temptation to color or justify the events surrounding the incident. We encourage the SFPD and/or the Police Commission to incorporate language to this effect in its “official policy” relating to these press conferences.

FINDING AND RECOMMENDATIONS 11.

F.11.	As with its press conferences at the scene of the incident, the SFPD’s practice of posting “updates” on its website as soon as possible after an OIS incident are an important step in creating a transparent investigation, provide crucial information about the events leading up to the OIS incident, and serve to mitigate false reporting, speculation and the dissemination of misinformation.
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SFPD	<p>Agree with finding.</p> <p>Following the initial release of information relating to an OIS incident, the SFPD routinely provides updated information to the media by way of press releases, which are posted on its website. However, to help dispel egregious public information, staff should ensure that all information has been vetted prior to distribution to the public. At the conclusion of the investigation, the website could be updated to reflect the outcome.</p>
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REPLY TO RESPONSE TO FINDING 11

The Civil Grand Jury appreciates that the SFPD agrees with this finding.

R.11.A.	SFPD and the Police Commission should make it official policy for the SFPD to post “updates” on its website as soon as possible after <i>each</i> OIS incident.
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SFPD	<p>Recommendation has not been, but will be, implemented in the future.</p> <p>The SFPD currently posts information released to the media as a “press release” relating to critical incidents, including OIS incidents, on its website. In addition, information relating to community and/or stakeholder meetings are released to the media and posted on the website. The SFPD will review best practices of other agencies to determine a process by which updated information can be shared on its website that will not compromise the ongoing investigation.</p> <p>As part of the SFPD’s participation in the White House Police Data Initiative, datasets relating to officer-involved shootings between 2009 and 2015 are posted. In addition, a website link to OIS incidents could be developed.</p>
Police Commission	Response not yet provided.

REPLY TO RESPONSES TO RECOMMENDATION 11.A.

The Civil Grand Jury recognizes that the SFPD’s “current practice” of posting information about each OIS incident on its website and, in fact, we commended the SFPD for its efforts. (See C.11. on p. 51 of our report.) The point of this recommendation is to transform the SFPD’s “current

practice” into “official policy,” either through a General Order (Police Commission) or by Department Bulletin (Police Chief) or by some other written method. We believe that while “current practice” serves only as a guide for future actions, “official policy” serves as a “directive” that recognizes the importance of these website updates and mandates that they occur.

We also appreciate the SFPD’s intent to make these website updates as easy to find and access as possible.

We ask the SFPD to set a “timeframe for implementation” as required by Penal Code § 933.05(b)(2).

We look forward to the Police Commission’s response.

R.11.B.	SFPD should limit comments made in these updates to the <i>facts</i> as they are known at that time and refrain from making statements and using language to prematurely attempt to justify the actions taken by SFPD officers involved in the OIS incident.
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SFPD	Recommendation has been implemented. The SFPD has developed a process by which the Media Relations Unit, Homicide, and Internal Affairs coordinates with the Chief’s Office to ensure that only verified information is disseminated.
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REPLY TO RESPONSE TO RECOMMENDATION 11.B.

The Civil Grand Jury appreciates that the SFPD has developed a process for ensuring that only verified information is disseminated. We encourage the SFPD and/or the Police Commission to share that process in its “official policy” relating to these website updates.

FINDING AND RECOMMENDATIONS 12.

F.12.	SFPD’s town hall meetings are crucial to a transparent OIS investigation and provide updated information about the incident and serve to mitigate false reporting, speculation and the dissemination of misinformation.
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SFPD	Agree with finding. For the past five years, it has been a practice to hold a town hall, community, or stakeholder meeting within 10 days of an OIS incident in the affected community. The intent of these meetings is to provide preliminary information to the public. These meetings are chaired by the Police Chief and are regularly attended by members of the Police Commission and Board of Supervisors, as well as City officials. As an investigation evolves, further information is developed and disseminated to the public and the media.
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REPLY TO RESPONSE TO FINDING 12

The Civil Grand Jury appreciates that the SFPD agrees with this finding.

R.12.A.	SFPD and the Police Commission should make it official policy for the SFPD to hold town hall meetings within a week after <i>each</i> OIS incident.
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SFPD	<p>Recommendation requires further analysis.</p> <p>For the past five years, it has been a practice of the SFPD to hold a town hall, community, or stakeholder meeting in the area most affected by an OIS incident. Most recently, as the SFPD has been expanding its collaboration with community stakeholders and interfaith leaders, meetings have been held with these specific groups who represent those neighborhoods most impacted by the incident. The intent of these meetings is to provide information directly to community representatives and to engage in open dialogue to address concerns in a more productive environment. These community leaders then provide the information to their respective communities. The SFPD acknowledges the seriousness of these critical incidents, and the importance of transparency, and will draft a policy that will allow for information to be shared with the public whether at a public meeting or direct meeting with community leaders and stakeholders.</p>
Police Commission	Response not yet provided.

