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1245 3rd Street
San Francisco, CA 94158

November 10, 2015

Dear Police Commissioners:

In January 2015 The Bar Association of San Francisco (BASF) convened the Criminal Justice Task Force (Task Force), which is composed of prosecutors, defense attorneys, civil rights attorneys, law professors, the judiciary, members of law enforcement (police and sheriff) and police oversight agencies. The Task Force formed several subcommittees to examine current practices impacting racial bias and discrimination in the criminal justice system in San Francisco. One of the sub-committees was formed to review Body Camera Protocols in light of the city's intention to equip all officers of the San Francisco Police Department (SFPD) with body worn cameras. Teresa Caffese, a member of the Task Force and BASF Board of Directors, participated in the Police Commission's Working Group to establish a Body Camera Protocol for SFPD.

We have been informed that a protocol for body worn cameras has been referred by the Working Group to the Police Commission for review and public comment. Of considerable importance to us is whether an officer should have the opportunity to review body camera footage prior to authoring a police report. We are aware that the Police Commission has received correspondence, testimony and public comment on this issue.

BASF's Criminal Justice Task Force members have had extensive discussions on this issue. After a robust debate, we have reached a consensus. BASF believes an officer should not review body camera footage in two specific instances: (1) in any case where there is any use of force by an officer; and (2) if the officer is the subject of any criminal or administrative investigation. In these two situations, BASF believes an officer should not be allowed to review body worn camera footage prior to making any report or statement, as recording the officer's perception of these events without any outside



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influence is essential. BASF strongly supports this position and requests the Police Commission include this provision in the protocol policy.

BASF also encourages the Police Commission to require periodic review of the protocol. These reviews would provide an opportunity for additional research and study to ensure that SFPD has the most effective and efficient body worn camera protocol available. The reviews should focus on the financial impact of allowing officers to bill overtime to watch video footage prior to writing their reports. It also should assess whether the policy impedes the officers' independent recollection of the events. A critical study of these areas should be done to ensure that the most effective protocol is established.

Sincerely,

A handwritten signature in black ink, which appears to read "Tim Moppin". The signature is written in a cursive, flowing style.

Timothy Moppin
2015 President

Members of BASF's Criminal Justice Task Force

<u>Chairs:</u>			
Tom	Meyer	Attorney	Civil rights/defense attorney, national expert - grand/petit juries
Sharon	Woo	District Attorney's Office	Chief Attorney, SF District Attorney's Office
<u>BASF Liaisons:</u>			
Julie	Traun	The Bar Association of San Francisco	Director of LRIS Court Programs, Attorney private practice
Raquel	Cabading	The Bar Association of San Francisco	CLE Director
Betsy	Wolkin	The Bar Association of San Francisco	Attorney Administrator, Indigent Defense Administration
			Executive Director and General Counsel of The Bar Association of San Francisco/ Executive Director and General Counsel of the Justice & Diversity Center Of The Bar Association of San Francisco
Yolanda	Jackson	BASF and The Justice & Diversity Center	
<u>TF Members</u>			
Yonina	Alexander	Sanford Heisler Kimpel, LLP	Sanford Heisler Kimpel, LLP - Attorney
Laurel	Beeler	United States District Court	US District Court Federal Magistrate Judge
Teresa	Caffese	Law Offices of Teresa Caffese	Private defense attorney, BASF Board, current chair, BASF's CJAC
Commander			
Toney	Chaplin	San Francisco Police Department	Commander, Investigations Bureau, SFPD
Kate	Chatfield	Law Offices of Reisman and Chatfield	Private defense attorney
Susan	Christian	District Attorney's Office	Chair, SF Human Rights Commission
Nanci	Clarence	Clarence Dyer & Cohen LLP	Private defense attorney, former BASF President
Edwin	Lindo		Law school graduate
Manuel	Fortes	Office of Citizens Complaints	Office of Citizens Complaints - Trial Attorney
Eric	Fleming	District Attorney's Office	Managing Attorney of Homicide, SF District Attorney's Office
Matt	Gonzalez	Office of the Public Defender	Chief Attorney, SF District Attorney's Office
			Private defense attorney, Former BASF Board, former Chair, BASF's CJAC
Stuart	Hanlon	Law Offices of Stuart Hanlon	Deputy Chief of Staff, Public Safety, Office of the Mayor
Paul	Henderson	San Francisco Mayor's Office	Legislation and policy work, former BASF Board
Cloey	Hewlett	Nossaman LLP	Executive Director
Joyce	Hicks	Office of Citizens Complaints	Deputy Public Defender, Co-Chair, Racial Justice Committee - PD Office
Chris	Hite	San Francisco Public Defender's Office	
Teri	Jackson	San Francisco Superior Court (Incoming Presiding Judge)	
Erin	Katayama	HAP (Homeless Advocacy Project) of BASF	HAP Staff Attorney
Frank	Leidman	Law Offices of Frank Leidman & CTLA Rep	private defense attorney
Whitney	Leigh	Gonzalez & Leigh LLP	private attorney, civil rights
		CA Department of Justice - Office of the Attorney General	President of SF Police Commission (Office the California Attorney General)
Suzy	Loftus		USF, Professor, Criminal Clinic
Sharon	Meadows	University of San Francisco - School of Law	Plaintiff's attorney and JDC Board Member
Felicia	Medina	Sanford Heisler Kimpel, LLP	2015 BASF President
Tim	Moppin	Bassi Edlin Huie & Blum	
		ACLU- American Civil Liberties Union of Northern California	Attorney - Senior Counsel
Alan	Schlosser		Interim US Attorney, Northern District of California
Brian	Stretch	U.S. Attorney's Office	Dean, USF School of Law
John	Trasviña	University of San Francisco - School of Law	Attorney to Sheriff
Freya	Horne	San Francisco Sheriff	
<u>Experts/Consultants/Presenters to the Task Force:</u>			
Jeff	Adachi	San Francisco Public Defender's Office	SF Public Defender
Judge (Ret)			
LaDoris	Cordell	Independent Police Auditor, City of San Jose	Grand Juries, Officers complaints
George	Gascon	District Attorney's Office	SF District Attorney