



## CRIMINAL JUSTICE TASK FORCE

Francisco citizens and the San Francisco Police Department (SFPD).

In addition to improving relationships between the community and the OCC, members of the subcommittee in their “day jobs” litigated Supplemental *Pitchess* Motions in the criminal courts in San Francisco to ensure that complaints made against officers were fully disclosed within the bounds of the law. Criminal defense attorneys bring Supplemental *Pitchess* Motions when litigating several types of criminal cases but use them most often in relationship to defending resisting arrest charges. Defense attorneys use Supplemental *Pitchess* Motions to secure information about OCC’s complaints, investigations, findings, and decisions with respect to prior complaints made against the subject police personnel involved in the case. Such disclosure holds officers accountable for their prior actions and shines a light on the work done by OCC that had not been disclosed previously. Favorable rulings on Supplemental

*Pitchess* Motions are a significant step toward officer accountability and transparency.

In addition to focusing on the SFPD, the Civilian Oversight Subcommittee met with incumbent Sheriff Ross Mirkarimi and candidate for sheriff Vicki Hennessy prior to the election (Hennessy was elected sheriff in 2015) to begin discussions on developing civilian oversight of the San Francisco Sheriff’s Department (SFSD). The subcommittee discussion ranged from improving the current system of oversight in the SFSD, which is completely internal, to the potential of a new citywide oversight agency that would have jurisdiction over SFPD and SFSD.

*Judge Christopher Hite was nominated to San Francisco Superior Court by Governor Jerry Brown in December 2015. Before ascending to the bench, Hite was a deputy public defender for the San Francisco Public Defender’s Office.*

## DATA COLLECTION

## SUBCOMMITTEE

### Addressing Data and the Driving Forces to Change Police Departments

**Julie Traun**

The Data Collection Subcommittee includes a deputy chief in the San Francisco Police Department (SFPD), a federal magistrate judge, a senior attorney from the ACLU of Northern California, a community activist, an attorney with the San Francisco Office of Citizen Complaints, and a criminal defense attorney. The members’ considerable expertise stems from both the breadth of their experiences and their apparent differences, yet this subcommittee has become very efficient, with members leaving all their differences at the door, galvanized to learn all there is to learn about twenty-first century policing, data collection, and analysis.

The subcommittee first examined what the SFPD is able to collect electronically and, prior to undertaking any work or offering a single recommendation to SFPD,

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photo by Jim Block



*Julie Traun (center), chair of the Data Collection Subcommittee, with, from left, subcommittee members Edwin Lindo and SFPD Deputy Chief Toney Chaplin*

consulted extensively with Judge LaDoris Cordell (Ret.), former independent police auditor for the San Jose Police Department, Chief Robert Warshaw, appointed federal monitor for the Oakland Police Department (OPD), and John M. Klofas, a professor of criminal justice and founder and director of the Center for Public Safety Initiatives at the Rochester Institute of Technology. Thereafter, the subcommittee met with three members of the San Jose Police Department. Recently it concluded two meetings with Assistant Chief Paul Figueroa, Deputy Chief Danielle Outlaw, and Sergeant Tam Dinh of the Oakland Police Department.

This subcommittee is far from concluding its work, but clearly, every police department in the country, including San Francisco's, can prioritize data collection. And the timing of this subcommittee's work could not be better, for unlike any other time in history, there is the political will, the

technology, and the academic research to get it right.

It's clear to this subcommittee that a political mandate to gather data means very little without a concomitant plan to analyze the data thoroughly and tie it to risk management and training within police departments. Since Ferguson, departments have reacted either defensively or proactively, but few have been doing this work for as long or with as much professional outside help as OPD. For years, OPD has been working closely with an independent monitor to ensure stop data is utilized in a manner that promotes constitutional and effective policing practices, and the monitor continues to examine search recovery rates and other stop data categories closely. As the subcommittee learned, the stop data is presented and reviewed regularly for all patrol areas at monthly risk management meetings, and from top to bottom the department takes ownership of using, analyzing, and then implementing



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data-driven information. Performance indicators such as use of force, vehicle pursuits, sick leave, and personal digital recording devices (body cameras) are analyzed, and when deficiencies are identified, the captains and lieutenants are responsible for implementing intervention plans. Perhaps most importantly, OPD developed a close yet formal research partnership and technical assistance engagement with Associate Professor Jennifer Eberhardt and Stanford University. Eberhardt and her staff are currently conducting an in-depth analysis of stop data body camera footage using a variety of different benchmarks and variables; the results are anticipated in spring 2016.

While it is politically expedient to implement a plan for data collection/analysis for every police department, this subcommittee believes there are lessons to be learned about the methodology, technology, and analysis tied to

data collection, particularly from OPD. Changing a police culture takes considerable time. Change for its own sake will get us nowhere. Changes that are thoughtful, comprehensive, and designed with the help of those who truly understand twenty-first century policing are likely to be effective; we need to get it right.

This subcommittee will soon have concluded sufficient research to make significant recommendations to the SFPD in 2016.

*Julie Traun, chair of the Data Collection Subcommittee, is a criminal defense attorney and the director of BASF's Lawyer Referral and Information Service's Court Program. She can be reached at [jtraun@sfbar.org](mailto:jtraun@sfbar.org).*

## BIAS IN POLICING

## SUBCOMMITTEE

Making Recommendations  
to Address Bias in Policing

**Kate Chatfield**

In 2002, the ACLU of Northern California released a report, *A Department in Denial—The San Francisco Police Department's Failure to Address Racial Profiling*. Although this report addressed only traffic stops and subsequent searches, it painted a disturbing picture of an organization that engaged in racial policing and that refused to address the issue of race in any meaningful way.

In the following decade, we have seen the magnitude of the problem. We have read about racist texts sent by San Francisco police officers. We have seen video of a group of police officers conducting illegal searches in hotel rooms and read their conflicting testimony about these searches. We have read declarations of African American defendants filed in federal court that suggest a persistent level of racial and sexual abuse by members of the San Francisco Police Department (SFPD). We have read of officers shooting the mentally ill and we