REPLY TO RESPONSES TO RECOMMENDATION 12.A.

The Civil Grand Jury recognizes that the SFPD’s “current practice” is to hold a town hall meeting within a week to 10 days after each OIS incident and, in fact, we commended the SFPD for its efforts. (See C.12. on p. 51 of our report.) The point of this recommendation is to transform the SFPD’s “current practice” into “official policy,” either through a General Order (Police Commission) or by Department Bulletin (Police Chief) or by some other written method. We believe that while “current practice” serves only as a guide for future actions, “official policy” serves as a “directive” that recognizes the importance of these town hall meetings and mandates that they occur.

We understand that traditional town hall meetings may no longer be the most productive method of disseminating information and providing the community with an opportunity to ask questions and voice its opinions and concerns regarding a particular OIS incident, because recent town hall and other meetings have been “hijacked” by special interest groups. We trust, however, that the SFPD recognizes how vital town hall meetings are in making investigations of OIS incidents transparent, and that the SFPD will be able to arrive at a creative solution that allows the SFPD to disseminate vital information, provides the community with a mechanism by which its questions and concerns can be voiced, and provides as much transparency as possible. We look forward to the SFPD’s analysis and proposed solution. We ask the SFPD to set a “timeframe for response” to this recommendation with its further analysis within six months of the release of this report as required by Penal Code § 933.05(b)(3).

We look forward to the Police Commission’s response.

R.12.B.	The Chief of Police, the Supervisor for the district in which the OIS incident occurs, the DA, the Director of the OCC, all members of the Police Commission, and all members of the newly formed OIS Task Force (see Recommendations R.8.A. and R.8.B.) should attend the town hall meetings to show that they acknowledge the seriousness of the situation, understand how critical it is to have a thorough, accountable and transparent investigation and analysis of what occurred, and are united toward the goal of making that happen. Faith leaders and other community advocacy groups should also be invited to participate.
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SFPD	<p>Requires further analysis.</p> <p>The SFPD and the Police Chief recommend and implement best practices with respect to procedures following OIS incidents including: (i) notification to the public; (ii) transparency of investigations; and (iii) updates on the status of investigations. SFPD currently partners with local faith based leadership and other community groups including the Street Violence Reduction Team and the San Francisco Interfaith Council.</p> <p>For the past five years, a town hall meeting has been convened within 10 days of an OIS incident as close as possible to the location of the incident. It is the practice of the SFPD to invite members of the Police Commission and Board of Supervisors, other City agency executives (OCC and DA), community and faith-based leaders, and media outlets. Staff attending from the SFPD include the Police Chief, Chief of Staff, Command Staff members, representatives of the Investigations Division and the District Station captain. This process is under review by Command Staff and Media Relations to ensure an orderly and transparent dissemination of the information continues to occur with technological advancements.</p>
Board of Supervisors	No response yet provided.
DA's Office	This recommendation has been implemented in part, and will be fully implemented by no later than December 31, 2016. The District Attorney's Office has attended a number of town hall meetings concerning OIS incidents over the last few years, and the District Attorney has personally met with the concerned community members, including family and friends, in connection with several of them.
OCC	Agree. / The recommendation has not been, but will be, implemented in the future. Should such a Task Force be created, I will attend Town Hall meetings. In addition, we currently attend public meetings called by the Chief of Police following Officer Involved Shootings.
Police Commission	Response not yet provided.
Mayor	Unable to determine if an answer from the Mayor was provided; it appears that no response was provided.

REPLY TO RESPONSES TO RECOMMENDATION 12.B.

The Civil Grand Jury understands that traditional town hall meetings may no longer be the most productive method of disseminating information and providing the community with an opportunity to ask questions and voice its opinions and concerns regarding a particular OIS

incident, because recent town hall and other meetings have been “hijacked” by special interest groups. We trust, however, that the SFPD recognizes how vital town hall meetings are in making investigations of OIS incidents transparent, and that the SFPD will be able to arrive at a creative solution that allows the SFPD to disseminate vital information, provides the community with a mechanism by which its questions and concerns can be voiced, and provides as much transparency as possible. We look forward to the SFPD’s analysis and proposed solution. We ask the SFPD to set a “timeframe for response” to this recommendation with its further analysis within six months of the release of this report as required by Penal Code § 933.05(b)(3).

We encourage all persons and agencies involved/interested in OIS investigations and/or named in this recommendation to assist the SFPD develop an official policy relating to town hall meetings or their equivalent.

We look forward to the Police Commission’s response.

FINDING AND RECOMMENDATIONS 13.

