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July 6, 2020

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San Francisco Police Commission
San Francisco Police Headquarters
1245 3rd Street
San Francisco CA 94158

Dear Police Commissioners:

With lawmakers across the country at all levels of government pushing for increased action on issues of criminal justice reform and racial justice, we write to you to urge the Commission to act swiftly, decisively, and transparently on pending updates to the San Francisco Police Department's General Order on body-worn cameras (DGO 10.11).

As you may recall, on November 10, 2015, the Bar Association of San Francisco's (BASF) Criminal Justice Task Force, composed of prosecutors, defense attorneys, civil rights attorneys, law professors, the judiciary, members of law enforcement (police and sheriff) and police oversight agencies provided a public letter and report to the Police Commission. This letter shared research-based recommendations on best practices and procedures for the adoption of a SFPD policy on body-worn cameras. On June 1, 2016, the Police Commission passed and adopted Department General Order (DGO) 10.11, approving and implementing body-worn cameras for SFPD officers.

Since its passage, multiple community organizations, including BASF, have called for substantive modifications and improvements to the body-worn camera policy, including a prohibition on officers reviewing body-worn 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.

As stated in its November 10, 2015 letter, in these two situations, BASF believes an officer should not be allowed to review any body-worn camera footage prior to making any report or statement, as recording the officer's perception of these events without any outside influence is essential. These prohibitions are not currently reflected in the current body-worn camera policy.

On January 10, 2018, the Police Commission unanimously adopted amendments to DGO 10.11, incorporating several positive changes, including increased restrictions on officers reviewing body-worn camera footage in cases of officer-involved shootings and in-

custody deaths. Before final passage, the San Francisco Police Officers Association claimed that this updated policy was covered under its collective bargaining agreement with the City and initiated closed-door meet and confer negotiations with the City on its final language. As a result, the implementation of the policy was delayed and remains stalled.

The updated policy was the subject of lengthy meet and confer negotiations with the San Francisco Police Officers Association. Since the policy exited meet and confer, there has been **no action** by the Commission to place the final policy on its agenda for a final vote. Indeed, any policy language that was negotiated or changed during meet and confer has not even been made public. Neither BASF nor any member of the public has access to the policy language that emerged from the meet and confer process, and cannot know whether the positive changes unanimously passed on January 10, 2018 remain in policy.

Further, there are further improvements to the body-worn policy that fit emerging best practices and procedures, but these changes cannot be considered until the existing amendments are finalized.

This ongoing delay in passing these critical and positive amendments to this policy has lasted over two years, and is contrary to the principles of transparency and police reform that the Commission, the SFPD, and the Mayor have committed to. On behalf of BASF, we urge the Commission to immediately (1) make public the amended DGO 10.11 language being considered for final adoption; (2) ensure that that the positive changes made in the January 10, 2018 session remain in the final version; and (3) schedule a vote on the final amended version of DGO 10.11.

We know that the Commission remains committed to timely and meaningful reform of SFPD, which includes the updates to the body-worn camera policy. As the continued national demonstrations and calls for change demonstrate, the stakes for San Francisco could not be greater. We stand in partnership with the Commission, the SFPD, and the City to achieve our shared goals for a fairer criminal justice system.

Sincerely,



Stuart Plunkett
President, The Bar Association of San Francisco

cc: Dennis Herrera, San Francisco City Attorney; Micki Callahan, Department of Human Resources