F.13.	Although the release the names of officers involved in fatal OIS incidents is an important step in creating a transparent investigation and holding the SFPD and its officers accountable for their actions, SFPD has had a spotty record regarding its release of the names of its officers involved in fatal OIS incidents.
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SFPD	<p>Disagree with finding, wholly.</p> <p>Since 2014 when the California Supreme Court ruled that agencies must release the names of officers involved in shootings, the SFPD has complied with that decision within 10 days of the incident. The ruling allowed for names to be withheld under certain circumstances, including if a credible threat to the officer’s safety existed. As such, the SFPD has done its due diligence when releasing the names of officers by ensuring any known, credible threat has been resolved prior to the release of the name(s) of the involved members. Additionally, the media has requested historical information relating to OIS incidents, including the names of involved officers, and the SFPD has complied with such requests.</p>
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REPLY TO RESPONSE TO FINDING 13

We understand that the SFPD believes that it has released the names of officers involved in OIS incidents since 2014. During the Civil Grand Jury’s investigation, despite a careful review of the SFPD’s website and local media accounts of the incidents, we were unable to find any evidence that the SFPD released the names of the officer(s) involved in the shootings of Javier Perez-Lopez (11.11.2015) and Herbert Benitez (10.15.2015). If we were mistaken, we apologize.

We ask the SFPD to provide details of how and when it released the names of the officers involved in those incidents.

In any event, we appreciate that the SFPD recognizes that it must release names of officers involved in OIS incidents unless a credible threat to the safety of the officer(s) exist(s).

R.13.A.	SFPD and the Police Commission should make it official policy for the SFPD to release the names of all officers involved in each OIS incident within 10 days, unless it has knowledge of credible threats to the officer's safety. In those instances in which the SFPD has knowledge that such credible threats exist, the SFPD should issue a statement stating it is withholding release of the names of the officers because of a credible threat to their safety.
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SFPD	Recommendation has been implemented. Since 2014, when the California Supreme Court ruled that agencies must release the names of officers involved in shootings, the SFPD has complied with that decision within 10 days of the incident. When a credible threat to the safety of the involved officer(s) exists, the SFPD will issue a statement to clarify why the information is being withheld.
Police Commission	Response not yet provided.

REPLY TO RESPONSES TO RECOMMENDATION 13.A.

The Civil Grand Jury asks the SFPD to direct us to the General Order, Department Bulletin or other written directive, which makes it official policy for the SFPD to release the names of officers involved in each OIS incident within 10 days of the incident or a statement that it cannot do so in those instances in which a credible threat to the safety of the officers involved exists.

R.13.B.	Simultaneous with its release of the names of the officers involved in an OIS incident or the statement that it is withholding release of that information, the SFPD should make the information available on its website.
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SFPD	Recommendation has not been, but will be, implemented in the future. This is in process. The City's Department of Technology will be developing and enhancing the City's IT infrastructure which will include developing new websites for both the Police Department and Police Commission. At this time, the current website needs to be redesigned to make it more user-friendly and information readily accessible on a dedicated reports page. We anticipate the SFPD's IT Department will have the infrastructure developed within the second quarter of 2017.
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REPLY TO RESPONSE TO RECOMMENDATION 13.B.

While the Civil Grand Jury understands the need to make the SFPD and Police Commission websites more user-friendly, and in fact, has made recommendations in that regard, we do not believe that the SFPD needs to wait until the infrastructure is in place before being able to make the names of officers involved in OIS incidents available on its website. Therefore, we encourage the SFPD to make this information available on its website as soon as possible.

R.13.C.	SFPD and the Police Commission should make it official policy that in those instances when the names of officers involved in an OIS incident are not released due to a credible threat to the officers' safety, the SFPD shall release the names of all officers involved as soon as the SFPD determines that the credible threat has passed.
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SFPD	Recommendation has been implemented. The SFPD ensures that prior to releasing officers' names that any known, credible threat has been resolved.
Police Commission	Response not yet provided.

REPLY TO RESPONSES TO RECOMMENDATION 13.C.

With all due respect, it appears by the SFPD's response that it may have misread or misunderstood this recommendation. The Civil Grand Jury recommends that the SFPD and Police Commission make it official policy that in the event a credible threat exists to officer safety that prevents the SFPD from releasing the names of officers involved in an OIS incident within 10 days, the SFPD release those names as soon as the threat has passed.

As such, we ask that the SFPD revise its response accordingly.

We look forward to the Police Commission's response.

FINDING AND RECOMMENDATIONS 14.

F.14.	The public's ability to learn of the result of the DA's criminal investigation of an OIS incident is hampered because the DA's Office rarely makes a public announcement that it has completed its investigation and because the DA's charging decision letters are listed in a confusing manner on the DA Office's website.
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DA's Office	The District Attorney agrees with this finding.
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REPLY TO RESPONSE TO FINDING 14

The Civil Grand Jury appreciates that the District Attorney agrees with this finding.

R.14.A.	The DA's Office should make a public announcement each time it issues a charging decision letter so that the public is made aware that it has completed its OIS criminal investigation.
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DA's Office	This recommendation has been implemented. We already prepare a letter summarizing each incident and post it to our website. Going forward, the District Attorney's Office will also issue a press statement each time a charging decision has been made relating to an OIS investigation.
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REPLY TO RESPONSE TO RECOMMENDATION 14.A.

The Civil Grand Jury recognizes that the DA’s Office prepares and posts a letter on its website which summarizes each OIS incident and the results of its investigation, and, in fact, we commended the DA’s Office for its efforts. (See C.14. on p. 54 of our report.) We appreciate that the DA’s Office will now also issue a press statement each time it releases a charging decision letter.

R.14.B. The DA’s Office should make its charging decision letters on its website more easily accessible to the public by including on the index page the name of the individual shot and the date of the OIS incident.

DA’s Office | **This recommendation has been implemented.**

REPLY TO RESPONSE TO RECOMMENDATION 14.B.

The Civil Grand Jury appreciates that the DA’s Office has already implemented this recommendation and thanks it for doing so.

FINDING AND RECOMMENDATION 15.

F.15. Currently, citizens of San Francisco do not have access to a single, complete, comprehensive summary of the results and findings of a fatal OIS investigation. To restore the public’s faith in the integrity of these investigations, such a summary should be made available.

Mayor | **Agree with finding.**

REPLY TO RESPONSE TO FINDING 15

The Civil Grand Jury appreciates that the Mayor agrees with this finding.

R.15. The Police Commission or the newly created OIS Investigation Oversight Task Force (see Recommendations R.8.A. and R.8.B.), in addition to summarizing the findings and conclusions of the various OIS investigations (again see Recommendations R.8.A. and R.8.B.), should examine each fatal OIS incident with a view to developing “lessons learned” and answering the following questions:

- **What circumstances contributed to the OIS incident?**
- **What aspects of the interaction between the SFPD officers and the suspect, if any, could have been handled differently so that the loss of a life would not have occurred?**
- **What alternatives to deadly force may have been tried? What lessons can be learned?**
- **Should any SFPD policies and procedures be reviewed or revised because of the incident?**

	<p>The entity making this review of the fatal OIS incident should publish its findings, as well as those from each of the other City agencies involved, in one comprehensive report that is made available to the public. The entity should then hold town hall meetings to share highlights from the report and the conclusions drawn from the OIS incident and should seek and allow for public comment and feedback.</p>
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Police Commission	Response not yet provided.
Mayor	<p>Requires further analysis.</p> <p>The Police Commission currently oversees and reviews the conduct of OIS investigations. Many of the reforms already implemented by SFPD - including time and distance / zone of danger, body worn cameras and use of force - are based on the findings from OIS investigations. The Police Commission also engages the Police Officers Association (POA) and provides a public forum for community members to comment on current practices and proposed reforms.</p> <p>In November 2016, San Francisco voters will vote on a City Charter Amendment to rename the Office of Citizen Complaints to the Department of Police Accountability. If approved by voters, the Charter Amendment would require that the Department of Police Accountability investigate claims of officer misconduct and use of force. Certain other reforms are pending and additional reforms will be proposed in the future.</p>

REPLY TO RESPONSE TO RECOMMENDATION 15.

The Civil Grand Jury appreciates that the agencies involved are implementing reforms to prevent future OIS incidents. We believe that reforms to the SFPD’s use of force policy will result in positive change. As part of the reform process, steps must be taken and policies must be implemented to ensure that OIS investigations and their results are as transparent and timely as possible. This recommendation is directed at achieving that goal.

We appreciate that the Mayor believes that this recommendation warrants further analysis. We ask the Mayor’s Office, as it conducts its further analysis, not to lose sight of the goals of this report, namely increased timeliness and greater transparency, and the goal of this recommendation, which is to provide a comprehensive summary of the results of each OIS investigation. We are confident that the Mayor, with input from the Police Commission, the SFPD, DA’s Office, the OCC and all other agencies involved in OIS incidents and their investigation, as well as from neighborhood groups and community activists, will be able to arrive at a comprehensive solution that meets these goals.

We ask the Mayor’s Office to clarify how it believes the proposed City Charter Amendment will further the goal of increased timeliness and greater transparency. We also ask the Mayor’s Office to provide detail regarding “certain other reforms” that are pending and the “additional reforms” that “will be proposed in the future” and how these reforms will further these goals.

We look forward to the Mayor’s analysis and proposed solution. We ask the Mayor’s Office to set a “timeframe for response” to this recommendation with its further analysis within six months of the release of this report as required by Penal Code § 933.05(b)(3).

We also look forward to the Police Commission’s response.